

# THE FREEDOM STRUGGLE: STATES' RIGHTS VERSUS FEDERAL INTERVENTION

## HISTORICAL CONTEXT

In 1954, the U.S. Supreme Court decided unanimously in the landmark case *Brown v. the Board of Education of Topeka, Kansas*, that the segregationist doctrine of "separate but equal" public schools for blacks and whites inherently violated constitutional guarantees because segregated black schools were underfunded and inferior. The decision implicitly questioned the entire southern Jim Crow legal system that formally kept blacks and whites apart in schools, hotels, trains, public swimming pools, restrooms, and a variety of other locations.

It takes a leap of historical imagination to feel what it must have been like for a black person to confront two drinking fountains—one labeled "White" and the other, probably an inferior facility, labeled "Colored." Every time a white man called a black man "boy," every time that same black man stepped off the sidewalk to let whites pass, and every time he was forced to sit at the back of the bus, the contradiction of his indelibly unequal status in a land that boasted of equal opportunity emerged. The million commonplace gestures and customs of segregation and the enforced poverty added up to a single message for African Americans: You are inferior.

Most of the time, for survival's sake, black people did not complain, but that doesn't mean they didn't notice, and by the mid-1950s, increasing numbers of them stopped looking the other way. It was impossible not to be heartened by the *Brown* decision and other court cases in which African American rights were upheld; it was equally impossible not to be let down when the federal government hesitated to come through with enforcement of its own laws and judicial decisions. The raising of hopes on the one hand and the failure of fulfillment on the other energized many African Americans to mobilize themselves. Their underlying assumption was that, as Americans, they deserved all the rights and privileges of other citizens.

It wasn't as if what has come to be known as the civil rights movement began with the *Brown* decision. Reconstruction itself was part of the quest for civil liberties, citizenship,

and voting rights, and many former slaves were deeply involved in postwar politics. Even as the rights they won were abrogated in the late nineteenth and early twentieth centuries—the Supreme Court’s 1896 *Plessy versus Ferguson* decision affirmed racial segregation under the “separate but equal” doctrine—African Americans fought back. Ida B. Wells began her decades-long crusade against lynching; scholar and teacher W. E. B. Dubois published *Souls of Black Folk* and edited *The Crisis*; the National Association for the Advancement of Colored People (NAACP) was founded in 1909, and a decade later, Marcus Garvey launched his “Back to Africa” movement. African Americans gained clout in Congress of Industrial Organizations unions during the 1930s, a handful of black neighborhoods elected their own congressmen, and labor leader A. Phillip Randolph and others pressured the federal government into establishing a Fair Labor Practices Commission. In the 1940s, the NAACP Legal Defense Fund won important cases that chipped away at Jim Crow discrimination, and by the end of that decade, activists secured the desegregation of the armed forces. In an important symbolic step, baseball, the nation’s most popular sport, began to integrate.



**Image 13.1:** An integrated high school in 1957, Washington, D.C.

The landmark *Brown v. Board of Education* Supreme Court decision seemed to herald the onset of school integration, as revealed in this photo of Anacostia High School in Washington, D.C. Resistance, however, proved formidable, especially in the south.

Source: Courtesy Warren K. Leffler, U.S. News & World Report Magazine Photograph Collection, Library of Congress.

The pace of events picked up in the 1950s. For example, several counties in the Mississippi Delta had black majorities without a single registered African-American voter. Mass meetings to organize for voting rights began, thousands of people, mostly from sharecropper families, showed up as the struggle took wing. Parents petitioned for the integration of their local schools so their children could attend longer sessions with better teachers. There was fierce push-back. The "Citizens Councils" organized across the South to resist the dismantling of Jim Crow. Blacks who "got out of line" and threatened "the southern way of life" by organizing or petitioning lost their jobs, homes, and farms. Some were lynched. But the movement continued, and nonviolent direct action became the preferred technique from the Montgomery bus boycott beginning in 1955 through the passage of the Voting Rights Act of 1965. The freedom struggle was led by a remarkable corps of mostly southern black leaders with roots in the Church, some with union ties. Sit-ins, demonstrations, boycotts, civil disobedience, breaking the law, and filling the jails—all this was done without committing violence or retaliating against the aggression of others. This was the essence of nonviolent direct action.

The first dramatic example of such techniques came in Montgomery, Alabama, in December 1955. Mrs. Rosa Parks, a seamstress who had been involved in civil rights organizations, rode the bus home after a long day's work. A white man got on, but she refused to give up her seat to him as law and tradition required. When she was arrested, blacks began a mass boycott of Montgomery's bus system. Local residents like E. D. Nixon, who had been active in the labor movement as a railroad porter, and the new minister in town, twenty-seven-year-old Martin Luther King Jr., freshly graduated from divinity school at Boston University, helped organize and inspire the year-long boycott. The protesters won their point when the Supreme Court ruled that laws forcing blacks to sit at the back of the bus or to give up their seats to whites were illegal. Once again, however, enforcement was slow. In 1957 the push for integrating the schools led to confrontation in Little Rock, Arkansas, where President Dwight D. Eisenhower was forced to use federal troops to enforce the law.

In 1960, the movement took a new turn when four black students from North Carolina Agricultural and Technical College simply sat down at a segregated lunch counter and waited to be served. Whites berated, abused, beat, and then arrested them. For the next few years, sit-ins occurred at public accommodations throughout the South. Protesters requested their rights as citizens and maintained their Gandhian mode of nonviolence; whites responded with increasing levels of bloodshed. Demonstrators were killed and wounded as they registered at previously segregated universities, rode previously segregated buses, and checked into all-white hotels. Boycotts brought local economies to a standstill, massive sit-ins tied up criminal justice systems by filling the jails with protesters, and, above all, evening news images of people protesting peacefully for their rights and being met by police dogs, water cannons, and billy clubs evoked both sympathy and shame. President Kennedy cautiously supported new civil rights legislation before his assassination in late 1963, and the Civil Rights Act of 1964 brought the power of the federal government to bear on the states, dissolving much of the old Jim Crow order.

Yet, as the summer of 1964 approached, the civil rights movement was coming to a crossroads. The right to be served a cup of coffee, to swim in public pools, or even to go to good schools (ten years after the *Brown* decision, southern and northern schools remained largely segregated) were important, but increasingly, the movement was forced to confront issues of politics and power. The 1964 Civil Rights Act guaranteed the right to vote, but there was not much enforcement power in the law. African Americans in the southern states constituted an enormous potential electorate, yet old legal barriers kept them from voting. This ultimate right of citizenship was next on the movement's agenda.

Freedom Struggle leadership had been evolving as well. The NAACP led the way in bringing civil rights cases to courts, especially in the 1950s, but as the movement turned toward nonviolent direct action, other groups with new leaders such as the Southern Christian Leadership Conference (SCLC), led by Martin Luther King Jr., and James Farmer's Congress on Racial Equality (CORE) took center stage. Equally important, in the early 1960s the Student Nonviolent Coordinating Committee (SNCC), emerged, led by John Lewis. SNCC was the most militant of these organizations. Its membership drew heavily on young black southerners, many of whom had grown up poor, had seen the rising tide of white resistance, and were skeptical that integration was the answer. These young activists have been called the Emmett Till Generation, named for the fourteen-year-old Chicago boy who, while visiting relatives in Mississippi in 1955, whistled at a white woman at a crossroads grocery store and was beaten and murdered a few days later by her kin. Till's open-coffin funeral in Chicago attracted tens of thousands of mourners and newspapers around the world covered the trial of his murderers, who were found innocent but later confessed to the crime. In the summer of 1964, aided by northern white college students, the young activists of SNCC began a massive voter registration drive.

