

DEBATING THE
CIVIL RIGHTS
MOVEMENT,
1945–1968

STEVEN F. LAWSON
and
CHARLES PAYNE

Introduction by James T. Patterson

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race relations in the 1940s, 1950s, and 1960s. But they look at many of the same events from different perspectives. And they lock horns here and there on a question that has engaged many writers in this thriving field of historical scholarship: how much importance should we attach to “top-down” actors—presidents, the Supreme Court justices, leaders such as King—as contrasted to the doings of unsung activists, including women, sharecroppers, blue-collar workers, and young people at the grass roots? An obviously related set of questions concerns the emphasis we should place on white people’s role in the movement. Were they “indispensable” to change, as one of our essayists contends, or for the most part carried along by the dynamic of a movement led by Black people?

The authors also offer shrewd evaluations of the effect of the civil rights movement. Here, too, their perspectives differ in emphasis. Looking back on the dramatic activities of the 1960s, can we conclude that much was accomplished for and by African Americans? Or should we emphasize the long distance that remains to be traveled before the United States makes good on its promises of liberty and justice for all? The arguments of Lawson and Payne, and the documents that they attach to bolster their interpretations, can help us appreciate the controversial nature of events that greatly affect us still.

DEBATING THE CIVIL RIGHTS MOVEMENT: THE VIEW FROM THE NATION

Steven F. Lawson

The federal government played an indispensable role in shaping the fortunes of the civil rights revolution. It is impossible to understand how Blacks achieved first-class citizenship rights in the South without concentrating on what national leaders in Washington, D.C., did to influence the course of events leading to the extension of racial equality. Powerful presidents, congressional lawmakers, and members of the Supreme Court provided the legal instruments to challenge racial segregation and disfranchisement. Without their crucial support, the struggle against white supremacy in the South still would have taken place but would have lacked the power and authority to defeat state governments intent on keeping Blacks in subservient positions.

Along with national officials, the fate of the civil rights movement depended on the presence of national organizations. Groups such as the National Association for the Advancement of Colored People (NAACP), founded in 1909, drew on financial resources and legal talent from all over the country to press the case for equal rights in Congress and the courts. In similar fashion, Dr. Martin Luther King, Jr., and the Southern Christian Leadership Conference (SCLC), established in the mid-1950s, focused their attention on spotlighting white southern racism before a national audience to mobilize support for their side. Even if white Americans outside the South had wanted to ignore the plight of southern Blacks, NAACP lawyers and lobbyists, SCLC protesters, and

their like-minded allies made that choice impossible. They could do what Black residents of local communities could not do alone: turn the civil rights struggle into a national cause for concern and prod the federal government into throwing its considerable power to overturn the entrenched system of white domination that had prevailed for centuries in the South.

Historical accounts that center on the national state in Washington and the operations of national organizations take on a particular narrative. The story begins with World War II, which stimulated Black protests against racism, and winds its way through the presidencies of Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, and Lyndon B. Johnson. This period witnessed significant presidential executive orders promulgating desegregation in the military and in housing, five pieces of pioneering civil rights legislation, and landmark Supreme Court rulings toppling segregationist practices and extending the right to vote. The familiar geographical signposts of civil rights demonstrations—Montgomery, Birmingham, Selma, Albany, Little Rock—derive their greatest importance as places that molded the critical national debate on ending racial discrimination.

Overall, a nuanced account of the Black freedom struggle requires an interconnected approach. A balanced portrayal acknowledges that Black activists had important internal resources at their disposal, derived from religious, economic, educational, and civic institutions, with which to make their demands. But it does not belittle African-American creativity and determination to conclude that given existing power relationships heavily favoring whites, southern Blacks could not possibly eliminate racial inequality without outside federal assistance. Furthermore, Washington officials had to protect African Americans from intimidation and violence to allow them to carry out their challenges to discrimination. Without this room for maneuvering, civil rights advocates would encounter insurmountable hurdles in confronting white power.

At the same time, the federal government could shape the direction of the struggle by choosing whether and when to respond to Black protest and by deciding on whom to bestow its support within Black communities. Although united around the struggle against white supremacy, African Americans were not monolithic in their outlook and held various shades of opinion on how best to combat racial bias. By

allocating precious resources and conferring recognition on particular elements within local Black communities, national leaders could accelerate or slow down the pace of racial change.

PRESIDENT FRANKLIN D. ROOSEVELT AND WORLD WAR II

It is impossible to put a specific date on the opening of the civil rights movement, but World War II contributed greatly to its birth. The war made it difficult for President Franklin D. Roosevelt to ignore Black demands for equal treatment. Fighting a war against Nazism, Hitler's German brand of racism, the United States could not easily defend discrimination within its own borders. Even before the United States officially entered the war in December 1941, African Americans pressured the president to live up to his democratic pronouncements of preserving freedom. The Black labor leader, A. Philip Randolph, head of the Brotherhood of Sleeping Car Porters, threatened to mobilize an all-Black, mass march on Washington scheduled for June to protest racial segregation in the armed forces and discrimination by businesses that received government contracts. Seeking to avoid the political embarrassment of a hostile demonstration at a time when he was preparing the nation to join the Allied side in the war overseas, the president deflected the march by striking a compromise with Randolph. He issued an executive order creating the Fair Employment Practice Committee (FEPC) to investigate job discrimination in federal employment and in industries performing government work. This agency had no enforcement power to follow up its investigations, but by publicizing instances of racial bias, it encouraged a slight increase of employment opportunities for Blacks.

Randolph did not get all he wanted, as the president refused to take action to desegregate the military. Even so, he had created an important model for further civil rights protests. Large-scale demonstrations would be deployed to confront racial discrimination head-on. At this early stage, Randolph realized that African Americans would have to pressure federal officials from the president on down if their efforts to achieve civil rights were to succeed. Despite its limited response, the federal government did use its authority to create an agency to monitor racial bias directly, setting the pattern for future action. The chief executive

also set the precedent that most of his successors would follow: he acted mainly to avoid a specific crisis and sought to keep change to a minimum.

The war brought other aid from the federal government, the most significant of which came from the Supreme Court. In 1941, less than 5 percent of adult Blacks in the South had managed to register to vote. In addition to literacy tests and poll taxes, white primaries blocked the overwhelming majority of Blacks from casting ballots. As a legacy of the Civil War, the Republican Party, the party of Abraham Lincoln and emancipation, had relatively little strength in the South and regularly lost at the polls. Whoever triumphed in the Democratic primaries usually won office, and by barring Blacks from participation in these crucial party contests, Democrats excluded them from the only meaningful election taking place. Spearheaded by the NAACP, Texas Blacks organized to support litigation, charging that the state's lily-white Democratic primary violated the Fifteenth Amendment's provision against depriving citizens of the right to vote based on race. In the 1944 ruling of *Smith v. Allwright*, the Supreme Court agreed with the Texas plaintiffs and ordered the Democrats to open their primaries to African Americans.

This landmark opinion helped stimulate a rise in Black voter registration. Three years after the verdict, 12 percent of eligible Blacks in the South had placed their names on the voter rolls, and by 1952, the figure had jumped to 20 percent. The judicial branch of the federal government had knocked out one of the cornerstones of southern disfranchisement. By interpreting the law to the advantage of African Americans, the high tribunal provided the legal support necessary for Black communities to mount successful voter registration drives. Led by NAACP branches, civic associations, labor union affiliates, and churches, Black southerners made the first great strides toward regaining an effective voice in electoral politics.

Despite their successes, they would have accomplished more had it not been for the continued application of suffrage requirements, such as literacy tests, by local white registrars intent on keeping Blacks from voting. The white primary decision as well as the creation of the FEPC showed how critical federal involvement was to the civil rights cause, but they also demonstrated that Washington preferred to act in piecemeal fashion rather than in a comprehensive manner to eliminate the broad array of Jim Crow practices. To this end, Black litigants, lobbyists,

community organizers, and protesters would have to continue to prod the national government into action.

THE POSTWAR SOUTH AND PRESIDENT HARRY S. TRUMAN

Conditions in the postwar South underscored the need for federal action. Many Black soldiers returned home determined to pursue their civil rights after having fought for freedom abroad. They joined groups such as the NAACP and organized voter registration drives to take advantage of the Supreme Court's decision in the white primary case. Meeting with some victories as the suffrage rolls began to grow, they nevertheless encountered opposition from southern politicians, reinforced by a murderous reign of terror from white supremacists. As a result, Black leaders looked to the federal government for assistance.

In President Harry S. Truman, Roosevelt's successor from Missouri, they found someone ready to move forward, albeit cautiously, on civil rights. When a delegation of Black leaders and their white allies urged President Truman to investigate the violence spreading throughout the South in 1946, he seemed appalled by the problem and inclined to do something. At the same time, casting an eye toward his presidential campaign in 1948, Truman sought to shore up support among African-American voters, an electorate that was rapidly expanding in the northern states with large numbers of presidential electoral votes. Thus, a combination of moral repugnance against anti-Black violence and political realism prompted the chief executive to create the President's Committee on Civil Rights.

In 1947, the committee issued a far-reaching report. *To Secure These Rights* contained bold proposals that would give the federal government increased power to combat racial inequality. It called for desegregation of the armed forces, interstate transportation, and government employment; recommended the cessation of federal aid to segregated institutions; proposed measures to challenge lynching and voting discrimination; called for legislation to resurrect the FEPC, which southern congressmen had succeeded in killing; suggested the creation of a Civil Rights Division in the Justice Department to prosecute violations of civil rights offenses more vigorously; and advocated to establish a Civil Rights

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Commission to investigate ongoing problems. Taken together, these proposals sketched out the liberal agenda on civil rights for the next twenty years. Black and white reformers assumed that racism troubled the American conscience because it conflicted with basic democratic principles of equal treatment under law.

Liberals, however, overestimated the willingness of southern whites to see their way of life as immoral or hypocritical and accept corrective measures along the lines of the committee's report. In fact, in 1948, when Truman sent Congress specific civil rights legislation to follow up on his agency's recommendations, southern Democrats raised a barrage of criticism that stunned the president. Fearful that the angry South would defect from his upcoming campaign for the presidency, he quickly backtracked and refrained from pushing the measures he had only so recently endorsed.

Try as he might, this presidential Aladdin could not push the civil rights genie back in the bottle. The racially progressive forces that had been gathering strength since World War II refused to retreat. From within the Democratic Party, white liberals led by Hubert H. Humphrey insisted that Truman embrace once again the program he had proposed and then abandoned in face of southern opposition. These dissidents succeeded in writing the main elements of *To Secure These Rights* into the Democratic presidential platform of 1948 and convinced Truman to run on them. By this time, the shrewd incumbent had adopted the campaign strategy of reaching out to northern Black voters who could wield the balance of power in securing his election. For example, Truman issued an executive order that paved the way toward ending racial segregation in the armed forces, a demand originally raised by A. Philip Randolph seven years earlier. Though white southerners grumbled and some even backed the independent party candidate from their region, South Carolina's Strom Thurmond, Truman counted on most of them holding to tradition and supporting the Democratic Party. Indeed, these calculations proved accurate, and Harry Truman won election to another term.

Having thrown federal support behind civil rights, President Truman also showed the limitations of the nation's commitment to combating racism. As he had done the previous year, in 1949 Truman introduced his civil rights program into Congress only to suffer the same fate. With southern Democrats occupying key positions in the legislature, the administration's civil rights proposals did not get very far. The

prospect of a filibuster in the Senate—unlimited debate that could only be terminated by a two-thirds majority—deterred civil rights proponents from vigorously waging a fight. Furthermore, the president hesitated to make a greater effort to break the legislative stalemate for fear of antagonizing southern Democrats whose votes he needed for funding his increasingly expensive Cold War measures to contain communist expansion.