The results of those early years were mixed. Local governments were intransigent, acts of violence against African Americans went unpunished, and those sworn to uphold the law often took the side of whites who attacked blacks. On the other hand, Congress passed the Civil Rights Act of 1964, which banned discrimination in public accommodations. The pain and indignity of *legal* apartheid had ended. One year later, President Lyndon Johnson signed the Voting Rights Act of 1965, a law that in not too many years turned Freedom Summer's goal of broad-based enfranchisement into a reality. Since its passage, thousands of African Americans have been elected to political office, including the White House. So those who sacrificed so much for equality brought important changes to the South and even to the North, where residential segregation by custom and law was the norm. There was an important lesson here. Change came slowly, and not because leaders suddenly grew benevolent. The federal laws that emerged out of this era were the result of grass roots democracy, of blood in the streets, of thousands of people organizing over decades to demand change.

## INTRODUCTION TO DOCUMENTS 1 AND 2

By 1949, Jackie Robinson was a successful major league athlete, though the crude racism of many fans and players made his path a difficult one. As Chapter 12 documents, these years also brought out America's deepest anxieties about communism. As anti-communist investigations spread across the country, no aspect of American life seemed unaffected. Robinson agreed to testify during House Committee on Un-American Activities hearings regarding communism and minority groups, and this testimony is excerpted in Document 1. Anti-communists worried that bigotry and discrimination made African Americans susceptible to communist appeals, and indeed, the Communist Party held very advanced views on civil rights. Fears of radical subversion were especially acute in the South, where politicians and social elites believed that both labor unions and civil rights organizations sought to overturn white rule.

Years after Jackie Robinson's testimony, in defiance of the *Brown v. Board of Education* decision, Governor Orval Faubus sent the Arkansas State Guard to prevent the entry of nine black students into Little Rock's Central High School. This prompted President Dwight Eisenhower reluctantly to federalize those troops and enforce the students' right to enroll. Earlier, Eisenhower backed a moderate civil rights bill, which was weakened further as it worked its way through Congress, especially by southern Democratic senators. A bill finally passed, and Eisenhower signed it, but its anemic enforcement powers brought much criticism. Eisenhower responded by counseling patience, a word black activists had heard from well-meaning whites for decades. Jackie Robinson's irritation with President Eisenhower is evident in Document 2.

### 1. SWORN TESTIMONY OF JACK ROOSEVELT ROBINSON (1949)

Mr. Chairman, when the House Committee on Un-American Activities invited me to appear here today and express myself on the subject of your present interest, I answered that I would be glad to do so although it isn't exactly pleasant to get involved in a political dispute when my field of earning a living is as far removed from politics as anybody can possibly imagine. . . .

. . . So you'll naturally ask, why did I stick my neck out by agreeing to be present, and why did I stand by my agreement in spite of advice to the contrary? . . . You can put me down as an expert on being a colored American, with 30 years of experience at it. And just

like any other colored person with sense enough to look around him and understand what he sees, I know that life in these United States can be mighty tough for people who are a little different from the majority—in their skin color, or the way they worship their God, or the way they spell their names. . . .

There are only three major league clubs with only seven colored players signed up, out of close to 400 major league players on 16 clubs.

But a start has been made, and progress goes on, and southern fans as well as northern fans are showing that they like the way things are working. And

as long as the fans approve, we're going to keep on making progress, until we go the rest of the way in wiping Jim Crow out of American sports. . . .

The white public should start toward real understanding by appreciating that every single Negro who is worth his salt is going to resent any kind of slurs and discrimination because of his race and he is going to use every bit of intelligence such as he has to stop it. This has got absolutely nothing to do with what Communists may or may not be trying to do. And white people must realize that the more a negro hates communism because it opposes democracy, the more he is going to hate any other influence that kills off democracy in this country—and that goes for racial discrimination in the Army, and segregation on trains and buses, and job discrimination because of religious beliefs or color or place of birth.

And one other thing the American public ought to understand, if we are to make progress in this matter: The fact that it is a Communist who denounces injustice in the courts, police brutality, and lynching when it happens doesn't change the truth of his charges. Just because Communists kick up a big fuss over racial discrimination when it suits their purposes, a lot of people try to pretend that the whole issue is a creation of Communist imagination.

But they are not fooling anyone with this kind of pretense, and talk about "Communists stirring up Negroes to protest," only makes present misunderstanding worse than ever. Negroes were stirred up long before there was a Communist Party, and they'll stay stirred up long after the party has disappeared—unless Jim Crow has disappeared by then as well. . . .

I can't speak for any 15,000,000 people any more than any other one person can, but I know that I've got too much invested for my wife and child and myself in the future of this country, and I and other Americans of many races and faiths have too much invested in our country's welfare, for any of us to throw it away. . . . I am a religious man. Therefore I cherish America where I am free to worship as I please, a privilege which some countries do not give. And I suspect that 999 out of almost any thousand colored Americans you meet will tell you the same thing.

But that doesn't mean that we're going to stop fighting race discrimination in this country until we've got it licked. It means that we're going to fight it all the harder because our stake in the future is so big. We can win our fight without the Communists and we don't want their help.<sup>1</sup>

## 2. LETTER FROM JACKIE ROBINSON TO PRESIDENT EISENHOWER

MAY 13, 1958

My dear Mr. President:

I was sitting in the audience at the Summit Meeting of Negro Leaders yesterday when you said we must have patience. On hearing you say this, I felt like standing up and saying, "Oh no! Not again."

I respectfully remind you sir, that we have been the most patient of all people. When you said we must have self-respect, I wondered how we could have self-respect and remain patient considering the treatment accorded us through the years.

17 million Negroes cannot do as you suggest and wait for the hearts of men to change. We want to

enjoy now the rights that we feel we are entitled to as Americans. This we cannot do unless we pursue aggressively goals which all other Americans achieved over 150 years ago.

As the chief executive of our nation, I respectfully suggest that you unwittingly crush the spirit of freedom in Negroes by constantly urging forbearance and give hope to those pro-segregation leaders like Governor Faubus who would take from us even those freedoms we now enjoy. Your own experience with Governor Faubus is proof enough that forbearance and not eventual integration is the goal the pro-segregation leaders seek.



Image 13.2: Rally at state capitol, Little Rock, 1959.

Federal intervention to integrate Central High School in Little Rock provoked an intense backlash, as seen in this rally at the Arkansas state capitol.

Source: John T. Bledsoe, U.S. News & World Report Photograph Collection, Library of Congress.

In my view, an unequivocal statement backed up by action such as you demonstrated you could take last fall in dealing with Governor Faubus if it became necessary, would let it be known that America is determined to provide—in the near future—for

Negroes—the freedoms we are entitled to under the constitution.

Respectfully yours,  
Jackie Robinson?

#### INTRODUCTION TO DOCUMENTS 3 AND 4

In one of the closest elections in American history, both Richard Nixon and John F. Kennedy were forced in 1960 to navigate an electorate divided over civil rights. When King was arrested at a sit-in in Atlanta, candidate Kennedy phoned Coretta Scott King to offer his sympathy. Meanwhile, John Kennedy's younger brother, Robert Kennedy, interceded and got King released on bail. King, though grateful, declined to endorse either candidate, surely recognizing the political motivations that might have fueled Kennedy's actions. Kennedy was a cautious ally of civil rights, both before and after his razor-thin election victory in 1961. Jackie Robinson noticed that caution and pressed

the newly elected President to back social change more openly (Document 3). Robinson, a Republican, had publicly endorsed Nixon, as did many African Americans who still identified with the party of Lincoln. By 1963, however, Kennedy, along with many other Democrats, became far more supportive of anti-discrimination legislation. Document 4 is taken from the President's special message to Congress, asking for ambitious civil rights legislation to end racial discrimination.