THE IMPACT OF THE COLD WAR

The Cold War had a much higher priority on the president's agenda than did civil rights. Once the country became involved in the Korean War in 1950, the chief executive focused his attention mainly on that conflict for the rest of his term, thereby sacrificing the possibility of passing civil rights legislation. Nevertheless, African Americans tried to exploit Cold War rhetoric for any ideological advantage they might gain in their struggle for freedom. As long as the United States sanctioned racial discrimination, it remained vulnerable to charges from the Soviet Union that while preaching freedom and democracy in foreign affairs, it did not practice either at home. In their struggle for world power with the United States, the Soviets exploited racial incidents in the South to win over allies, especially among emerging nonwhite nations in Asia and Africa. As a matter of fact, the President's Committee on Civil Rights, which shaped so much of Truman's proposals, had acknowledged this problem in its landmark report: "An American diplomat cannot argue for free elections in foreign lands without meeting the challenge that in sections of America qualified voters do not have access to the polls."

Despite the nation's lofty, democratic pronouncements, the Cold War worked against civil rights advancement. Truman's policy of containing the Soviet Union overseas fueled attempts to check communism at home. "Red Scare" hysteria blurred the line between government attempts to defend the nation against espionage and attacks on Americans whose views were deemed too radical. Spies were fair game, but in the South, civil rights activists who challenged segregation and disfranchisement were also denounced as subversives.

In this way, important alternatives for pursuing the Black freedom struggle were shut off. Labor unions would have provided a vehicle for

change. In the South the Congress of Industrial Organizations (CIO) tried to organize Black and white workers after World War II. An affiliate in Winston-Salem succeeded in establishing an interracial union of tobacco workers until the R. J. Reynolds Company fought back by using charges of communism as a weapon to discredit and destroy the CIO affiliate. Had the union triumphed, it would have opened the way for providing Blacks with crucial economic leverage to fight against racism and for placing economic equality on a par with civil and political rights on the freedom agenda. With this option closed, traditional civil rights groups such as the NAACP continued to shape the struggle more as a means of achieving constitutional rights than attacking economic inequalities based on class as well as racial exploitation. Ironically, the NAACP, which expelled Communists from its organization, nevertheless found itself the target of "Red-baiting" by southern white conservatives, who considered it no less subversive of the established racial and social order than labor unions.

THE SUPREME COURT AND SCHOOL DESEGREGATION

Although the national government's Cold War policies helped limit choices for the civil rights movement, the Truman administration and its liberal allies managed to advance the cause. With Congress deadlocked, the president and the NAACP shifted the battle to the courts. Led by attorneys for the NAACP, Black plaintiffs attacked racially restrictive covenants—deeds limiting sales to Caucasians only—that frustrated housing desegregation and won their case before the Supreme Court in *Shelley v. Kraemer* in 1948. In pleading this and subsequent cases, the NAACP had the assistance of Truman's Justice Department, which filed *amicus curiae* (friend of the court) briefs.

Two years later, the National Association struck at Jim Crow in higher education. Its chief counsel, Thurgood Marshall, argued that by setting up dual law schools at the University of Texas and segregated graduate facilities at the University of Oklahoma, these state institutions, like those elsewhere in the South, had created separate but not equal opportunities for African Americans. In *Sweatt v. Painter* and *McLaurin v. Board of Regents*, the high tribunal agreed and suggested that increased financial resources to upgrade Black schools could not produce genuine

equality, that Black students would have to receive the chance to learn in an environment that did not treat them as inferior. These decisions did not overturn segregation squarely, but they did set the stage for the NAACP to challenge the doctrine of separate but equal head-on in the field of public school education, which would affect white and Black southerners more profoundly than any other challenge thus far.

The assault on public school segregation highlights the crucial role played by the federal government in pushing forward the struggle for civil rights. Initiated by the NAACP and supported by its local branches, the litigation to desegregate the schools culminated in *Brown v. Board of Education*, a series of five cases from (Topeka) Kansas, South Carolina, Virginia, Delaware, and Washington, D.C. In 1954, the Supreme Court put to rest the legal fiction that under a system of enforced racial separation Black students could receive an equal education. Speaking for the high tribunal, Chief Justice Earl Warren did not attack white supremacy directly or castigate southerners for historically oppressing African Americans. Rather, he argued that it was impossible for Blacks to obtain the full benefits of an education under the system of segregation. "We conclude," he asserted, "that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

Although this case pertained solely to public schools, the unanimous Supreme Court justices infused the overall fight for civil rights with constitutional legitimacy. They raised doubts about the validity of segregation as a means of preserving white supremacy. Jim Crow did not automatically crumble, and many obstacles remained; however, the highest federal court in the land had raised a powerful voice on behalf of racial equality and given Blacks hope that the national government was on their side. At the same time, the court demonstrated that it had the power to influence the timing of desegregation. In a follow-up decision in 1955, the justices ruled that the states did not have to rush to integrate their schools; rather, they could do so "with all deliberate speed." This imprecise phrase reflected the judges' desire to avoid inflaming racial tensions that might result from forcing the states to abandon immediately a system that had existed for nearly a century. Moreover, they left it up to federal district courts, those most closely situated in the states involved, to approve the timetable for desegregation. Under these circumstances, a bold judicial opinion had turned ex-

cessively cautious. As one commentator sarcastically remarked, the ruling permitted the southern states "to make haste slowly," thereby keeping school desegregation to a minimum. It would take another fourteen years for the judiciary to find that the pace of school desegregation was moving too slowly and order a swift end to further attempts at delay.

MASSIVE RESISTANCE

Given this breathing space, southern whites embarked on a campaign of massive resistance to *Brown*. In doing so, the states in Dixie recognized how high the Court had raised Black expectations for freedom. Consequently, they sought to contain the efforts of their Black residents to secure the judiciary's promise of equality. The efforts of obstructionist whites received aid and comfort from the South's congressional representatives in Washington, who, in 1956, issued a manifesto pledging to overturn the court's landmark ruling. Calling the *Brown* opinion "a clear abuse of judicial power," the 101 signers of the pronouncement vowed "to use all lawful means to bring about a reversal of this decision."

However, some southern extremists went beyond legal methods to preserve Jim Crow. The year after *Brown* witnessed several highly publicized murders of Blacks, perhaps the most repulsive of which occurred in Mississippi with the brutal murder of Emmett Till. A fourteen-year-old from Chicago visiting relatives in the Magnolia State in the summer of 1955, he allegedly made offensive remarks to a white woman store clerk. Her husband and brother-in-law retaliated by killing Till and dropping his body into the Tallahatchie River. The crime was prosecuted, but an all-white jury quickly acquitted the defendants, who after the trial brazenly admitted their guilt to a journalist in return for a cash fee.

PRESIDENT DWIGHT D. EISENHOWER

By this time Dwight D. Eisenhower occupied the White House. Taking office in 1953, the president sent mixed signals to southern authorities that encouraged their resistance. Had President Eisenhower, a former

Army general and beloved hero of World War II, chosen to speak out forcefully on behalf of racial equality, he would likely have served as a moderating influence and undercut the strength of massive resistance. However, by temperament and belief, he chose not to.

Eisenhower considered gradualism as the best method for lessening racial bias. He expressed doubts about using the stick of legislation to force the South into submission, questioning whether "cold lawmaking" would have a lasting effect. Rather, the chief executive preferred to dangle the carrots of education, mutual respect, and prayer to address the problem of racial bias. Given these sentiments, it is not surprising that Eisenhower refused to speak out strongly in support of the *Brown* decision. He endorsed the ruling as the law of the land, but he would not take a moral stand in defense of the Court's opinion. By shirking his responsibility to back desegregation fully and firmly, the president tacitly encouraged the southern states to evade compliance with *Brown*.

However, Eisenhower's sympathy for the South did not keep him from recognizing authority in the federal government to remedy racial injustice. He spoke out for removing discriminatory barriers to Black suffrage. Unlike southern school desegregation, the president considered protection from discrimination in exercising the ballot as constitutionally guaranteed and central to the system of representative government upon which the nation was founded. Eisenhower further reasoned that once southern Blacks recovered the vote, they could peacefully and deliberately use it to relieve other racial ills. Eventually, this would remove the burden from the federal government for having to intervene in disputes between white and Black southerners. This outlook also reflected Eisenhower's gradualist philosophy; changes through use of the ballot would come slowly, thereby allowing the South time to accept alterations in long-standing racial practices.

THE MONTGOMERY BUS BOYCOTT

Black southerners refused to abide by Eisenhower's gradualist timetable. In Montgomery, Alabama, the "Cradle of the Confederacy," a number of Black groups were promoting voter registration and planning challenges to discriminatory service on city buses. On December 1, 1955, Rosa Parks, a middle-aged Black seamstress, refused to vacate her seat

for a white passenger who boarded the bus on which she was riding home after a long day's work. The arrest of this mild-mannered woman sparked a one-year boycott of the buses. A network of local organizations made this protest possible. Parks was an official of the Montgomery chapter of the NAACP, and the president of her branch, E. D. Nixon, arranged for her release from jail and called for a demonstration. The Women's Political Council, led by Jo Ann Gibson Robinson, a college professor, then plotted strategy for a one-day boycott and distributed thousands of flyers to alert people to the plan. They recruited clergy to lend their churches for mass meetings and encourage their congregants to withhold patronage from the buses. They also tapped a relatively new minister in town, the twenty-six-year-old Reverend Martin Luther King, Jr., to head the Montgomery Improvement Association, the coalition established to coordinate the protest.

The year-long campaign showed the growing power of a grassroots movement, but it also proved that the struggle for civil rights desperately needed the federal government to crack determined white southern opposition. By mid-1956, the city still refused to capitulate to Black demands despite the severe economic losses inflicted by the boycott and defections by some white women who drove their maids to work. Coinciding with the boycott, the NAACP had initiated a lawsuit challenging the validity of government-sanctioned bus segregation. In June, the federal district court ruled for the Black plaintiffs; in November, the Supreme Court affirmed the decision. Only after the high tribunal spoke did Montgomery finally abandon segregation on its bus lines. The boycott played a necessary part in pointing the way toward freedom, but without the legal backing of the federal government, it proved an insufficient means of ending Jim Crow.

THE CIVIL RIGHTS ACT OF 1957

The same situation applied to expanding the right to vote. Washington responded when Black needs fit into the calculations of white politicians. Eisenhower saw suffrage as the most important and least objectionable goal of civil rights advocates. Shortly before the presidential election of 1956, Attorney General Herbert Brownell crafted a comprehensive civil rights proposal aimed at encouraging school desegregation and challeng-

ing suffrage violations in the courts. Eisenhower's victory strengthened his desire to introduce the measure into Congress, for the president had won increased electoral support from African Americans. Though the majority of Black voters backed Adlai Stevenson, the Democratic nominee, the popular Eisenhower made significant Republican inroads among African Americans.

The Civil Rights Act of 1957 was transformed mainly into a piece of suffrage legislation owing to the efforts of the president and Democratic leaders in Congress. Eisenhower backed away from supporting the section of his administration's bill that authorized the Justice Department to file school desegregation cases. In accordance with his own personal and political beliefs, the chief executive did not want to get involved in educational issues and chose instead to concentrate on giving the attorney general power to bring cases in federal court to stop voter registrars from discriminating against qualified Black voters. He also endorsed provisions creating a Civil Rights Division in the Justice Department to strengthen its enforcement powers and an independent Civil Rights Commission to investigate racial problems and recommend solutions. These proposals had first been sketched out by Truman's Committee on Civil Rights, and Eisenhower signed them into law.

At the same time, Senate Democratic majority leader Lyndon B. Johnson of Texas threw his party's support behind the legislation. The lawmaker from Texas had his own presidential ambitions, but the fact that as a southerner he had opposed civil rights legislation in the past hurt his chances for nomination with northern white liberals and Black Democrats. He also recognized the recent gains Eisenhower had made among the Black electorate and sought to lessen their impact by avoiding a tough battle over the administration's civil rights proposal that would split the northern and southern wings of his party. Consequently, the Texas senator helped broker an agreement that kept his southern colleagues from waging a long and bitter filibuster that would have hurt the party's and the majority leader's standing among African Americans. This agreement guaranteed passage of the modified civil rights bill Eisenhower had come to support, which eliminated references to the more controversial issue of school integration.

The first national law on civil rights enacted since Reconstruction had only a modest effect on enfranchising southern Blacks. The reliance on litigation by lawyers in the Civil Rights Division as provided in the

statute proved time-consuming and cumbersome. Bringing suits against registrars on a county-by-county basis created broad room for evasion through appeals and delays. In addition, because the cases were heard before federal judges in the South, Black interests as represented by the Justice Department did not always get a sympathetic hearing.