### 3. LETTER FROM JACKIE ROBINSON TO PRESIDENT KENNEDY

February 9, 1961

My dear Mr. President:

I believe I now understand and appreciate better your role in the continuing struggle to fulfill the American promise of equal opportunity for all.

While I am very happy over your obviously fine start as our President, my concerns over Civil Rights and my vigorous opposition to your election is one of sincerity. The direction you seem to be going indicates America is in for great leadership, and I will be most happy if my fears continue to be proven wrong. We are naturally keeping a wondering eye on what will happen, and while any opposition or criticism may not be the most popular thing when you are leading so well, you must know that as an individual I am interested because what you do or do not do in the next 4 years could have a serious effect upon my children's future.

In your letter to me of July 1, 1960, you indicated you would use the influence of the White House in

cases where moral issues are involved. You have reiterated your stand, and we are very happy. Still, we are going to use whatever voice we have to awaken our people. With the new emerging African nations, Negro Americans must assert themselves more, not for what we can get as individuals, but for the good of the Negro masses.

I thank you for what you have done so far, but it is not how much has been done but how much more there is to do. I would like to be patient Mr. President, but patience has caused us years in our struggle for human dignity. I will continue to hope and pray for your aggressive leadership but will not refuse to criticize if the feeling persist that Civil Rights is not on the agenda for months to come.

May God give you the strength and the energy to accomplish your most difficult task.

Respectfully yours,  
Jackie Robinson<sup>3</sup>

### 4. THE WHITE HOUSE SPECIAL MESSAGE ON CIVIL RIGHTS TO THE CONGRESS OF THE UNITED STATES (FEBRUARY 28, 1963)

PRESIDENT JOHN F. KENNEDY

The Negro baby born in America today—regardless of the section or state in which he is born—has about one-half as much chance of completing high

school as a white baby born in the same place on the same day—one-third as much chance of completing college—one-third as much chance of becoming a

professional man—twice as much chance of becoming unemployed—about one-seventh as much chance of earning \$10,000 per year—a life expectancy which is seven years less—and the prospects of earning only half as much.

No American who believes in the basic truth that "all men are created equal, that they are endowed by their Creator with certain unalienable Rights," can fully excuse, explain or defend the picture these statistics portray. Race discrimination hampers our economic growth by preventing the maximum development and utilization of our manpower. It hampers our world leadership by contradicting at home the message we preach abroad. It mars the atmosphere of a united and classless society in which this Nation rose to greatness. It increases the costs of public welfare, crime, delinquency and disorder. Above all, it is wrong.

Therefore, let it be clear, in our own hearts and minds, that it is not merely because of the Cold War, and not merely because of the economic waste of discrimination, that we are committed to achieving true equality of opportunity. The basic reason is because it is right.

The cruel disease of discrimination knows no sectional or state boundaries. The continuing attack on this problem must be equally broad. It must be both private and public—it must be conducted at national, state and local levels—and it must include both legislative and executive action.

In the last two years, more progress has been made in securing the civil rights of all Americans than in any comparable period in our history. Progress has been made—through executive action, litigation, persuasion and private initiative—in achieving and protecting equality of opportunity in education, voting, transportation, employment, housing, government, and the enjoyment of public accommodations.

But pride in our progress must not give way to relaxation of our effort. Nor does progress in the Executive Branch enable the Legislative Branch to escape its own obligations. On the contrary, it is in the light of this nationwide progress, and in the belief that Congress will wish once again to meet its responsibilities in this matter, that I stress in the following agenda of existing and prospective action important legislative as well as administrative measures.

The right to vote in a free American election is the most powerful and precious right in the world—and it must not be denied on the ground of race or

color. It is a potent key to achieving other rights of citizenship. For American history—both recent and past—clearly reveals that the power of the ballot has enabled those who achieve it to win other achievements as well, to gain a full voice in the affairs of their state and nations and to see their interests represented in the governmental bodies which affect their future. In a free society, those with the power to govern are necessarily responsive to those with the right to vote.

In enacting the 1957 and 1960 Civil Rights Acts, Congress provided the Department of Justice with basic tools for protecting the right to vote—and this Administration has not hesitated to use those tools. Legal action is brought only after voluntary efforts fail—and, in scores of instances, local officials, at the request of the Department of Justice, have voluntarily made voting records available or abandoned discriminatory registration, discriminatory voting practices or segregated balloting. Where voluntary local compliance has not been forthcoming, the Department of Justice has approximately quadrupled the previous level of its legal effort—investigating coercion, inspecting records, initiating lawsuits, enjoining intimidation, and taking whatever follow-up action is necessary to forbid further interference or discrimination. As a result, thousands of Negro citizens are registering and voting for the first time—many of them in counties where no Negro had ever voted before. *The Department of Justice will continue to take whatever action is required to secure the right to vote for all Americans.*

Experience has shown, however, that these highly useful Acts . . . suffer from two major defects. One is the usual long and difficult delay which occurs between the filing of a lawsuit and its ultimate conclusion. In one recent case, for example, nineteen months elapsed between the filing of the suit and the judgment of the court. In another, an action brought in July 1961 has not yet come to trial. The legal maxim "Justice delayed is Justice denied" is dramatically applicable in these cases.

Too often those who attempt to assert their Constitutional rights are intimidated. Prospective registrants are fired. Registration workers are arrested. In some instances, churches in which registration meetings are held have been burned. In one case where Negro tenant farmers chose to exercise their right to vote, it was necessary for the Justice Department to seek injunctions to halt their eviction and for the Department of Agriculture to help feed them from surplus stocks.

Under these circumstances, continued delay in the granting of the franchise—particularly in counties where there is mass racial disfranchisement—permits the intent of the Congress to be openly flouted.

Federal executive action in such cases—no matter how speedy and how drastic—can never fully correct such abuses of power. It is necessary instead to free the forces of our democratic system within these areas by promptly insuring the franchise to all citizens, making it possible for their elected officials to be truly responsive to all their constituents.

The second and somewhat overlapping gap in these statutes is their failure to deal specifically with the most common forms of abuse of discretion on the part of local election officials who do not treat all applicants uniformly.

Objections were raised last year to the proposed literacy test bill, which attempted to speed up the

enforcement of the right to vote by removing one important area of discretion from registration officials who used that discretion to exclude Negroes. Preventing that bill from coming to a vote did not make any less real the prevalence in many counties of the use of literacy and other voter qualification tests to discriminate against prospective Negro voters, contrary to the requirements of the 14<sup>th</sup> and 15<sup>th</sup> Amendments, and adding to the delays and difficulties encountered in securing the franchise for those denied it.

An indication of the magnitude of the overall problem, as well as the need for speedy action, is a recent five-state survey disclosing over 200 counties in which fewer than 15% of the Negroes of voting age are registered to vote. This cannot continue. I am, therefore, recommending legislation to deal with this problem of judicial delay and administrative abuse. . . .<sup>4</sup>



Image 13.3: Jackie Robinson and son at March on Washington, 1963

Source: Records of the U.S. Information Agency, Record Group 306, National Archives, Identifier 542024.

## INTRODUCTION TO DOCUMENTS 5, 6, AND 7

John F. Kennedy was assassinated November 22, 1963. Three months later, the House of Representatives passed the civil rights bill, and sent it to the Senate. The new president, Lyndon B. Johnson picked up Kennedy's torch, but he faced several powerful opponents in the Senate among southern Democrats. On March 18, 1964 CBS televised a debate between Minnesota Democratic Senator Hubert Humphrey and South Carolina Democrat Strom Thurmond, the latter a longstanding defender of southern segregation and states' rights. Senators Humphrey and Thurmond had clashed publicly fifteen years earlier, back in 1948, when the young Minnesotan led the charge for a strong civil rights plank in the Democratic Party platform, and Thurmond and other southern politicians walked out and formed the States Rights Party. Thurmond ran at the top of the "Dixiecrat" ticket that year, and won thirty-nine electoral votes, from the states of Alabama, Mississippi, Louisiana, and South Carolina. Document 5 is excerpted from a transcript of the 1964 debate. Though both men were Democrats now, the prospect of federal jurisdiction over civil rights divided them. Southern senators sympathetic to Thurmond's position attempted a filibuster to halt the bill's progress. This division over civil rights led southern politicians and many white voters to end their allegiance to the Democratic Party, which stretched back to the American Civil War.

The civil rights bill became law when supportive Democrats were aided by sympathetic Republicans in ending the southern Democratic filibuster. Just before the Senate voted on the legislation, Georgia Democrat Senator Richard Russell—a close confidant of Lyndon Johnson but ardent opponent of the legislation—reiterated southern concerns about the bill (Document 6). When Russell spoke, the filibuster had gone on for fifty-seven days. Finally, with a few key changes in the legislation, Senate Minority Leader Everett Dirksen and two other Republicans threw their support behind the civil rights bill, ending the two-month talking marathon. Document 7 is Dirksen's address to the Senate.

### 5. TELEVISED DEBATE BETWEEN HUBERT HUMPHREY (D-MN) AND STROM THURMOND (D-SC), MARCH 18, 1964

ERIC Sevareid [moderator]: The U.S. Senate has been debating a motion to take up the civil rights bill and . . . when it does, debate on the merits of the bill developing into a filibuster will begin. Now, Senate rules allow a Senator to talk as long as he wants to, or he's able to, on any question at issue. And when several Senators try to talk

a bill to death the resulting filibuster can go on for days, weeks, or even months. For decades Southerners have used the filibuster successfully to defeat or at least to water down civil rights bills. Tonight 19 Southern Senators are ready to try that again. One of them is Senator Strom Thurmond, of South Carolina. Leading

the opposition to them is Senator Hubert H. Humphrey, of Minnesota. . . .

SENATOR Humphrey: . . . We know that fellow Americans who happen to be Negro have been denied equal access to places of public accommodation—denied in their travels the chance for a place to rest, and to eat, and to relax. We know that one-decade after the Supreme Court's decision declaring school segregation to be unconstitutional that less than 2 percent of the southern school districts are desegregated. And we know that Negroes do not enjoy equal employment opportunities. . . . The time has come for us to correct these evils—and the civil rights bill before the Senate is designed for the purpose. It is moderate—it is reasonable—it is well-designed. It was passed by the House 290 to 130. It is bipartisan.

SENATOR Thurmond: . . . This bill, in order to bestow preferential rights on a favored few who vote en bloc, would sacrifice the constitutional rights of every citizen and would concentrate in the National Government arbitrary powers, unchained by laws, to suppress the liberty of all. This bill makes a shambles of constitutional guarantees and the Bill of Rights. . . . It empowers the National Government to tell each citizen who must be allowed to enter upon and use his property without any compensation or due process of law as guaranteed by the Constitution. This bill would take away the rights of individuals and give to government the power to decide who is to be hired, fired and promoted in private businesses. . . . It is because of these and other radical departures from our constitutional system that the attempt is being made to railroad this bill through Congress without following normal procedures. It was only after lawless riots and demonstrations sprang up all over the country that the administration, after 2 years in office, sent this bill to Congress, where it has been made even worse. This bill is intended to increase—to appease those waging a vicious campaign of civil disobedience. The leaders of the demonstrations have already stated that the passage of the bill will not stop the mobs. Submitting to intimidation will only encourage further mob violence and to gain preferential treatment. . . . The choice is between law and anarchy. . . .

MR. Sevareid [moderator] . . . Let's [talk about] the public accommodations section of the civil rights bill. . . . This section, if passed, would forbid racial discrimination in hotels and motels, restaurants, theaters and similar places all over the country. . . .

SENATOR Thurmond: This title is entirely a misnomer. It's not public accommodations, it's invasion of private property. This will lead to integration of private life. . . . Under our Constitution a man has a right to use his own private property as he sees fit. The mayor of Salisbury, Md., said that if they had had a law on the books, as we're trying to pass here now, they would not have been able to have desegregated their business. Now, he says they were able to get the business people to do it voluntarily. You can't do some things by law. Some things have got to come in the hearts and minds of people. And we musn't think that we can regiment and control and regulate the lives of people. After all we have a Constitution that guarantees freedom, and we must observe that Constitution, and we don't want to require people to live in involuntary servitude. And I think it is involuntary servitude for a woman of one race to have to give a massage to a woman of another race if she doesn't want to do it.

SENATOR Humphrey: May I say, my friend, most respectfully, that many people that have private property do not have full rights to do what they want to do. If you operate . . . a bar, you don't have the right to have juveniles in it. If you operate a restaurant, you don't have a right to have unsanitary conditions . . . I would add this: How is it that this Nation can call upon our colored people . . . to help win us the Olympic contests, to help win our wars, to pay taxes, to do everything that a citizen of this country is required to do, but when he wants to come to a hotel and have a night's rest, he's told that he can't come because he's colored.

SENATOR Thurmond: To persons in such a State as Minnesota, it may seem feasible to accomplish total integration of the races. In Minnesota, there are only 7 Negroes per 1,000 persons. It is an entirely different matter, however, where there are 250 to 400 Negroes per 1,000 persons. . . . We have not even mentioned the powers of

the Attorney General to bring suits in the field of education. President Johnson led a successful fight in the Senate in 1957 and in 1960 to reject this provision because it was so extreme and unwarranted. Nor have we had time to mention the section which attempts to override the constitutionally reserved right of each State to determine the qualifications of voters. No bill is a civil rights bill if it takes away basic liberties and constitutional rights and guarantees, and replaces them with arbitrary Government powers. . . .

SENATOR Humphrey: . . . The purpose of this bill is to close a citizen gap in this country that has existed

far too long. America has been weakened because we haven't given full opportunity to all of our people and the purpose of this bill is to try to lay down a legal framework within which we can work out our problems peacefully and honorably through law, through courts, rather than through violence and through demonstrations. I happen to believe that the issue before us is the great moral issue of our time and I don't think we can avoid it. . . . I cannot believe that 290 Members of the House of Representatives, 152 Democrats and 138 Republicans, would have voted for this bill if it was as evil as it has been described by my opponent here tonight. . . .<sup>5</sup>

## 6. SPEECH AGAINST THE CIVIL RIGHTS BILL, (JUNE 18, 1964)

SENATOR RICHARD RUSSELL (D-GA)

Mr. President, the moving finger is writing the final act of the longest debate and the greatest tragedy ever played out in the Senate of the United States. Within a short time, the battle that began on this floor on March 9 will be concluded with the passage of H.R. 7152-a bill bearing the attractive but false title of the Civil Rights Act of 1964.

. . . History may well record this as the last sustained fight to keep inviolate the federal system with its division of powers between the States and the Central Government, and the delicate system of checks and balances between the three branches of our National Government that have been dependent upon respect shown by each branch for the doctrine of the separation of powers between the three equal but coordinate branches. All of the eloquence that has been poured out here in this Chamber this afternoon in behalf of the bill will apply to any piece of proposed legislation that may be brought forward to use the Federal power to enforce absolute conformity of thought and action by every one of our citizens.