The other agency created by the 1957 Act, the Civil Rights Commission, underscored the need to revise the federal government's strategy. In 1958, the commission held hearings in Montgomery, Alabama. Black citizens described how white registrars denied their applications no matter how qualified they were to vote. As a result, the next year the commission issued a far-reaching report that urged the president and Congress to scuttle reliance on the judiciary and approve a plan to send federal registrars into those recalcitrant southern communities that discriminated against potential Black voters. Like the Truman Committee's *To Secure These Rights*, the Civil Rights Commission's report suggested the path the government would eventually follow. However, in the short run, lawmakers proved unwilling to shift direction, though in 1960 they passed another civil rights act that corrected some of the technical defects in the earlier legislation. Washington had shown a capacity to act under the right political circumstances, but its efforts still left 70 percent of Black southerners unable to exercise the franchise in 1960.

LITTLE ROCK

Nor had the federal government accomplished much in aid of school desegregation. Refusing to use the White House as a moral pulpit to preach compliance with *Brown*, Eisenhower stood by as southern officials thwarted the decision—that is, until Little Rock. In 1957, the NAACP had won a federal court decree to desegregate Central High School in the Arkansas capital. Led by Daisy Bates, the association's local president, nine Black youths set out in September to attend school with whites for the first time in their lives. They found their way blocked by Governor Orval Faubus, who posted the national guard around campus to keep the Black students from entering the school. When Eisenhower met with the governor and warned him not to defy the federal court order, Faubus pulled the troops. By this time, however, the governor had inflamed racial passions beyond the boiling point; and when the

Little Rock Nine attempted to enter the high school, they were turned back by raging mobs.

Faced with this obvious challenge to the federal government, Eisenhower had little choice but to respond with force. The former five-star general dispatched the 101st Airborne Division to Little Rock to preserve the peace and assure the safety of Black students seeking to enter Central. In this episode Eisenhower revealed the enormous might of the federal government while also exposing the reluctance of presidents to deploy it. Concerned about overstepping the boundaries imposed by the Constitution's division of powers between national and state governments, the chief executive had allowed Arkansas as much leeway as possible and intervened only when Washington's authority came under direct attack. Whatever reluctance to use force Eisenhower had shown, his resolution of the crisis had inspired optimism among African Americans. Roger Wilkins, a civil rights activist and scholar who was twenty-five years old at the time, recalled, "Little Rock was a major milestone. We felt the country was becoming more just and the federal government was on our side."

Nevertheless, this incident showed that the national government remained a tentative ally for African Americans. Whatever rights the Constitution guaranteed and the courts affirmed, the federal government was likely to act only if pressured to do so. Events such as Little Rock thus shaped an understandable crisis mentality among civil rights proponents. Appeals to moral conscience went only so far in persuading white officials to combat Jim Crow. Presidents and members of Congress responded to grievances more effectively when Blacks and their white allies exerted substantial political pressure or when their attempts to obtain equality provoked violence from white resisters. In other words, national lawmakers were more likely to respond to the threat of possible racial firestorms than to abstract appeals to justice. In this way, the government helped shape the logic for protest by signaling to Blacks the need to confront racism head-on before Washington would choose to intervene.

MARTIN LUTHER KING, JR.

Martin Luther King, Jr., was slowly making his way to this conclusion during the 1950s. Following the Montgomery bus boycott, King had

created the Southern Christian Leadership Conference in 1957. Consisting mainly of Black ministers, the organization operated as “the political arm of the Black church” and reflected King’s commitment to nonviolent direct action as a technique to battle all forms of racism. Not only did the Reverend King seek to convert the hearts and minds of white racists through appeals to their Christian consciences, but he and his followers recognized the necessity of applying political pressure to change racist behavior and practices. Accordingly, Black communities would have to mount sustained mass demonstrations to confront Jim Crow directly, bring the evil of racism out in the open, and goad reforms from white authorities.

In the years after Montgomery, King’s efforts came up short. By 1960, massive resistance in the South had kept Black enfranchisement to a minimum and blocked desegregation of public schools and other facilities almost entirely. The federal government had provided some relief through passage of two civil rights acts, but Washington officials preferred that Black citizens voluntarily work out settlements with southern politicians. In taking this approach, national leaders helped to structure the civil rights struggle by forcing Black southerners to devise creative tactics to confront white supremacy. Deprived of the right to vote, Blacks mobilized the resource most readily available to them—they put their bodies on the line against racism.

STUDENT ACTIVISM

The Little Rock Nine highlighted the important role played by students in challenging segregation, but the wave of sit-ins hurled high school- and college-age youngsters into the vanguard of the movement. Whereas adults had initiated and controlled the legal battles over school desegregation, the younger generation moved to the forefront in confronting Jim Crow directly along a broad front. Sparked by the sit-in protest of four college students to desegregate lunch counters in Greensboro, North Carolina, in February 1960, the movement spread within the year to over two hundred cities and involved thousands of participants. These youthful demonstrators nevertheless had significant adult support. Advisers to NAACP Youth Councils offered valuable assistance as did civil rights veterans such as Ella Baker. Miss Baker, as she was respectfully called, served as an official of SCLC in 1960 and was instru-

mental in convening a conference of student sit-in activists, which met in Raleigh, North Carolina, in April. Out of this gathering came a new protest organization, the Student Nonviolent Coordinating Committee (SNCC, said “Snick,”), which became one of the most imaginative and militant civil rights groups in the 1960s. SNCC members emerged out of the sit-ins not content just to fight for the opportunity to eat a hamburger at a lunch counter in a white-owned store. Rather, they had their eyes on a larger prize: to liberate African Americans from all forms of racial, political, and economic oppression. Hence, they concentrated on working with local Blacks to organize their own communities for freedom.

Though focusing their efforts at the community level, SNCC realized the need to pressure the federal government for assistance, because most local white leaders did not intend to relinquish power voluntarily. SNCC organizers in Atlanta used the 1960 presidential election to dramatize this point. In late October, they persuaded the Reverend King, who had recently moved to Atlanta from Montgomery, to join a sit-in to integrate a restaurant in a downtown department store. The protesters hoped that Dr. King’s arrest would create a “national uproar” and force the presidential candidates, Democrat John F. Kennedy and Republican Richard M. Nixon, to take a committed stand that went beyond platitudinous campaign promises of equal opportunity. Their strategy worked. Kennedy spoke out in King’s behalf and after complicated behind-the-scenes maneuvering helped arrange the civil rights leader’s release from jail. Nixon chose to remain silent on the issue, seeking instead to snare some of the traditionally Democratic southern white votes to the GOP. On election day, most of the Black voters who had defected to Eisenhower in 1956 returned to the Democratic fold and tipped the margin of victory in Kennedy’s favor. The new president won by less than 1 percent of the popular vote and with few electoral votes (eighty-four) to spare, underscoring the importance of African-American ballots.

THE KENNEDY ADMINISTRATION

In spite of Kennedy’s political debt to Black voters, he started out as a cautious proponent of civil rights. During the campaign he had pledged to wipe out discrimination in federally funded housing as easily as with

the stroke of a pen; however, it took him two years to put pen to paper and issue an executive order, which even then was inadequate. The president had also said he would send a comprehensive civil rights program to Congress, but he quickly backed off. As a matter of fact, he shied away from his campaign promises for fear of antagonizing powerful white southern politicians from his own party who exerted influence in the legislature far greater than their numbers. Though a minority, these lawmakers chaired important committees that could bottle up legislation; and in the Senate they wielded the filibuster, or merely threatened its use, to prevent a majority from approving civil rights bills. The chief executive's unwillingness to mount a legislative assault caused King and his allies to reflect that the first two years of the Kennedy administration seemed very much like an extension of Eisenhower's regime.

Indeed, in one important respect it was. The president continued his predecessor's policy of using the Justice Department to file suits under the 1957 Civil Rights Act to challenge discrimination in voter registration procedures. However, Kennedy's civil rights attorneys stepped up their activities in the courts to a far greater extent than in the previous administration. By going through the judiciary, Kennedy hoped to avoid the kind of bruising battle he would face with southern lawmakers if he had vigorously proposed civil rights legislation. The Justice Department, directed by his brother Robert as attorney general, won an impressive number of victories. However, the department would have been even more successful if the president, to satisfy key southern Democratic senators, had not appointed a number of federal district judges who turned out to rule consistently against extending Black voting rights. One such jurist, William Harold Cox of Mississippi, referred to Blacks in open court as "niggers" who acted "like a bunch of chimpanzees."

FREEDOM RIDES

Frustrated with the Kennedy administration's slow pace, civil rights activists stepped up their efforts to produce the kind of crisis that would force the federal government to back them up. In May 1961, they launched "freedom rides" to desegregate bus stations serving interstate travelers. Six months earlier, the Supreme Court had ruled that these

facilities must be open to Black passengers, but in the South little seemed to have changed. The Congress of Racial Equality (CORE) intended to see what the president would do about upholding federal law. An interracial group founded in 1942, CORE had conducted a similar protest in 1947. This time, led by James Farmer, the organization "felt [it] could count on the racists of the South to create a crisis so that the federal government would be compelled to enforce the law." The red flag they waved in front of bullheaded southern officials consisted of thirteen Black and white passengers in two buses taking off from Washington, D.C., and headed for New Orleans.

The freedom riders encountered the anticipated response. They met with sporadic opposition along the route until, on May 14, Mother's Day, white mobs attacked one bus as it stopped in Anniston, Alabama, and the other as it pulled into Birmingham. One of the vehicles was firebombed, and on both buses the passengers were chased off, assaulted, and bloodied. The Kennedy administration fretted that this ugly incident would embarrass the president as he embarked on a Cold War meeting in Vienna with the head of the Soviet Union, Nikita Khrushchev. Hence, it urged a "cooling-off period" to forestall further violence. The bus companies were anxious to comply, but civil rights activists refused to yield. SNCC sent in reinforcements to resume the ride, and faced with this unbending determination, the Justice Department arranged for a Greyhound bus to transport the protesters to Montgomery and obtained an agreement from Governor John Patterson to guarantee their safety. This guarantee proved worthless—Patterson considered the riders rabble-rousers and the federal government to be coddling them needlessly—and the riders were attacked once again as they reached the Alabama capital. This time, in addition to several civil rights activists, a Justice Department representative monitoring the scene was severely beaten.

Up to this point Washington had shown itself willing, if not anxious, to defer to state authorities to uphold the law. With one of its own agents wounded and the prospect for further bloodshed escalating, the Kennedy administration finally dispatched federal marshals to help bring peace to Montgomery. The Reverend King returned to the city of his greatest triumph to lend moral support to the freedom riders. After a menacing white mob surrounded the church in which King was holding a rally, marshals battled rioters until Governor Patterson agreed to send

state troops to disperse the crowd, end the crisis, and get both the federal government and civil rights demonstrators out of Alabama. Subsequently, Attorney General Kennedy made a deal with Mississippi officials that arranged for the besieged riders to obtain safe passage to their next stop in Jackson, where local police took over and arrested them though without further brutality.

The freedom rides underscore how the national government influenced the direction of civil rights struggles. Reluctant to use force and overstep federal-state boundary lines, national authorities exposed civil rights demonstrators to serious risks. The president bemoaned the obstructionism of Governor Patterson, but he also became "fed up with the Freedom Riders" for not pulling back after the initial violence in Alabama, when "it didn't do any good to go down there." This brand of thinking assumed an unwarranted moral and legal equivalent between peaceful civil rights demonstrators entitled to their rights and state authorities bent on thwarting them. On this occasion, the Kennedy administration's timidity was even more repugnant because the Supreme Court had guaranteed the right to unfettered interstate travel, which the riders were seeking to exercise. Under the pressure of overt and repeated violence, Attorney General Kennedy finally reversed course. Though belatedly and after serious injuries had occurred, he persuaded the Interstate Commerce Commission (ICC) to issue regulations to enforce the court's decree desegregating bus terminals. Not surprisingly, then, civil rights activists reasonably concluded that by provoking crises they could prod the federal government into coercing the white South to fulfill its constitutional obligations toward African-American citizens.

THE ALBANY, GEORGIA, CAMPAIGN

Albany, Georgia, highlighted this point, though the results proved less satisfactory to the civil rights cause. This town of fifty-six thousand people in southwest Georgia's farming country practiced segregation as rigidly as any place else in the region. Yet it also contained a rich network of Black churches, businesses, an NAACP branch, and the campus of Albany State College. These Black institutions provided a basis for waging the civil rights struggle, though early efforts at protest had not panned out. Spurred by the freedom rides, in mid-1961 SNCC organiz-

ers entered the city to challenge segregation. They met with little success and ran into conflicts with local Black organizations, particularly the NAACP, whose approach differed from their own. Fighting Jim Crow was tough enough without internal bickering, so to promote unity the Albany Movement was established. A series of nonviolent demonstrations against job discrimination, police brutality, and segregated public facilities, including bus and train terminals, resulted in the arrest of more than one thousand protesters, which stretched the resources of the umbrella organization. Seeking outside help and publicity, the president of the Albany Movement, William Anderson, requested that Martin Luther King and the SCLC furnish assistance.

King seized the opportunity to participate. His group's campaign had largely stalled after the Montgomery bus boycott and direct action initiatives had passed to SNCC and CORE. From December 1961 through July 1962, King went to jail three times along with thousands of others from the Albany Movement, all to no avail. Though the city clearly violated the ICC's order prohibiting segregated interstate transportation facilities, the federal government refused more than token involvement, preferring instead to get the local parties to negotiate a solution. Washington primarily saw its role as responding to breakdowns in law and order, and as long as Albany's police chief Laurie Pritchett gave the public appearance of arresting Black protesters without excessive force, the Kennedy administration stayed mainly on the sidelines. This did not mean that demonstrators avoided instances of police brutality, only that these encounters occurred sporadically and usually remained outside of coverage by the national news media that had convened in Albany.

In effect, the Kennedy administration had contributed to a civil rights defeat. It is true that the Albany Movement never achieved the solidarity necessary to wage a successful struggle against a crafty and united foe. However, by seeking to maintain a position of neutrality, the Kennedys did little to upset the balance of power that left the insurgents, including King, at a decided disadvantage. Furthermore, one of the staunchly segregationist federal district judges the president had appointed, Robert Elliott, hampered the protesters by issuing restraining orders to stop their rallies, thereby slowing down their momentum at critical moments. The Federal Bureau of Investigation (FBI) had agents on the scene to monitor the action, but they failed to protect Black

protesters who were clearly seeking to exercise their rights peacefully. This standoffish behavior particularly irked civil rights activists and remained a serious source of contention throughout the entire freedom struggle. "One of the greatest problems we face with the FBI in the South," King complained publicly, "is that the agents are white southerners who have been influenced by the mores of their community. To maintain their status, they have to be friendly with the local police and people who are promoting segregation." Albany taught King to prepare more carefully to assure clear-cut confrontations between civil rights demonstrators and segregationists that would pressure the federal government into making a strong response.

VOTER REGISTRATION

This was precisely what the Kennedy administration hoped to avoid. Concerned with escalating racial conflicts stemming from direct action campaigns, the president sought to cool passions while still pushing the civil rights agenda ahead. One answer seemed to lie in promoting voter registration. A long-standing goal of the freedom struggle, suffrage expansion, also appealed to the chief executive because it involved much quieter methods than did emotionally charged, confrontational demonstrations against Jim Crow. In addition, citizenship training and canvassing door to door to sign up new voters generally attracted far less publicity than sit-ins, marches, and the like. Another incentive came from the fact that since passage of the 1957 Civil Rights Act, the Justice Department had power to file suits against biased voter registration practices. To steer civil rights activities in a safer direction and encourage Blacks to use the ballot as a more acceptable tool of protest, the Kennedy administration orchestrated the creation of the Voter Education Project (VEP), which operated from 1962 to 1964. Under this arrangement, liberal philanthropic foundations financed and the Atlanta-based Southern Regional Council supervised the program to line up new Black voters. The major civil rights organizations—the NAACP, SCLC, SNCC, and CORE—accepted the government's invitation to join the VEP.

Having encouraged civil rights forces to work for suffrage, the federal government nonetheless provided less than full support, once again

shaping the outcome of the movement in crucial ways. In making the initial arrangements for the VEP, Justice Department officials had assured civil rights activists that if they fell subject to danger they could rely on Washington for shelter. Once the project got under way, however, voting rights workers in the field, especially those in the rural, isolated South, found little in the way of direct federal protection. The Justice Department might file a lawsuit to stop voting discrimination, but it declined to deploy the FBI or federal marshals to protect civil rights workers from violence. Morally, having made a commitment in the first place, the government should have offered protection. Legally, it had the authority to shield from harm those who were seeking to exercise their constitutional rights. But politically, neither the president nor the attorney general wanted to lose favor with their southern white Democratic political allies. Thus, the Kennedy administration wrapped political considerations in legalistic terms. Its attorneys argued that the federal system of government meant that the states had the chief responsibility for law enforcement and that the FBI was only an investigative branch, not a national police agency. Under these circumstances, the Kennedy administration left voter registration workers at the mercy of the same local police who refused to protect them and frequently engaged in intimidating them.

This policy of encouraging voter registration on the one hand and failing to protect those who promoted it on the other produced mixed results. Between 1962 and 1964, approximately seven hundred thousand southern Blacks successfully added their names to the voter lists, and the percentage of adult Blacks on the registration rolls climbed from 29 to 43. Only in Florida, Tennessee, and Texas, however, did the majority of eligible Blacks manage to register, while in Alabama, Louisiana, and Mississippi less than one-third had qualified to vote. The new voters generally came from towns and cities where restrictions against African Americans were less rigidly applied. In rural areas where Blacks were more isolated and subject to greater repression, the franchise situation scarcely improved.

In Mississippi conditions remained so bad that the VEP chose to suspend operations. In 1964, only 6.7 percent of Black adults in the state could vote, and the prospects for significant improvement appeared slim as long as civil rights workers were harassed and the federal government provided no protection. Against fierce state resistance that included po-

lice violence and arrests, Justice Department lawsuits proved inadequate. In ceasing to fund voter registration drives in Mississippi, the VEP lamented the "failure of the federal government to protect the people who have sought to register and vote or who are working actively in getting others to register."

The federal government refused to flex its considerable muscle on a day-to-day basis in the South, but it did respond to extraordinary circumstances. Eisenhower had shown in Little Rock that the national government would intervene to uphold federal authority when it was directly threatened by state resistance. Kennedy followed suit. He preferred to rely on reasonable dialogue with state officials to persuade them to obey the law, but when such conversations proved futile he had no choice but to act forcefully. Such was the case with the University of Mississippi. The federal courts had ordered the state to admit James Meredith as the first Black student at Ole Miss. Governor Ross Barnett, as had Orval Faubus in Arkansas, strung the president along to delay admission. In October 1962, the governor's stalling tactics heightened white resistance, and when Meredith showed up to attend classes a riot erupted on campus. Only then did the president finally run out of patience and send in federal troops to protect Meredith and quell the disturbance, but not before two people died and 375 were injured. Once again, civil rights proponents learned the hard way that if they wanted federal intervention, they would have to produce a crisis that resulted in the breakdown of public order.

BIRMINGHAM

By the spring of 1963 Martin Luther King, Jr., had fully reached this conclusion. One of his aides explained: "To take a moderate approach hoping to get white help, doesn't help. They nail you to the cross, and it saps the enthusiasm of the followers. You've got to have a crisis." He selected Birmingham, Alabama, to provoke federal intervention. The city had a long history of repression of civil rights activists and labor union organizers, and its police commissioner, Eugene "Bull" Connor, used an iron fist to turn back any signs of insurgency. In addition, the Ku Klux Klan and other terrorists had planted bombs to quiet local civil rights proponents such as the Reverend Fred Shuttlesworth, albeit

unsuccessfully. Into this cauldron of racial hostility, King brought his troops to stir up the local Black community in a campaign against Jim Crow. Indeed, under Shuttlesworth's fearless direction Birmingham Blacks had already been carrying on protests against segregation, but they had failed to capture the kind of national attention that would force the federal government to render sufficient support.

The protests King spearheaded in April and May sparked federal interest. Unlike King's previous experience in Albany, television cameras and newspaper photographs produced powerful images of peaceful demonstrators suffering brutality at the hands of Bull Connor's law enforcement agents. Snarling police dogs bit demonstrators, and firefighters unleashed high-power water hoses to disperse protesters. Birmingham's jails filled with Black marchers, among them King. When the number of adults available for protest dwindled, King recruited children, some as young as six years old, whose tender age did not keep them from getting assaulted and arrested. Faced with a racial crisis spiraling out of control, the Kennedy administration stepped up its efforts to restore peace. In early May, Justice Department negotiators helped hammer out a settlement that initiated desegregation of restaurants and increased employment opportunities for Blacks. Unfortunately, this agreement did not stop random acts of violence. A few days after the settlement, a bomb exploded at the hotel at which King was staying. Although nobody was hurt, angry Blacks lost patience and pelted police with rocks and bottles. Even more horrible, several months later in September, a more lethal bomb ripped through the basement of a Birmingham church and killed four young Black girls.

THE 1964 CIVIL RIGHTS ACT

Birmingham and scores of other demonstrations throughout the South finally prompted President Kennedy to take a strong stand against segregation and exert leadership on behalf of the Black freedom movement. In early June 1963, he sent federal marshals to ensure that Black students gain entry to the University of Alabama. In a stage-managed and highly publicized affair, Governor George Wallace appeared on campus, voiced his objections in front of the administration building, and then stepped aside in the face of superior federal might. But Kennedy's greatest per-

formance came in a nationally televised address to the American people. On the evening of June 11, he spoke powerfully about the ethical imperative of providing African Americans with first-class citizenship. Civil rights was "a moral issue," he proclaimed, "as old as the Scriptures and . . . as clear as the Constitution." Deeply concerned that the "fires of frustration and discord are burning in every city," the president warned that burgeoning racial crises "cannot be met by repressive police action" or "quieted by token moves or talk." These words took on even greater urgency a few hours later in Jackson, Mississippi, where the NAACP leader Medgar Evers was gunned down and killed by a sniper.

Kennedy followed up his inspiring address by introducing a comprehensive civil rights bill in Congress. It aimed mainly at facilitating school desegregation and opening up public accommodations, such as restaurants and hotels, on an equal basis to Black customers. Fueled by moral outrage, the measure was nonetheless tempered by political caution. The administration refused to press for a provision that would create a commission to guarantee equal employment opportunities for minorities, calculating instead that it would make passage of the bill even more difficult against southern congressional opposition. However, this did not stop civil rights supporters in the legislature from adding this proposal to the bill.

The civil rights forces sought to keep the fires of Kennedy's moral fervor lit by raising the political pressure. A. Philip Randolph now led the massive march on Washington he had first proposed on the eve of World War II. With the NAACP, SCLC, SNCC, and CORE among others behind him, Randolph called on Blacks and whites to rally at the nation's capital for jobs and freedom and, more immediately, to express support for the administration's pending civil rights bill. At first, Kennedy urged Black leaders not to hold the march for fear of creating "an atmosphere of intimidation" that would scare off uncommitted lawmakers whose votes were needed to pass the bill. King brushed these objections aside by reminding the president that a well-disciplined, nonviolent rally would mobilize "support in parts of the country which don't know the problems first hand." Convinced by the planners of their peaceful intentions and willingness to refrain from disrupting government business, Kennedy swung his approval behind the march.

The August 28 rally attracted nearly a quarter of a million people and a good deal of favorable publicity. In a dignified manner it spot-

lighted the interracial vision of brotherhood that had characterized the early years of the civil rights struggle and found voice in the stirring words of King, who recited his dream that "all God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of that old Negro spiritual, 'Free at last! Free at last! Thank God almighty, we are free at last.'"