. . . I am proud to have been a member of that small group of determined Senators that since the 9th of

March has given the last particle of ability and the last iota of physical strength in the effort to hold back the overwhelming combination of forces supporting this bill until its manifold evils could be laid bare before the people of the country. The depth of our conviction is evidenced by the intensity of our opposition. There is little room for honorable men to compromise where the inalienable rights of future generations are at stake. No group of men could have worked harder in a nobler cause. Undismayed and unintimidated by forces marshaling incomparably greater strength than available to us, we have fought the good fight until we were overwhelmed and gagged.

. . . The fact that the great metropolitan press, the radio and television, and other media of communicating news and formulating public opinion strongly support the bill made it all but impossible for us to get our case before the country. They magnified all that was said or done in the emotional appeals for support of the legislation and minimized or omitted the arguments as to its dangers. . . .

It opens up an area of political persecution that is wider than has ever existed before. This bill is not

only the greatest delegation of power and authority by the legislative branch to the executive ever seen; it represents an admission of inadequacy and an abdication of responsibility by the national legislature which to all intents and purposes amounts to surrender of any claim to equality with the other two branches of the Government. It is an abandonment by the legislative branch of any defense whatever of the principal doctrine of separation of powers.

This bill would empower the executive branch to reach the long arm of regulation and intimidation into labor unions, business, commerce and industry in many areas into which the Federal power has not heretofore been permitted to intrude.

It places onerous requirements upon all people undertaking to earn a living in the way of reports and recordkeeping, and requires almost weekly obeisance to some bureaucrat in Washington. All of this falls upon the once free enterprise system that is the genesis of our greatness.

It bestows greater powers upon the Attorney General to invade and control the private lives of the

American people than has ever been exercised by any other individual in our free system.

It so greatly enlarges the powers of the Federal Government over affairs that, under our constitutional concept, have been the sole concern of States and local governments as to make those governments mere puppets of the gigantic bureaucracy which this legislation strengthens and enlarges.

The bill is a drastic infringement by the Federal Government upon the basic human rights of every American citizen of every race to own and control property honestly gained as well as to be selective in choosing those with whom he wishes to associate.

... In all of the sanctimony about protecting the rights of minorities, let us understand fully that the bill is aimed at what has become the most despised and mistreated minority in the country—namely, the white people of the Southern States.

... Until we were gagged, we made no secret of the fact that we were undertaking to speak in detail and at length in an effort to get the message across to the American people.<sup>6</sup>

## 7. SPEECH IN SUPPORT OF CLOTURE AND THE CIVIL RIGHTS BILL (JUNE 1964)

SENATOR EVERETT DIRKSEN (R-IL)

... Since the act of 1875 on public accommodations and the Supreme Court decision of 1883 which struck it down, America has changed. The population then was 45 million. Today it is 190 million. In the Pledge of Allegiance to the Flag we intone, "One nation, under God." And so it is. It is an integrated nation. Air, rail, and highway transportation make it so. A common language makes it so. A tax pattern which applies equally to white and nonwhite makes it so. Literacy makes it so. The mobility provided by eighty million autos makes it so. The accommodations laws in thirty-four states and the District of Columbia makes it so. The fair employment practice laws in

thirty states make it so. Yes, our land has changed since the Supreme Court decision of 1883.

... For many years, each political party has given major consideration to a civil rights plank in its platform. Go back and reexamine our pledges to the country as we sought the suffrage of the people and for a grant of authority to manage and direct their affairs. Were these pledges so much campaign stuff or did we mean it? Were these promises on civil rights but idle words for vote-getting purposes or were they a covenant meant to be kept?

... When the New York legislature placed a limit of ten hours per day and six days per week upon the

bakery workers in that State, this act was struck down by the U.S. Supreme Court. But in due time came the eight-hour day and the forty-hour week and how broadly accepted this concept is today. Its time had come. More than sixty years ago, [Senator Robert] La Follette thundered against the election of U.S. senators by the state legislatures. The cry was to get back to the people and to first principles. On this Senate floor, senators sneered at his efforts and even left the chamber to show their contempt. But fifty years ago, the Constitution was amended to provide for the direct election of senators. Its time had come. Ninety-five years ago came the first endeavor to remove the limitation on sex in the exercise of the franchise. The comments made in those early days sound unbelievably ludicrous. But on and

on went the effort and became the Nineteenth Amendment to the Constitution. Its time had come.

... These are but some of the things touching closely the affairs of the people which were met with stout resistance, with shrill and strident cries of radicalism, with strained legalisms, with anguished entreaties that the foundations of the Republic were being rocked. But an inexorable moral force which operates in the domain of human affairs swept these efforts aside and today they are accepted as parts of the social, economic and political fabric of America.

... I appeal to all senators. We are confronted with a moral issue. Today let us not be found wanting in whatever it takes by way of moral and spiritual substance to face up to the issue and to vote cloture.<sup>7</sup>

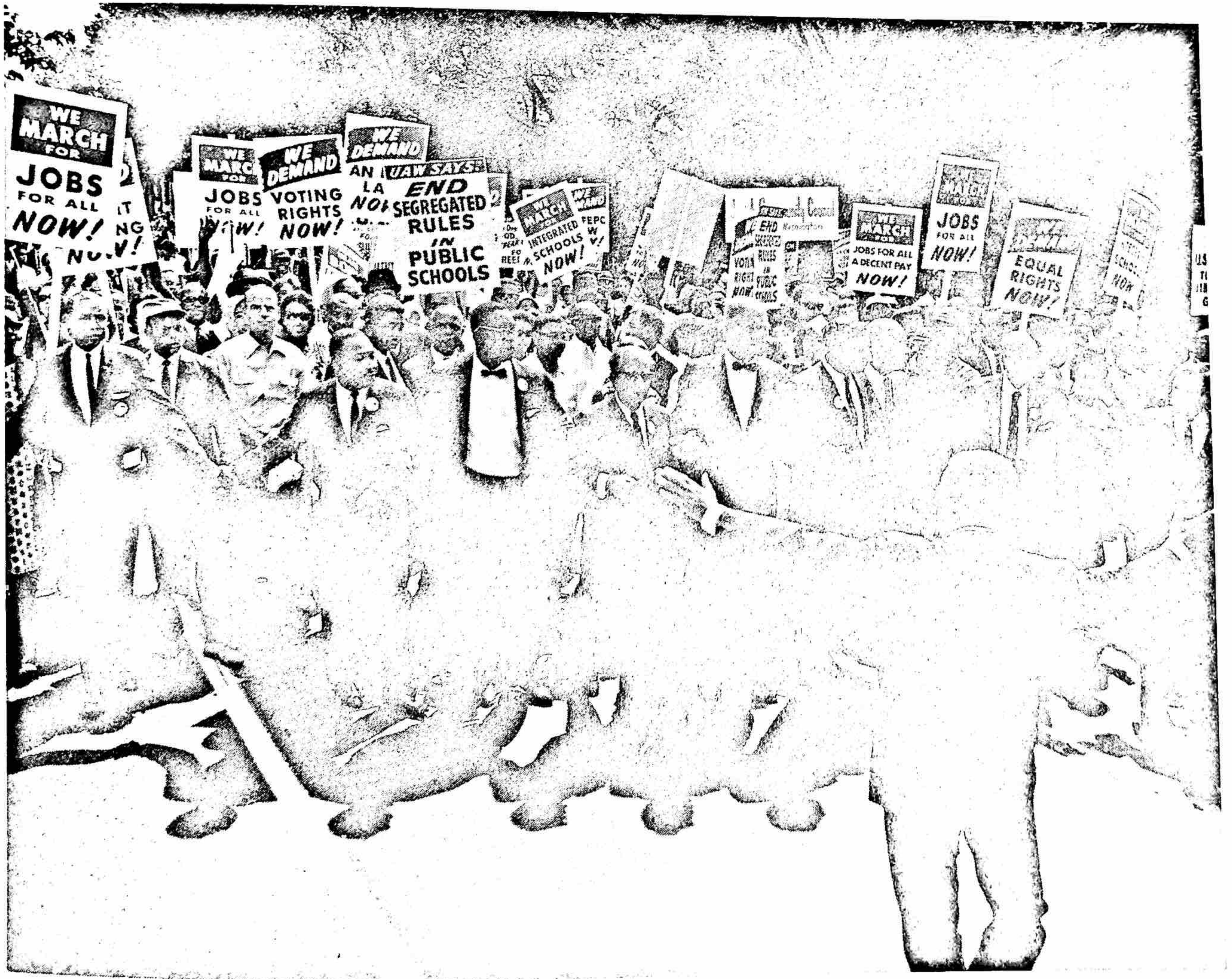


Image 13.4: Leaders of the March on Washington, August 1963

One year after the March on Washington, Congress passed the Civil Rights Act, a direct result of the decades of pressure brought to bear on the federal government. Note how the placards call not just for voting rights and desegregation of schools, but for jobs.