Once again, rhetoric alone, no matter how well meaning, proved insufficient to secure passage of civil rights legislation. The bill was still stalled in the House of Representatives when Kennedy was assassinated on November 22, 1963. A nation's grief could not immediately break the legislative logjam, even as a memorial to the slain president. It took some eight months of painstaking efforts in Congress before a bipartisan coalition of Democrats and Republicans finally overcame southern opposition. On July 2, 1964, the most far-reaching civil rights statute since Reconstruction went into effect. It expanded the authority of the federal government to challenge school segregation as well as discrimination in public accommodations and employment. To enforce its provisions, the act set up the Equal Employment Opportunity Commission, established the Community Relations Service, and empowered Washington to cut off federal funds to state and local agencies that practiced racial bias.

Though there were pockets of resistance to it, within a relatively short time Jim Crow signs and barriers were removed from public facilities in the South. Progress in desegregating public schools continued slowly, though the law empowered the federal government to cut off funds from school districts that defied court orders to open their doors to Black students. It would take another four years for the Supreme Court to announce once and for all, in *Green v. County School Board* (1968), that further delay was not constitutionally permissible.

PRESIDENT LYNDON B. JOHNSON AND FREEDOM SUMMER

The movement's legislative agenda received a big boost when Lyndon Baines Johnson entered the White House upon Kennedy's death. The Texan had undergone a stunning transformation with respect to civil rights, from a congressman who had opposed the Truman administration's civil rights program to a vice president who embraced the civil

rights movement as a moral and political necessity. Not only was support for racial equality the right thing to do in principle, but it also helped advance Johnson's ambitions to rise to the presidency, recruit enfranchised southern Black voters to the Democratic Party, and give his native South an opportunity to put the corrosive racial issue behind it. Consequently, President Johnson displayed a passion for civil rights advancement that exceeded Kennedy's. A legislative wizard in his days in Congress, Johnson played a large part in engineering passage of the landmark 1964 law.

Besides enactment of this important piece of legislation, Johnson influenced the course of the civil rights movement in other significant ways. In the summer of 1964 civil rights activists in Mississippi launched a campaign to spotlight attention on the state with the lowest percentage of Black registered voters. Organized by the collaborative Council of Federated Organizations (COFO), with SNCC, CORE, and the NAACP in the lead, Freedom Summer brought some six hundred to seven hundred northern white student volunteers into the state, mainly from affluent families and prestigious universities, to set up citizenship training workshops and encourage Blacks to register to vote. COFO's designers had more than the right to vote in mind and sought to provide Black youngsters with educational opportunities that segregation in the Magnolia State had denied them. As a result, about twenty-five hundred students, some of whom were adults, attended freedom schools to improve their literacy and mathematical skills, while at the same time they studied Black history and the civil rights movement to give them a sense of pride in their heritage.

COFO fully expected these heightened activities to lead to white resistance, and given the history of the state, they understood that violence, even killings, might result. Murders of Blacks usually went unpunished and even unnoticed in the South, but the architects of Freedom Summer recognized that similar violence against some of America's best and brightest white youths would attract intense national attention.

The brutal murder of three civil rights workers, one Black and two white, in the first days of Freedom Summer, helped accomplish this. The Justice Department had insisted that it could not provide personal protection for civil rights staff and volunteers, nor could the FBI do more than take notes when racial incidents were reported. Yet the na-

tional outrage at the slayings of James Chaney, Michael Schwerner, and Andrew Goodman moved Johnson to direct the FBI to make a concerted effort to bring the perpetrators to justice. As a result, the bureau cracked the case and succeeded in infiltrating and severely damaging the Ku Klux Klan, which was behind the killings.

Still, the president fell short in satisfying civil rights activists in other areas. Out of the voter registration drives of the 1964 summer emerged in the Mississippi Freedom Democratic Party (MFDP). Excluded by the regular white Democratic Party in the state from choosing presidential delegates to attend the 1964 Democratic National Convention in Atlantic City, New Jersey, Blacks and their white allies formed the MFDP to challenge the white delegation's credentials. The insurgents marshaled evidence of how Blacks had been customarily denied the right to vote by state Democratic party officials and refused entrance into Democratic Party deliberations.

However, Johnson had his own agenda. He fashioned a compromise that gave the Freedom Democrats token recognition but allowed his few loyal white supporters to retain their seats in the contested delegation. In contrast, most of the Mississippi regulars refused to support the president and bolted from the convention. Trying to minimize potential defections from white Democrats around the rest of the South, the president had his spokesmen at the convention offer the MFDP two at-large seats but not control over the Mississippi delegation. Promises to reform party rules to prevent racial bias in the future did not assuage the Freedom Democrats, who chose to reject the bargain as a sellout. Recalling the hardships they had endured, MFDP delegate Fannie Lou Hamer, a sharecropper who had been evicted from her home for trying to register, complained, "We didn't come all this way for no two seats." Such criticism did not cause Johnson to budge, and he continued to seek liberal alternatives to what he increasingly regarded as misguided demands from Black radicals.

SELMA AND THE 1965 VOTING RIGHTS ACT

Protests in Selma, Alabama, gave Johnson a fresh opportunity to exert his influence and steer the civil rights movement along "acceptable" paths. Beginning in January 1965, the SCLC had mounted demonstra-

tions to protest continued denial of the right to vote for Blacks. As in Birmingham, King picked a place designed to showcase white resistance and prod the federal government into combating it. On March 7, with television cameras recording their actions, civil rights marchers set out from Selma and headed for the state capital in Montgomery to highlight their grievances. Before they could get very far out of town, state and local police violently attacked them, forcing their bloody retreat. Undaunted, King, who had missed the previous demonstration, scheduled another march for a few days later; however, he agreed to postpone it after the state got a federal court order restraining the fifty-mile trek. The delay proved temporary, and in a few weeks, King and the marchers set out again for Montgomery. In this instance, President Johnson furnished them with military protection after Governor George Wallace refused to do so. The three-month campaign had already resulted in the killing of two protesters, Jimmie Lee Jackson and James Reeb, one Black and the other white. In lending federal assistance, Johnson sought to deter further bloodshed. The civil rights participants reached their final destination, but even the soldiers' presence could not prevent the shooting death of a white female volunteer from Detroit, Viola Liuzzo, on the last day of the pilgrimage.

Johnson helped steer the outcome in another important way. Even before the Selma campaign had begun, the president instructed the Justice Department to prepare proposals to extend the right to vote in the upcoming legislative session. The chief executive preferred the ballot as the method for achieving social change. He contended that once southern Blacks exercised the franchise "many other breakthroughs would follow and they would follow as a consequence of the Black man's own legitimate power as an American, not as a gift from the white man." During the course of the struggle in mid-March, the chief executive went on national television to deliver an address on behalf of Black voting rights, which was every bit as stirring as the one Kennedy gave before introducing the civil rights bill in 1963. Johnson announced his intention of presenting a voting rights measure to Congress and declared that he would tolerate "no delay, no hesitation, no compromise." He followed through swiftly in introducing his recommendation largely because the Justice Department had been preparing one since early in the year.

Although demonstrations in Selma did not create the voting rights

bill, they sped up its timetable and ensured that it would contain provisions strong enough to accomplish at long last the goal of enfranchisement. That it did. The Voting Rights Act of 1965 passed Congress in record time and went into effect on August 6, only a few months after it reached the legislature. The law contained several features meant to shift enforcement away from time-consuming litigation in the courts. It covered the southern states in which African Americans had experienced the greatest difficulty in voting: Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia. To avoid further delay, it suspended the use of literacy tests and required the states to clear any future voting changes with the Justice Department before implementing them. It also instructed the Justice Department to challenge the constitutionality of the poll tax in the courts, which it successfully did the following year. For good measure, the statute allowed the attorney general to send federal registrars to enroll Blacks in counties that proved unwilling to comply. With the federal government as a watchdog, by 1969, the majority of southern Blacks were on the voting rolls, and in a remarkable turnabout, approximately 55 percent of eligible Blacks had gained the vote in Mississippi.

The Voting Rights Act marked a watershed in the Black freedom struggle. The Selma to Montgomery March, which hastened passage of the law, brought to a climax the succession of massive demonstrations aimed at pressuring the national government to legislate an end to racial segregation and disfranchisement in the South. Though rallies and protests continued in the years to come, the extension of the right to vote gave African Americans fresh incentive to address their grievances chiefly at the ballot box. More and more, southern Blacks turned their efforts to organizing campaigns to elect African American candidates to public office. In 1964, fewer than twenty-five Black elected officials governed in the South, but by 1970, the number climbed to over seven hundred. Within another decade, Black mayors sat in city halls in Atlanta, Birmingham, and New Orleans, and Black congressmen represented districts in Tennessee, Texas, and Georgia.

BLACK POWER

Following pathbreaking legislative achievements in 1964 and 1965, the movement splintered in several different directions. The NAACP main-

tained its faith in the traditional goal of integration and the tactics of lobbying Congress and filing litigation in the courts to accomplish it. This association was joined by the National Urban League (NUL). Formed two years after the NAACP in 1911, the NUL engaged in a variety of social service activities to assist African Americans and participated in civil rights efforts to combat racial bias in public and private employment. The two oldest civil rights organizations maintained a close relationship with President Johnson and worked with his administration to enforce the laws that had been recently placed on the books and joined with him to secure still another statute, in 1968, to combat segregation in housing.

On the opposite end of the movement, militant groups such as SNCC and CORE rejected integration and nonviolence and espoused instead racial nationalism and armed self-defense. In 1966, Stokely Carmichael, chairman of SNCC, voiced the battle cry of "Black power," which emphasized racial pride and advocated Black political and economic development free from white interference. "The only way we gonna stop them white men from whippin' us," Carmichael urged a rally in Mississippi, "is to take over. We been saying freedom for six years and we ain't got nothin'. What we gonna start saying is Black Power." SNCC and CORE then broke with the Johnson administration. They denounced white liberals for treating Blacks in a paternalistic manner, pointing to the president's determination to compromise the MFDP's position at the Democratic National Convention in 1964.

The SCLC attempted to occupy the middle ground between these contending factions. King did not approve of the term "Black power," because he considered it too harsh and disliked its antiwhite connotations. Nevertheless, he believed that militants made good sense in advocating racial pride and building up political and economic power in Black communities. However, he did not think that a healthy Black consciousness required excluding white liberals from the struggle for racial justice. Nor did it depend on discarding nonviolence as a philosophy. Like the NAACP and NUL, he attempted to cooperate with the Johnson administration to push it further in the direction of dismantling the remaining barriers to equality, especially with respect to the higher incidence of poverty and unemployment among Blacks than whites. But unlike the other moderates, the SCLC continued to mobilize Blacks to confront racism in the streets. King extended this to the North, where

in 1966 he led marches against slum conditions and housing discrimination in Chicago.

PRESIDENT JOHNSON PUSHES RACIAL MODERATION

As in the past, the federal government greatly influenced the direction of the freedom struggle. By temperament and political orientation, Johnson sided with the moderates. In tandem with the NAACP, in 1966, he proposed legislation aimed at combating housing discrimination. After two years of sustained effort, the Johnson administration and its allies persuaded Congress to enact a fair housing law. In addition, the measure armed the Justice Department with increased power to protect the constitutional rights of civil rights workers, a long-standing objective of the movement. In throwing his support behind such legislation, Johnson hoped to reinforce the kind of moderate leaders he favored while undermining the position of radicals in the movement.

He did so again in Mississippi. The president had already shown his considerable influence in determining the outcome of the MFDP convention challenge in 1964. In subsequent years, Johnson boosted the efforts of a rival faction to the MFDP to win recognition as the legitimate party organization representing the Magnolia State. He gave his stamp of approval to the "loyalist" group dominated by the NAACP, moderate whites, and labor unions over the SNCC-backed MFDP. In effect, Johnson guaranteed that the brand of biracial electoral politics favored by the loyalists prevailed over the Freedom Democrat version that increasingly embraced Black power.

The president also undercut SNCC and MFDP in another critical way. The Child Development Group of Mississippi (CDGM) had grown out of the movement's organizing campaigns against disfranchisement and poverty in the state. Starting in 1965, CDGM ran early education classes under the Head Start program funded by Johnson's War on Poverty. Mississippi's white political leaders, especially Senator John Stennis, a segregationist and powerful figure in Washington, opposed the group and threatened to get Congress to cut off its funds. To Stennis, CDGM posed a threat because it was allied with the most radical civil rights organizations in the state, and he considered the organization a front for Black power advocates. Needing Stennis's support to help fund

his domestic spending programs as well as the escalating war in Vietnam, Johnson once again struck a bargain. CDGM remained alive, though with inadequate funding, while the Johnson administration funneled anti-poverty money to a moderate group of whites and Blacks, Mississippi Action for Progress, more supportive of interracial cooperation and political pragmatism. The outcome of the CDGM controversy produced the same effect as did the handling of the MFDP-Loyalist Democrat battle in the electoral arena. From Washington, the Johnson administration helped determine which groups of Blacks and whites at the local level gained a share of valuable federal resources, thus shaping the course of racial advancement.

RACE RIOTS

Despite his considerable power, the president could not exert total control over a struggle as dynamic and independent as the freedom movement. The riots that swept through the urban ghettos demonstrated this. Starting in 1964 and reaching their peak four years later, these violent insurrections reflected the deep frustrations of African Americans, mainly in the North, for whom civil rights battles in the South had no tangible impact. Black northerners did not need the federal government to grant them the right to vote or access to public facilities on an unsegregated basis; rather, they lacked political power, found themselves mired in poverty, and encountered excessive force from police patrols in their neighborhoods. The Johnson administration could not prevent eruptions from disgruntled residents of Black communities, but at least it did try to open up lines of communication with leaders in these troubled areas. In the end, however, presidential advisers grudgingly admitted that "a lot of this is essentially uncontrollable. It will happen no matter what the federal government does."

Characteristically, Johnson steered a moderate course in dealing with these urban rebellions. He moved between denouncing the rioters and expressing concern for the continuing plight of Blacks. Though highly suspicious about the role played by Black power firebrands such as Stokely Carmichael in fomenting the outbursts, he exercised restraint in agreeing not to prosecute them for allegedly inciting riots. In 1967, the chief executive sent federal troops to Detroit and Newark to restore

law and order, much as he and other presidents had acted to quell racial disturbances in Arkansas, Alabama, and Mississippi. He appointed the National Advisory Commission on Civil Disorders, the Kerner Commission, to investigate the problem. In 1968, the commission issued a stinging report blaming white racism as the root cause of rioting and recommended massive federal spending to improve conditions in Black ghettos. However, the president ignored the agency's findings. Johnson's response betrayed more than a bit of personal pique. The miffed president believed that Blacks had not shown him proper gratitude for all he had done to combat racism.

FEDERAL REPRESSION

By 1968, Johnson had effectively parted company from militants in the civil rights alliance. The president's role in escalation of the Vietnam War severed the remaining connections between the national administration and its former allies. SNCC and CORE were among the earliest critics of the president's policies toward Southeast Asia, and after 1965 their representatives had no access to the White House. For several years doubts had been building in King concerning the war, which he had come to see as an evil manifestation of colonialism and racism, but he had kept relatively silent in order not to jeopardize the legislative goals of the civil rights movement. In early 1967, when he could no longer stay quiet and publicly attacked the president's Vietnam policy, King too lost whatever remaining influence he had with the Johnson administration. These defections left Black moderates, who remained loyal to Johnson on the war, in command of the federal civil rights agenda.

Johnson's break with King and the radicals reflected the sinister side of the federal government's relationship with the civil rights movement. Beginning in the Kennedy administration, the White House had authorized the FBI to wiretap King and the SCLC. After his frustrating campaign in Albany, Georgia, King had criticized the bureau for being too cozy with local police and failing to protect the demonstrators. FBI director J. Edgar Hoover, who called King "the most notorious liar in America," warned President Kennedy that the civil rights leader was under Communist influence. He pressured the administration for authority to monitor the activities of the Reverend King, to which it con-

sented partly to prove that the FBI director was wrong in his suspicions. Surveillance continued into the Johnson regime, and as King became more critical of the war and the president, the bureau stepped up its attempts to discredit him by leaking lurid information about sexual indiscretions in his personal life, which it picked up through secretly placed microphones. President Johnson was no stranger to this kind of eavesdropping. Back in 1964, he had instructed the FBI to spy on MFDP members and their allies attending the Democratic National Convention so that he could keep track of their activities as he hammered together the compromise on seating delegates.

Such activities had a debilitating effect on King, but they had a more devastating effect on the most radical sector of the Black freedom movement. As SNCC embraced Black power and its leaders adopted revolutionary rhetoric, the organization became a target of heightened FBI oversight and counterintelligence operations. Having infiltrated and destroyed the Communist Party and the Mississippi Ku Klux Klan, the FBI now aimed to bring down Black leaders it considered a threat. COINTELPRO, as the surveillance program was called, sanctioned attempts not just to watch designated individuals but to disrupt their activities and those of their groups. Hoover's agents sowed the seeds of discord within Black organizations by spreading rumors and planting suspicions that tore groups apart. The bureau worked closely with local law enforcement agencies and supplied information that led to deadly shoot-outs between police and the objects of their surveillance. In one notorious incident, in December 1969, the Chicago police, tipped off by a paid FBI informer within the Black Panthers, raided the group's headquarters and killed two of its leaders, Fred Hampton and Mark Clark. The police claimed they had been ambushed, but the inhabitants had been asleep when the assault began. A subsequent investigation cast serious doubt concerning the police account, finding that while one shot had been fired from within the building, eighty-three bullets had entered the apartment.

In this way, organizations such as SNCC and the Black Panther Party for Self Defense, two of the most militant groups of the period, felt the sting of federal power. Though these groups also suffered from problems of their own making, there is no doubt that they could not withstand Hoover's brand of federal harassment. By the mid-1970s,

SNCC had ceased functioning and the Panthers had been hounded into exhaustion and exile, sent to jail, or buried in their graves.

LEGACY OF THE CIVIL RIGHTS MOVEMENT AND AFFIRMATIVE ACTION

Indeed, by the end of the 1960s the civil rights movement, as it had existed for over two decades, had come to a conclusion. Martin Luther King fell to an assassin's bullet in April 1968, and though the SCLC remained in operation, it never recovered from the loss of its charismatic head. With SNCC and CORE on the decline, this left the NAACP and the NUL as the major survivors of the old civil rights alliance. The moderates had scored three major legislative victories and won numerous battles in the courts to enforce desegregation and disfranchisement. However, even moderation was not enough to sustain the struggle at the national level once conservatives captured the White House beginning with Richard Nixon in 1968. For the most part, the civil rights groups that remained in existence sought to preserve the legislative and judicial victories they had obtained and see that they were properly enforced. However, more than a quarter of a century later, the legacy of the Black freedom struggle has come under attack.

The program targeted for the most criticism has been affirmative action. During the 1960s, the federal government recognized that African Americans needed more than equality as a legal principle; they required policies that would result in equality in practice. Since race had been used by whites for centuries to victimize them, Blacks would not be able to overcome the pervasive effects of past discrimination without the legal and political system taking race into account, this time in their favor. In a speech at Howard University in June 1965, President Johnson eloquently defended the proposition that affirmative steps must be taken to close the economic gap between whites and Blacks to achieve "equality as a fact." To this end, affirmative action was considered as a reasonable means of compensating African Americans for past wrongs and the most effective way of obtaining significant results in their lifetime.

Although supported by civil rights leaders, affirmative action plans were shaped mainly by federal officials. Johnson backed up his words by signing an executive order requiring federal vendors actively to recruit

and hire qualified minority job seekers. In 1968, the Department of Labor instructed major contractors to adopt proposals that set timetables to achieve specific goals guaranteeing "full and equal employment opportunity" for minorities. The Equal Employment Opportunity Commission, established by Congress in the 1964 Civil Rights Act, shaped the pattern of affirmative action enforcement by judging discrimination not on the basis of intentional bias against a particular individual but by looking at the effects on the aggrieved group. In this way, federal bureaucrats used statistics to prove racial and sexual discrimination when African Americans and women were not proportionately represented in the workplace. This approach also extended to admission to colleges and universities and election to public office. Concerning the latter, Justice Department officials challenged election systems that limited the chance of Black voters to choose members of their own race to represent them. Consequently, they measured discrimination by the continuing gap between the percentage of Black officeholders and the proportion of Blacks in the population.

Affirmative action generated a great deal of opposition, mainly from whites. Critics denounced it as a form of preferential treatment for Blacks and thereby reverse discrimination against whites. They rejected the idea that African Americans were entitled to special consideration as members of a racial group and argued that allegations of bias must be proven only against individuals committing the offense. Defining discrimination according to a standard of proportional representation, they contended, violated norms of fair play required in a color-blind society in which merit, not skin color, should govern.

Since the mid-1970s, these arguments have gained momentum. The federal judiciary, including the Supreme Court, which had done so much to expand the concept of equality, began chipping away at affirmative action plans, leaving them with very limited scope for enforcement. States such as Texas and California have virtually abolished affirmative action as public policy and received approval from the federal courts. Thus, without vigorous support from the federal government, this program designed to achieve genuine equality is withering away.

THE ROLE OF THE NATIONAL GOVERNMENT

Throughout the history of the civil rights struggle, the national state played a key role in determining its outcome. Beginning with the Tru-

man administration, the president and his allies in Congress set the legislative agenda that would guide lawmakers for the next three decades. Truman's Committee on Civil Rights sketched out the plans that were used to attack segregation and disfranchisement, culminating in the 1964 Civil Rights Act and the 1965 Voting Rights Act. Starting with *Smith v. Allwright* in 1944 and *Brown v. Board of Education* a decade later, the Supreme Court placed constitutional law on the side of those seeking to extend the right to vote and topple Jim Crow. Presidents Eisenhower, Kennedy, and Johnson flexed their federal muscles at key moments to smash southern white resistance to court-ordered desegregation.

At the same time, it must be recognized that Washington usually acted cautiously and incrementally. The White House and Congress rarely moved ahead of public opinion, and when the Supreme Court did get out in front it could not enforce its rulings without assistance from the chief executive and lawmakers. Even the most activist presidents, Kennedy and Johnson, viewed their options more narrowly than civil rights proponents wished. The occupants of the White House believed that the constitutional boundaries of the federal system restricted them from intervening to protect civil rights workers in the South, thereby exposing these freedom fighters to increased harm and causing bitterness and disillusionment. Too often presidents weighed the political ramifications of their actions more than the moral dimensions of the struggle against racism, especially with powerful southern Democrats in key positions in Congress. As a result, federal officials affected the strategy of civil rights proponents by encouraging them to provoke crises in order to force action from Washington.

Furthermore, the most sympathetic resident of the Oval Office, Lyndon Johnson, showed how a president could directly affect the course of the civil rights struggle by using his power to forge compromises and allocate resources to favored allies. Johnson helped augment the power of moderates within the movement just as more radical factions sought to reshape the freedom struggle. Militant radicals found it difficult to survive, not only without federal support but in the face of federal opposition, as the target of surveillance and intimidation.

The case to be made for the importance of the federal government is strengthened by looking at the post-civil rights era. Though the national civil rights coalition collapsed with the end of the 1960s, the federal government continued to enforce the laws against segregation and

disfranchisement that had so recently been placed on the books. Indeed, bureaucrats in the Justice Department's Civil Rights Division and agencies such as the Equal Employment Opportunity Commission adopted novel affirmative action approaches to advance the fortunes of African Americans economically and politically. However, as opponents of these policies captured the White House, Congress, and the Supreme Court in the 1980s and 1990s, they have stalled and begun to reverse these hard-earned accomplishments. Having defeated public segregation and acquired the right to vote during the Second Reconstruction, African Americans remember the lesson of the First Reconstruction after the Civil War. Withdrawal by the federal government has left their constitutional protections vulnerable to attack.

Of course, Washington alone cannot supply all the answers. As was the case during the civil rights movement, African Americans must organize to achieve their own freedom. The federal government made racial reform possible, but Blacks in the South made it necessary. Had they not mobilized their neighbors, opened their churches to stage protests and sustain the spirits of the demonstrators, and rallied the faithful to provoke a response from the federal government, far less progress would have been made. Thus, the real heroes of the civil rights struggle were the Black foot soldiers and their white allies who directly put their lives on the line in the face of often overwhelming odds against them. Federal officials were not heroes, for they usually calculated the political consequences of their actions too closely and raised their voices too ambiguously. Yet if not heroes, they proved essential for allowing the truly courageous to succeed.