Source: U.S. Information Agency, Record Group 306, National Archives, Identifier 542002.

## INTRODUCTION TO DOCUMENTS 8 AND 9

The Senate passed the Civil Rights Act of 1964 on June 19, 1964, and President Johnson signed the bill into law on July 2. It was by far the most comprehensive and forceful civil rights legislation ever to pass Congress. Document 8 provides highlights from the new law, and Document 9 is excerpted from President Lyndon Johnson's address to the nation.

# 8. THE CIVIL RIGHTS ACT OF 1964

**A**n Act To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

### TITLE I—VOTING RIGHTS

... No person acting under color of law shall ... in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote. ...

### TITLE II—INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

... All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation, as defined in this section,

without discrimination or segregation on the ground of race, color, religion, or national origin. ...

### TITLE III—DESEGREGATION OF PUBLIC FACILITIES

... Whenever the Attorney General receives a complaint in writing signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof ... the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. ...

### TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

"Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome

racial imbalance. . . . "Public school" means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary school level. . . .

#### TITLE V—COMMISSION ON CIVIL RIGHTS

The Commission shall—

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based; (2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion or national origin or in the administration of justice; (3) appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion or national origin or in the administration of justice. . . .

#### TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

. . . No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. . . .

#### TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

. . . It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin. . . .<sup>8</sup>

## 9. PRESIDENT LYNDON B. JOHNSON ADDRESSES THE NATION (JULY 2, 1964)

. . . This is a proud triumph. Yet those who founded our country knew that freedom would be secure only if each generation fought to renew and enlarge its meaning. From the minutemen at Concord to the soldiers in Viet-Nam, each generation has been equal to that trust.

Americans of every race and color have died in battle to protect our freedom. Americans of every race and color have worked to build a nation of widening opportunities. Now our generation of Americans has

been called on to continue the unending search for justice within our own borders.

. . . The reasons are deeply imbedded in history and tradition and the nature of man. We can understand—without rancor or hatred—how this all happened.

But it cannot continue. Our Constitution, the foundation of our Republic, forbids it. The principles of our freedom forbid it. Morality forbids it. And the law I will sign tonight forbids it.

That law is the product of months of the most careful debate and discussion. It was proposed more than one year ago by our late and beloved President John F. Kennedy. It received the bipartisan support of more than two-thirds of the Members of both the House and the Senate. An overwhelming majority of Republicans as well as Democrats voted for it.

It has received the thoughtful support of tens of thousands of civic and religious leaders in all parts of this Nation. And it is supported by the great majority of the American people.

The purpose of the law is simple.

It does not restrict the freedom of any American, so long as he respects the rights of others. It does not give special treatment to any citizen.

It does say the only limit to a man's hope for happiness, and for the future of his children, shall be his own ability.

It does say that there are those who are equal before God shall now also be equal in the polling booths, in the classrooms, in the factories, and in

hotels, restaurants, movie theaters, and other places that provide service to the public. . . .

We must not approach the observance and enforcement of this law in a vengeful spirit. Its purpose is not to punish. Its purpose is not to divide, but to end divisions—divisions which have all lasted too long. Its purpose is national, not regional.

Its purpose is to promote a more abiding commitment to freedom, a more constant pursuit of justice, and a deeper respect for human dignity.

We will achieve these goals because most Americans are law-abiding citizens who want to do what is right.

This is why the Civil Rights Act relies first on voluntary compliance, then on the efforts of local communities and States to secure the rights of citizens. It provides for the national authority to step in only when others cannot or will not do the job.

This Civil Rights Act is a challenge to all of us to go to work in our communities and our States, in our homes and in our hearts, to eliminate the last vestiges of injustice in our beloved country.<sup>9</sup>

## INTRODUCTION TO DOCUMENTS 10, 11, AND 12

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The Civil Rights Act forbade many of the practices that kept African Americans from voting in the South such as poll taxes that made it prohibitive to cast a ballot and literacy tests that often contained arcane or bizarre questions. But the new law was light on enforcement mechanisms, prompting southern blacks to continue organizing for the ballot. Mississippi Freedom Summer, 1964, was designed to educate black citizens about politics and help them register to vote. Mississippi was long considered the most recalcitrant southern state, with the ugliest history of lynching. The following documents explain the strategy and rationale for Freedom Summer. Document 10 is from a pamphlet distributed by SNCC in the spring of 1964. It details the conditions of voting rights for blacks in Mississippi. Document 11 is an undated (probably early 1964) summary of SNCC's plans for the Freedom Summer and the reasons for the project. The document is too long to reprint in its entirety; what is left out here goes into great detail about the need to establish "freedom schools," designed to educate black youth in basic literacy skills, and to identify potential young leaders to strengthen the future of the civil rights movement. Document 12 is a memorandum from Robert Moses to the "Friends of Freedom in Mississippi." Moses was head of the Conference of Federated Organizations (COFO), an umbrella group established specifically for Freedom Summer. His memo asks movement leaders to write to President Lyndon Johnson urging protection for civil rights workers. Documents 11 and 12 were circulated among organizers of the movement; they were not for public consumption.

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## 10. SNCC PAMPHLET ON VOTING RIGHTS (1964)

**F**or the first time in United States history colored citizens are organizing across an entire state to overthrow white supremacy. In Mississippi national and local civil rights, civic and church organizations, through the Council of Federated Organizations, are pulling together for the right to demand changes in the Mississippi Way of Life.

At the same time there are whites throughout the state organizing to crush the movement for change. The dominant white supremacy group is known as the White Citizens' Councils, organized by Mississippi's "leading" citizens in 1954 to combat colored voting rights and resist the Supreme Court school decision that same year.

The Citizens' Councils now maintain a firm stranglehold on the governorship, the state legislature and the federal and state courts. They control local and state education throughout most of the state, and dominate the economic base and activity in the state. . . .

In 1890 there were many more colored citizens than white citizens who were eligible to become qualified electors in Mississippi. Therefore, in that year a Mississippi Constitutional Convention was held to adopt a new State Constitution.

Section 244 of the new Constitution required a new registration of voters starting January 1, 1892. This section also established a new requirement for qualification as a registered voter: a person had to be able to read any section of the Mississippi Constitution, or understand any section when read to him, or give a reasonable interpretation of any section. . . .

Under the new registration the balance of voting power shifted. By 1899 approximately 122,000 (82 percent) of the white males of voting age were registered. But only 18,000 (9 percent) of the colored males qualified. Since 1899 a substantial majority of whites of voting age have become registered voters. But the percentage of colored registered voters declined. . . .

On April 22, 1954, the State Legislature again passed a resolution to amend Section 244. This time however, several new qualifications were included in the proposal.