Documents

EXCERPT FROM
TO SECURE THESE RIGHTS:
THE REPORT OF THE PRESIDENT'S
COMMITTEE ON CIVIL RIGHTS (1947)

Sadie T. Alexander, James B. Carey, John S. Dickey,
Morris L. Ernst, Roland B. Gittelsohn, Frank P. Graham,
Francis J. Haas, Charles Luckman, Francis P. Matthews,
Franklin D. Roosevelt, Jr., Henry Knox Sherrill, Boris Shishkin,
Dorothy Tilly, Channing Tobias, Charles E. Wilson, *Chairman*

A PROGRAM OF ACTION:
THE COMMITTEE'S RECOMMENDATIONS

The Time Is Now

Twice before in American history the nation has found it necessary to review the state of its civil rights. The first time was during the 15 years between 1776 and 1791, from the drafting of the Declaration of Independence through the Articles of Confederation experiment to the writing of the Constitution and the Bill of Rights. It was then that the distinctively American heritage was finally distilled from earlier views of liberty. The second time was when the Union was temporarily sundered over the question of whether it could exist "half-slave" and "half-free."

It is our profound conviction that we have come to a time for a third re-examination of the situation, and a sustained drive ahead. Our reasons for believing this are those of conscience, of self-interest, and of

survival in a threatening world. Or to put it another way, we have a moral reason, an economic reason, and an international reason for believing that the time for action is now.

THE MORAL REASON

We have considered the American heritage of freedom at some length. We need no further justification for a broad and immediate program than the need to reaffirm our faith in the traditional American morality. The pervasive gap between our aims and what we actually do is creating a kind of moral dry rot which eats away at the emotional and rational basis of democratic beliefs. There are times when the difference between what we preach about civil rights and what we practice is shockingly illustrated by individual outrages. There are times when the whole structure of our ideology is made ridiculous by individual instances. And there are certain continuing, quiet, omnipresent practices which do irreparable damage to our beliefs.

As examples of "moral erosion" there are the consequences of suffrage limitations in the South. The fact that Negroes and many whites have not been allowed to vote in some states has actually sapped the morality underlying universal suffrage. Many men in public and private life do not believe that those who have been kept from voting are capable of self rule. They finally convince themselves that disfranchised people do not really have the right to vote.

Wartime segregation in the armed forces is another instance of how a social pattern may wreak moral havoc. Practically all white officers and enlisted men in all branches of service saw Negro military personnel performing only the most menial functions. They saw Negroes recruited for the common defense treated as men apart and distinct from themselves. As a result, men who might otherwise have maintained the equalitarian morality of their forebears were given reason to look down on their fellow citizens. This has been sharply illustrated by the Army study discussed previously, in which white servicemen expressed great surprise at the excellent performance of Negroes who joined them in the firing line. Even now, very few people know of the successful experiment with integrated combat units. Yet it is important in explaining why some Negro troops did not do well; it is proof that equal treatment can produce equal performance.

Thousands upon thousands of small, unseen incidents reinforce the impact of headlined violations like lynchings, and broad social patterns like segregation and inequality of treatment. There is, for example, the matter of "fair play." As part of its training for democratic life, our youth is constantly told to "play fair," to abide by "the rules of the game," and to be "good sports." Yet, how many boys and girls in our country experience such things as Washington's annual marble tournament? Because of the prevailing pattern of segregation, established as a model for youth in the schools and recreation systems, separate tournaments are held for Negro and white boys. Parallel elimination contests are sponsored until only two victors remain. Without a contest between them, the white boy is automatically designated as the local champion and sent to the national tournament, while the Negro lad is relegated to the position of runner-up. What child can achieve any real understanding of fair play, or sportsmanship, of the rules of the game, after he has personally experienced such an example of inequality?

It is impossible to decide who suffers the greatest moral damage from our civil rights transgressions, because all of us are hurt. That is certainly true of those who are victimized. Their belief in the basic truth of the American promise is undermined. But they do have the realization, galling as it sometimes is, of being morally in the right. The damage to those who are responsible for these violations of our moral standards may well be greater. They, too, have been reared to honor the command of "free and equal." And all of us must share in the shame at the growth of hypocrisies like the "automatic" marble champion. All of us must endure the cynicism about democratic values which our failures breed.

The United States can no longer countenance these burdens on its common conscience, these inroads on its moral fiber.

THE ECONOMIC REASON

One of the principal economic problems facing us and the rest of the world is achieving maximum production and continued prosperity. The loss of a huge, potential market for goods is a direct result of the economic discrimination which is practiced against many of our minority groups. A sort of vicious circle is produced. Discrimination depresses the wages and income of minority groups. As a result, their purchasing

power is curtailed and markets are reduced. Reduced markets result in reduced production. This cuts down employment, which of course means lower wages and still fewer job opportunities. Rising fear, prejudice, and insecurity aggravate the very discrimination in employment which sets the vicious circle in motion.

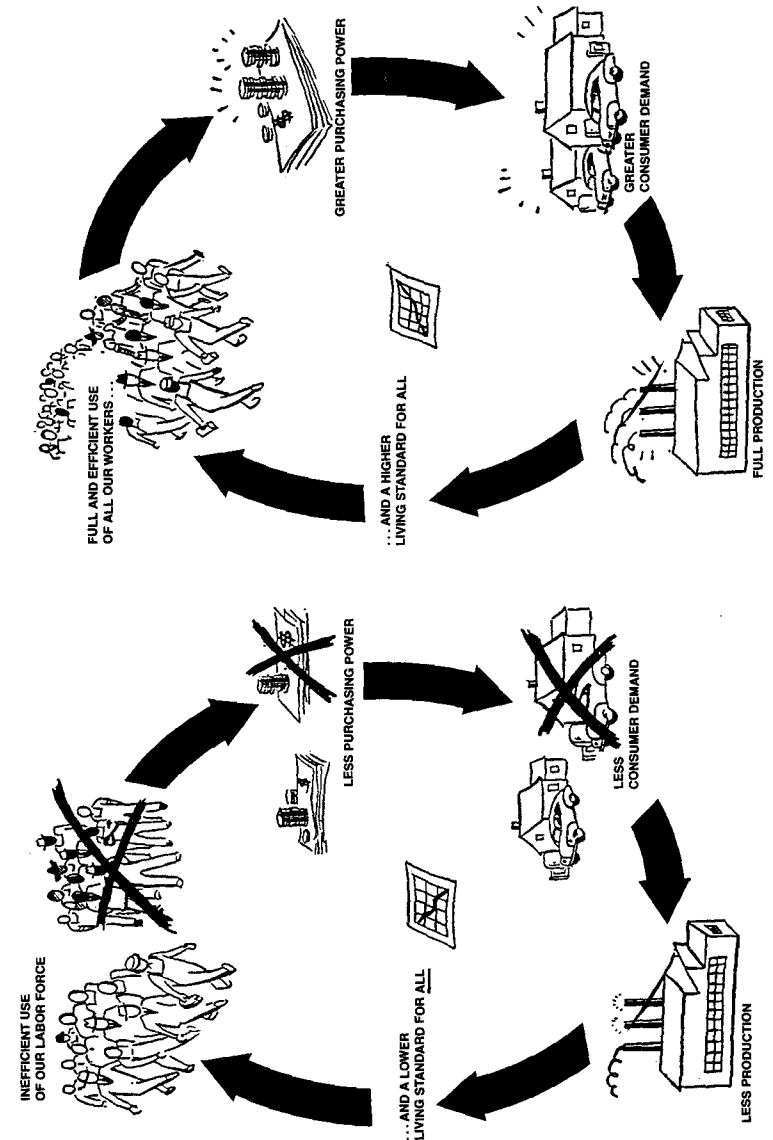
Minority groups are not the sole victims of this economic waste; its impact is inevitably felt by the entire population. Eric Johnston, when President of the United States Chamber of Commerce, made this point with vividness and clarity:

The withholding of jobs and business opportunities from some people does not make more jobs and business opportunities for others. Such a policy merely tends to drag down the whole economic level. You can't sell an electric refrigerator to a family that can't afford electricity. Perpetuating poverty for some merely guarantees stagnation for all. True economic progress demands that the whole nation move forward at the same time. It demands that all artificial barriers erected by ignorance and intolerance be removed. To put it in the simplest terms, we are all in business together. Intolerance is a species of boycott and any business or job boycott is a cancer in the economic body of the nation. I repeat, intolerance is destructive; prejudice produces no wealth; discrimination is a fool's economy.

Economic discrimination prevents full use of all our resources. During the war, when we were called upon to make an all-out productive effort, we found that we lacked skilled laborers. This shortage might not have been so serious if minorities had not frequently been denied opportunities for training and experience. In the end, it cost large amounts of money and precious time to provide ourselves with trained persons.

Discrimination imposes a direct cost upon our economy through the wasteful duplication of many facilities and services required by the "separate but equal" policy. That the resources of the South are sorely strained by the burden of a double system of schools and other public services has already been indicated. Segregation is also economically wasteful for private business. Public transportation companies must often provide duplicate facilities to serve majority and minority groups separately. Places of public accommodation and recreation reject business when it comes in the form of unwanted persons. Stores reduce their

THE ECONOMIC FACTORS WOULD HELP BRING...



sales by turning away minority customers. Factories must provide separate locker rooms, pay windows, drinking fountains, and washrooms for the different groups.

Discrimination in wage scales and hiring policies forces a higher proportion of some minority groups onto relief rolls than corresponding segments of the majority. A study by the Federal Emergency Relief Administration during the depression of the Thirties revealed that in every region the percentage of Negro families on relief was far greater than white families:

	<i>Per cent of families on relief, May, 1934</i>	
	<i>Negro</i>	<i>White</i>
Northern cities	52.2	13.3
Border state cities	51.8	10.4
Southern cities	33.7	11.4

Similarly, the rates of disease, crime, and fires are disproportionately great in areas which are economically depressed as compared with wealthier areas. Many of the prominent American minorities are confined—by economic discrimination, by law, by restrictive covenants, and by social pressure—to the most dilapidated, undesirable locations. Property in these locations yields a smaller return in taxes, which is seldom sufficient to meet the inordinately high cost of public services in depressed areas. The majority pays a high price in taxes for the low status of minorities.

To the costs of discrimination must be added the expensive investigations, trials, and property losses which result from civil rights violations. In the aggregate, these attain huge proportions. The 1943 Detroit riot alone resulted in the destruction of two million dollars in property.

Finally, the cost of prejudice cannot be computed in terms of markets, production, and expenditures. Perhaps the most expensive results are the least tangible ones. No nation can afford to have its component groups hostile toward one another without feeling the stress. People who live in a state of tension and suspicion cannot use their energy constructively. The frustrations of their restricted existence are translated into aggression against the dominant group. [Gunnar] Myrdal says:

Not only occasional acts of violence, but most laziness, carelessness, unreliability, petty stealing and lying are undoubtedly to be explained

as concealed aggression * * *. The truth is that *Negroes generally do not feel they have unqualified moral obligations to white people* * * *. The voluntary withdrawal which has intensified the isolation between the two castes is also an expression of Negro protest under cover.

It is not at all surprising that a people relegated to second-class citizenship should behave as second-class citizens. This is true, in varying degrees, of all of our minorities. What we have lost in money, production, invention, citizenship, and leadership as the price for damaged, thwarted personalities—these are beyond estimate.

The United States can no longer afford this heavy drain upon its human wealth, its national competence.

THE INTERNATIONAL REASON

Our position in the postwar world is so vital to the future that our smallest actions have far-reaching effects. We have come to know that our own security in a highly interdependent world is inextricably tied to the security and well-being of all people and all countries. Our foreign policy is designed to make the United States an enormous, positive influence for peace and progress throughout the world. We have tried to let nothing, not even extreme political differences between ourselves and foreign nations, stand in the way of this goal. But our domestic civil rights shortcomings are a serious obstacle.