**FIRST**, that a person must be able to read and write any section of the Mississippi Constitution; and give a reasonable interpretation of the Constitution to the county registrar.

**SECOND**, a person must be able to demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government.

**THIRD**, that a person must make a sworn written application for registration on a form which would be prescribed by the State Board of Election Commissioners.

**FOURTH**, that all persons who were registered before January 1, 1954, were expressly exempted from the new requirements. . . .

The burden of the new requirements had to fall on colored citizens because a substantial majority of whites were already registered and therefore exempted from the amendment. Most would still have to apply for registration and therefore have to fulfill the new requirements. In 1954 at least 450,000 (63 percent) of the voting-age whites were registered.

Approximately 22,000 (five percent) of the voting-age colored citizens were registered. With 95 percent of the 472,000 eligible voters white, the proposed amendment to Section 244 was adopted on November 2, 1954. . . .

Without the right to register and vote we cannot take part in any phases of Mississippi's form of republican government.

What recourse do the white supremacists leave Mississippi colored citizens, if they cannot voice their opinions at the polls?<sup>10</sup>

## 11. PROSPECTUS FOR THE MISSISSIPPI FREEDOM SUMMER (c. 1964)

SNCC

... Since 1964 is an election year, the clear-cut issue of voting rights should be brought out in the open. Many SNCC and CORE workers in Mississippi hold the view that Negroes will never vote in large numbers until Federal marshals intervene. At any rate, many Americans must be made to realize that the voting rights they so often take for granted involve considerable risk for Negroes in the South. In the larger context of the national civil rights movement, enough progress has been made during the last year that there can be no turning back. Major victories in Mississippi, recognized as the stronghold of racial intolerance in the South, would speed immeasurably the breaking down of legal and social discrimination in both North and South. . . .

This summer's work in Mississippi is sponsored by COFO, the Council of Federated Organizations, which includes the Student Nonviolent Coordinating Committee (SNCC), the Southern Christian Leadership Conference (SCLC), the Congress of Racial Equality (CORE), and the NAACP, as well as Mississippi community groups. Within the state COFO has made

extensive preparations since mid-January to develop structured programs which will put to creative use the talents and energies of the hundreds of expected summer volunteers. . . .

Voter registration workers will be involved in an intensive summer drive to encourage as many Negroes as possible to register. They will participate in COFO's Freedom Registration, launched in early February, to register over 400,000 Negroes on Freedom Registration books. These books will be set up in local Negro establishments and will have simplified standards of registration (the literacy test and the requirement demanding an interpretation of a section of the Mississippi Constitution will be eliminated). Freedom Registration books will serve as the basis of a challenge of the official books of the state and the validity of "official" elections this fall. Finally, registration workers will assist in the campaigns of Freedom candidates who are expected to run for seats in all five of the State's congressional districts and for the seat of Senator John Stennis, who is up for re-election. . . .<sup>11</sup>

## 12. MEMO TO "FRIENDS OF FREEDOM IN MISSISSIPPI" (1964)

BOB MOSES

RE: MISSISSIPPI FREEDOM SUMMER

Dear Sirs:<sup>12</sup>

I am writing on request of the Executive Committee of the Student Nonviolent Coordinating Committee

and in my function as Program Director of the Council of Federated Organizations (COFO).

You are all aware of the summer program COFO is sponsoring in Mississippi this summer. We expect to field over two thousand workers in

Freedom schools, community centers, voter registration drives in every county, and projects in selected white communities. We anticipate up to one thousand volunteers from across the country to join us in this program, including ministers, teachers, lawyers and students.

We have learned through bitter experience in the past three years that the judicial, legislative and executive bodies of Mississippi form a wall of absolute resistance to granting civil rights to Negroes. It is our conviction that only a massive effort by the country backed by the full power of the President can offer some hope for even minimal change in Mississippi.

We have already been accused of launching this project to incite violence and chaos in Mississippi this summer. We have two answers to this charge. For one, violence is prevalent throughout the state; at least six Negroes have been killed by whites in the past three months. And, more important, the responsibility for maintaining law and guaranteeing, at the same time, the right to peaceful protest, must rest, in the final analysis, in the case of Mississippi, with the President of the United States.

The President must be made to understand that this responsibility rests with him, and him alone, and that neither he nor the American people can afford to jeopardize the lives of the people who will be

working in Mississippi this summer by failing to take the necessary precautions before the summer begins.

We are writing this letter now to you, to join together as the "Friends of Freedom in Mississippi" to seek a meeting with President Johnson to ask him to do the following things to insure peaceful change in Mississippi this summer.

President Johnson should:

1. Meet in early May with Governor Johnson of Mississippi and extract from Governor Johnson the pledge that he will call together all state and local law enforcement leaders and lay down certain ground rules for the summer. Under these rules the following activities will not only be permitted, but will be protected: peaceful orderly picketing; voter registration; orderly distribution of leaflets; peaceful assembly; freedom of interracial groups to live in the Negro communities and to move around the state without molestation.
2. President Johnson will inform the governor that these are clearly established constitutional rights which the federal government has the responsibility to protect, and that if the governor will not do this, the federal government will. . . .
3. President Johnson should pledge to the committee in advance that he will take these actions if the governor refuses. . . .<sup>13</sup>

## INTRODUCTION TO DOCUMENTS 13-16

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Nonviolent direct action meant peaceful protest, but everyone involved knew that demonstrations were likely to provoke strong reactions from local authorities. Peaceful, dignified marchers confronting a wall of heavily armed police was dramatic enough. But repeatedly, "peace" officers resorted to clubs, tear gas, water cannons, and mass arrests. One of the most dramatic moments in the civil rights movement came in Selma, Alabama, March 7, 1965. Over 500 people began a march in support of voting rights from Selma to Montgomery. When they crossed the Edmund Pettus Bridge into Dallas County, a phalanx of state troopers and deputy sheriffs began an attack, first shoving demonstrators and then knocking them down and beating them with nightsticks. Newspaper headlines and television footage stirred public outrage. Seventeen people were hospitalized, including SNCC leader John Lewis, who years later became a congressman from Georgia. Document 13 is Lewis's statement to the FBI. Document 14 is an angry letter from a private citizen to the head

of the FBI, J. Edgar Hoover. Another private citizen was inspired to describe his opposition to the voting rights bill to Congressman Emmanuel Celler of New York, Chairman of the House Judiciary Committee (Document 15). Document 16 is excerpted from the Voting Rights Act of 1965.

### 13. STATEMENT OF JOHN LEWIS TO THE FBI

Selma, Ala.

March 8, 1965

I, John Robert Lewis, furnish the following signed statement to John H. Lupton and Daniel D. Doyle who have identified themselves as Special Agents of the Federal Bureau of Investigation. I understand that this statement is being taken in connection with an official investigation and might be used in court.

I am twenty-five years of age and reside at 8 ½ Raymond St., Atlanta, Ga. I am National Chairman of Student Nonviolent Coordinating Committee.

On the afternoon of March 7, 1965, I was a leader in a march which was intended to proceed from Selma, Ala. Brown \_\_\_ Chapel Church to Montgomery, Ala. I was at the head of the march together with Hosea Williams, an S.C.L.C. Official.

As we approached a point on Highway 80E near the Glass House Restaurant, we were stopped by a row of Alabama State Troopers who were across the highway. A trooper with a megaphone ordered the marchers to disperse or go back to the church. When we stood fast,

the troopers moved towards us with night sticks, first pushing us and immediately thereafter charging into the crowd of marchers swinging the night sticks.

I was hit with a night stick and fell to my knees. When I attempted to get up I was struck a second time in the head with a night stick by the same trooper.

At that point, I was engulfed in tear gas which was exploded by the troopers, and I vomited.