In a letter to the Fair Employment Practice Committee on May 8, 1946, the Honorable Dean Acheson, then Acting Secretary of State, stated that:

* * * the existence of discrimination against minority groups in this country has an adverse effect upon our relations with other countries. We are reminded over and over by some foreign newspapers and spokesmen, that our treatment of various minorities leaves much to be desired. While sometimes these pronouncements are exaggerated and unjustified, they all too frequently point with accuracy to some form of discrimination because of race, creed, color, or national origin. Frequently we find it next to impossible to formulate a satisfactory answer to our critics in other countries; the gap between the things we stand for in principle and the facts of a particular situation may be

too wide to be bridged. An atmosphere of suspicion and resentment in a country over the way a minority is being treated in the United States is a formidable obstacle to the development of mutual understanding and trust between the two countries. We will have better international relations when these reasons for suspicion and resentment have been removed.

I think it is quite obvious * * * that the existence of discriminations against minority groups in the United States is a handicap in our relations with other countries. The Department of State, therefore, has good reason to hope for the continued and increased effectiveness of public and private efforts to do away with these discriminations.

The people of the United States stem from many lands. Other nations and their citizens are naturally intrigued by what has happened to their American "relatives." Discrimination against, or mistreatment of, any racial, religious or national group in the United States is not only seen as our internal problem. The dignity of a country, a continent, or even a major portion of the world's population, may be outraged by it. A relatively few individuals here may be identified with millions of people elsewhere, and the way in which they are treated may have world-wide repercussions. We have fewer than half a million American Indians; there are 30 million more in the Western Hemisphere. Our Mexican American and Hispano groups are not large; millions in Central and South America consider them kin. We number our citizens of Oriental descent in the hundreds of thousands; their counterparts overseas are numbered in hundreds of millions. Throughout the Pacific, Latin America, Africa, the Near, Middle, and Far East, the treatment which our Negroes receive is taken as a reflection of our attitudes toward all dark-skinned peoples.

In the recent war, citizens of a dozen European nations were happy to meet Smiths, Cartiers, O'Haras, Schultzes, di Salvos, Cohens, and Sklodowskas and all the others in our armies. Each nation could share in our victories because its "sons" had helped win them. How much of this good feeling was dissipated when they found virulent prejudice among some of our troops is impossible to say.

We cannot escape the fact that our civil rights record has been an issue in world politics. The world's press and radio are full of it. This Committee has seen a multitude of samples. We and our friends have

been, and are, stressing our achievements. Those with competing philosophies have stressed—and are shamelessly distorting—our shortcomings. They have not only tried to create hostility toward us among specific nations, races, and religious groups. They have tried to prove our democracy an empty fraud, and our nation a consistent oppressor of underprivileged people. This may seem ludicrous to Americans, but it is sufficiently important to worry our friends. The following United Press dispatch from London proves that (*Washington Post*, May 25, 1947):

Although the Foreign Office reserved comment on recent lynch activities in the Carolinas, British diplomatic circles said privately today that they have played into the hands of Communist propagandists in Europe * * *.

Diplomatic circles said the two incidents of mob violence would provide excellent propaganda ammunition for Communist agents who have been decrying America's brand of "freedom" and "democracy."

News of the North Carolina kidnapping was prominently displayed by London papers * * *.

The international reason for acting to secure our civil rights now is not to win the approval of our totalitarian critics. We would not expect it if our record were spotless; to them our civil rights record is only a convenient weapon with which to attack us. Certainly we would like to deprive them of that weapon. But we are more concerned with the good opinion of the peoples of the world. Our achievements in building and maintaining a state dedicated to the fundamentals of freedom have already served as a guide for those seeking the best road from chaos to liberty and prosperity. But it is not indelibly written that democracy will encompass the world. We are convinced that our way of life—the free way of life—holds a promise of hope for all people. We have what is perhaps the greatest responsibility ever placed upon a people to keep this promise alive. Only still greater achievements will do it.

The United States is not so strong, the final triumph of the democratic ideal is not so inevitable that we can ignore what the world thinks of us or our record.

3

DWIGHT D. EISENHOWER'S RADIO
AND TELEVISION ADDRESS TO THE
AMERICAN PEOPLE ON THE
SITUATION IN LITTLE ROCK
(SEPTEMBER 24, 1957)

Good Evening, My Fellow Citizens:

For a few minutes this evening I want to speak to you about the serious situation that has arisen in Little Rock. To make this talk I have come to the President's office in the White House. I could have spoken from Rhode Island, where I have been staying recently, but I felt that, in speaking from the house of Lincoln, of Jackson and of Wilson, my words would better convey both the sadness I feel in the action I was compelled today to take and the firmness with which I intend to pursue this course until the orders of the Federal Court at Little Rock can be executed without unlawful interference.

In that city, under the leadership of demagogic extremists, disorderly mobs have deliberately prevented the carrying out of proper orders from a Federal Court. Local authorities have not eliminated that violent opposition and, under the law, I yesterday issued a Proclamation calling upon the mob to disperse.

This morning the mob again gathered in front of the Central High School of Little Rock, obviously for the purpose of again preventing the carrying out of the Court's order relating to the admission of Negro children to that school.

Whenever normal agencies prove inadequate to the task and it becomes necessary for the Executive Branch of the Federal Government

to use its powers and authority to uphold Federal Courts, the President's responsibility is inescapable.

In accordance with that responsibility, I have today issued an Executive Order directing the use of troops under Federal authority to aid in the execution of Federal law at Little Rock, Arkansas. This became necessary when my Proclamation of yesterday was not observed, and the obstruction of justice still continues.

It is important that the reasons for my action be understood by all our citizens.

As you know, the Supreme Court of the United States has decided that separate public educational facilities for the races are inherently unequal and therefore compulsory school segregation laws are unconstitutional.

Our personal opinions about the decision have no bearing on the matter of enforcement; the responsibility and authority of the Supreme Court to interpret the Constitution are very clear. Local Federal Courts were instructed by the Supreme Court to issue such orders and decrees as might be necessary to achieve admission to public schools without regard to race—and with all deliberate speed.

During the past several years, many communities in our Southern States have instituted public school plans for gradual progress in the enrollment and attendance of school children of all races in order to bring themselves into compliance with the law of the land.

They thus demonstrated to the world that we are a nation in which laws, not men, are supreme.

I regret to say that this truth—the cornerstone of our liberties—was not observed in this instance.

It was my hope that this localized situation would be brought under control by city and State authorities. If the use of local police powers had been sufficient, our traditional method of leaving the problems in those hands would have been pursued. But when large gatherings of obstructionists made it impossible for the decrees of the Court to be carried out, both the law and the national interest demanded that the President take action.

Here is the sequence of events in the development of the Little Rock school case.

In May of 1955, the Little Rock School Board approved a moderate plan for the gradual desegregation of the public schools in that city. It

provided that a start toward integration would be made at the present term in the high school, and that the plan would be in full operation by 1963. Here I might say that in a number of communities in Arkansas integration in the schools has already started and without violence of any kind. Now this Little Rock plan was challenged in the courts by some who believed that the period of time as proposed in the plan was too long.

The United States Court at Little Rock, which has supervisory responsibility under the law for the plan of desegregation in the public schools, dismissed the challenge, thus approving a gradual rather than an abrupt change from the existing system. The court found that the school board had acted in good faith in planning for a public school system free from racial discrimination.

Since that time, the court has on three separate occasions issued orders directing that the plan be carried out. All persons were instructed to refrain from interfering with the efforts of the school board to comply with the law.

Proper and sensible observance of the law then demanded the respectful obedience which the nation has a right to expect from all its people. This, unfortunately, has not been the case at Little Rock. Certain misguided persons, many of them imported into Little Rock by agitators, have insisted upon defying the law and have sought to bring it into disrepute. The orders of the court have thus been frustrated.

The very basis of our individual rights and freedoms rests upon the certainty that the President and the Executive Branch of Government will support and insure the carrying out of the decisions of the Federal Courts, even, when necessary with all the means at the President's command.

Unless the President did so, anarchy would result.

There would be no security for any except that which each one of us could provide for himself.

The interest of the nation in the proper fulfillment of the law's requirements cannot yield to opposition and demonstrations by some few persons.

Mob rule cannot be allowed to override the decisions of our courts.

Now, let me make it very clear that Federal troops are not being used to relieve local and state authorities of their primary duty to preserve the peace and order of the community. Nor are the troops there

for the purpose of taking over the responsibility of the School Board and the other responsible local officials in running Central High School. The running of our school system and the maintenance of peace and order in each of our States are strictly local affairs and the Federal Government does not interfere except in a very few special cases and when requested by one of the several States. In the present case the troops are there, pursuant to law, solely for the purpose of preventing interference with the orders of the Court.

The proper use of the powers of the Executive Branch to enforce the orders of a Federal Court is limited to extraordinary and compelling circumstances. Manifestly, such an extreme situation has been created in Little Rock. This challenge must be met and with such measures as will preserve to the people as a whole their lawfully-protected rights in a climate permitting their free and fair exercise.

The overwhelming majority of our people in every section of the country are united in their respect for observance of the law—even in those cases where they may disagree with that law.

They deplore the call of extremists to violence.

The decision of the Supreme Court concerning school integration, of course, affects the South more seriously than it does other sections of the country. In that region I have many warm friends, some of them in the city of Little Rock. I have deemed it a great personal privilege to spend in our Southland tours of duty while in the military service and enjoyable recreational periods since that time.

So from intimate personal knowledge, I know that the overwhelming majority of the people in the South—including those of Arkansas and of Little Rock—are of good will, united in their efforts to preserve and respect the law even when they disagree with it.

They do not sympathize with mob rule. They, like the rest of our nation, have proved in two great wars their readiness to sacrifice for America.

A foundation of our American way of life is our national respect for

In the South, as elsewhere, citizens are keenly aware of the tremendous disservice that has been done to the people of Arkansas in the eyes of the nation, and that has been done to the nation in the eyes of the

At a time when we face grave situations abroad because of the ha-

tred that Communism bears toward a system of government based on human rights, it would be difficult to exaggerate the harm that is being done to the prestige and influence, and indeed to the safety, of our nation and the world.

Our enemies are gloating over this incident and using it everywhere to misrepresent our whole nation. We are portrayed as a violator of those standards of conduct which the peoples of the world united to proclaim in the Charter of the United Nations. There they affirmed "faith in fundamental human rights" and "in the dignity and worth of the human person" and they did so "without distinction as to race, sex, language or religion."

And so, with deep confidence, I call upon the citizens of the State of Arkansas to assist in bringing to an immediate end all interference with the law and its processes. If resistance to the Federal Court orders ceases at once, the further presence of Federal troops will be unnecessary and the City of Little Rock will return to its normal habits of peace and order and a blot upon the fair name and high honor of our nation in the world will be removed.

Thus will be restored the image of America and of all its parts as one nation, indivisible, with liberty and justice for all.

Good night, and thank you very much.

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EXCERPTS FROM HEARINGS
BEFORE THE UNITED STATES
COMMISSION ON CIVIL RIGHTS,
MONTGOMERY, ALABAMA
(DECEMBER 8 AND 9, 1958)

TESTIMONY OF HOSEA GUICE,
MILSTEAD, MACON COUNTY, ALA.

Vice Chairman [Robert G.] STOREY. Your name and age and place of residence, please.

Mr. GUICE. My name is Hosea Guice, 55 years old, born in Lee County, Ala.

Vice Chairman STOREY. On what date?

Mr. GUICE. On the 16th day of November 1904.

Vice Chairman STOREY. And how long have you lived in Alabama?

Mr. GUICE. In Alabama all of my life.

Vice Chairman STOREY. Where are you living now?

Mr. GUICE. In Macon County, Ala.

Vice Chairman STOREY. At what place?

Mr. GUICE. In Milstead Community, about 13 miles out from Tuskegee.

Vice Chairman STOREY. And how long have you lived there?

Mr. GUICE. Since 1942 at this particular place.

Vice Chairman STOREY. What is your business?

Mr. GUICE. Farming is my business.

Vice Chairman STOREY. How long have you been a farmer?