To escape the gas I ran to the east of the highway toward the woods. I then proceeded on foot back to Brown\_\_\_ Chapel Church.

Shortly, thereafter, while addressing a group of marchers at the church, I began to feel severe pain in my head. I therefore, went next door to the church parsonage where I awaited an ambulance which subsequently took me to the Good Samaritan Hospital in Selma.

At no time during the above described incident did I assault or in any way interfere with a law enforcement officer.

I have read the four page statement [sic], and it is true and correct.<sup>14</sup>

### 14. LETTER FROM ASSONET, MASSACHUSETTS, TO J. EDGAR HOOVER (MARCH 13, 1965)

I would like to hear from you by public press as to whether or not you agree with your F.B.I. agent, Mr. James M. Barbo of Mobile, Ala. that you think the State Troopers acted in the interest of public safety by *tear gassing* Negro marchers last Sunday at Selma, Ala.

I saw a picture on TV of a scene last Sunday night in which men in the uniform of peace officers mounted and deputized officers of sheriffs that trampled, clubbed, bullwhipped and gas bombed prostrate Negroes and their friends, and including

women and children because they were trying to exercise their constitutional rights.

It was the most monstrous, brutal thing I've ever seen.

Please also give us some data on Mr. Barbo . . .

I think he should be fired immediately.

I think that as a citizen of the U.S. I have a right to ask this. For the record, I am white, Anglo-Saxon and Christian and old. . . .

Yours truly, (Mrs.) A.P.G.<sup>15</sup>

## 15. LETTER FROM REGO PARK, NEW YORK, TO CONGRESSMAN EMMANUEL CELLER (JULY 9, 1965)

**W**hy do you advocate no literacy tests as a qualification for voting? Is your district so saturated with illiterates that you fear the loss of your seat in Congress at voting time?

Literacy *and good* knowledge of English is required of foreigners immigrating to the United States and seeking their citizenship papers. What's the difference? Why discriminate against this group?

Besides this, how can anyone be sure that unscrupulous politicians won't direct illiterates how to

vote—for their own [sake?] by advising them which line to pull the indicators on voting machines or which name to make an "X" alongside on paper ballots of they have no knowledge.

You are taking this too far—I'd appreciate an *answer* to my *questions*.

Mr. C.E.G.<sup>16</sup>

## 16. THE VOTING RIGHTS ACT OF 1965

### AN ACT TO ENFORCE THE FIFTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES. . . .

No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color. . . .

Wherever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize appoint of

Federal examiners by the United States Civil Service Commission. . . .

If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary. . . .

... The Civil Service may assign, at the request of the attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place holding an election . . . and (2) to enter and attend at any place for tabulating the votes cast at any election . . . for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. . . .

The Congress finds that the requirement of the payment of a poll tax as a precondition to voting

(i) precludes persons of limited means from voting . . .  
 (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and  
 (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition of voting. . . .

Approved June 6, 1965<sup>17</sup>

### POSTSCRIPT

The Civil Rights and Voting Rights Acts are considered the high-water marks of the Freedom Struggle. Just as the Fifteenth Amendment enfranchised the freed slaves, the Voting Rights Act gave the ballot back to African Americans. Yet such gains were fragile. In 2013, the U.S. Supreme Court struck down an essential element of the Act, federal oversight of states that failed to enforce the law. In *Shelby County v. Holder*, the majority ruled that given the progress made in the southern states in the half century since the Voting Rights Act passed in 1965, this section of the law was no longer necessary. The decision opened the way for new franchise restrictions, such as voter identification laws in South Carolina and gerrymandering in Texas that diluted the ballot box power of Latino and black citizens. A federal court in 2017 found Texas to be in violation of the Voting Rights Act, which still retained some of its power to limit voter disfranchisement.

### QUESTIONS

1. Why did the issue of civil rights divide Democrats such as Hubert Humphrey from Strom Thurmond and Richard Russell? Why did Thurmond and Russell characterize the civil rights bill as coercive for white southerners?
2. What techniques were used to keep African Americans from voting?
3. What was nonviolent direct action, and how effective was it in advancing civil rights? Was it necessary, in your view, to achieve the gains made in the 1950s and 1960s? Can you envision other techniques that might have also worked to encourage change?
4. Do you consider the civil rights movement a success? Where did it fall short?
5. Why do you think federal intervention in desegregation prompted such resistance in the southern states? Why did civil rights advocates depend so heavily on the federal government?
6. In evaluating the gains made in civil rights, how important was grassroots organizing relative to federal legislation and action?

### ADDITIONAL READING

One of the best general introductions to the civil rights movement is Harvard Sitkoff, *The Struggle for Black Equality, 1954–1980* (1981). Also see Juan Williams and Julian Bond, *Eyes on the Prize* (1988). Other important titles include Clayborne Carson, *In Struggle: SNCC and the Black Awakening of the 1960s* (1981); Doug McAdam, *Freedom Summer* (1988); Charles Marsh, *God's Long Summer*

(1997); Charles Payne, *I've Got the Light of Freedom* (1995); and John Dittmer's excellent *Local People* (1995). For good case studies of the movement, see William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom* (1980); Robert J. Norrell, *Reaping the Whirlwind: The Civil Rights Movement in Tuskegee* (1985); and James T. Patterson, *Brown versus The Board of Education* (2001). For King and his times, see Taylor Branch, *Parting the Waters* (1988), *Pillar of Fire* (1998), and *At Canann's Edge* (2006); and David Garrow, *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1964* (2015). For a moving oral history by those who participated, see Howell Raines, *My Soul Is Rested* (1977). On the movement after 1964, see William L. Van De Berg, *New Day in Babylon* (1993). For a dramatic account of a key moment, see Raymond Arsenault, *Freedom Riders* (2006). The best documentary remains PBS's *Eyes on the Prize: America's Civil Rights Years, 1954-1965* (1987).

#### ENDNOTES

1. *Hearings Regarding Communist Infiltration of Minority Groups*, 81st Congress, 1st Session. July 13, 14, and 18, 1949 (Washington, D.C.: Government Printing Office, 1949).
2. White House Central Files, 1953-1961, Dwight Eisenhower Library, Abilene, KS. National Archives Identifier 186627.
3. Jackie Robinson File, Harris L. Wofford Papers, John Kennedy Library.
4. *Public Papers of the Presidents of the United States: John Kennedy, January 1-November 22, 1963* (Washington, D.C.: U.S. Government Printing Office, 1964).
5. *Senate Congressional Record*, March 26, 1964, pp. 6428--6431.
6. *Senate Congressional Record*, June 18, 1964, pp. 14301-14303.
7. *Senate Congressional Record*, June 10, 1964, pp. 11319-13320.
8. The Civil Rights Act of 1964, Record Group 11, National Archives, Identifier 299891.
9. *Public Papers of the Presidents of the United States: Lyndon B. Johnson, 1963-1964* (Washington, D.C.: Government Printing Office, 1965), pp. 842-844.
10. Excerpted from *Baltimore Afro-American*, October 3, 1964. Reprinted courtesy of Afro-American Company of Baltimore City T/A, Afro-American Newspapers.
11. From the Records of the Southern Regional Council, Atlanta, GA, file labeled "1964."
12. The Friends of Freedom in Mississippi included Roy Wilkins, James Farmer, Martin Luther King Jr., James Forman, A. Philip Randolph, Bayard Rustin, John Lewis, Harry Belafonte, James Baldwin, Dick Gregory, Ossie Davis, Marlon Brando, Aaron Henry, Ed King, Robert Spike, Jessie Gray, Larry Landry, Clyde Ferguson, Noel Day, and Ella Baker.
13. From the Records of the Southern Regional Council, Atlanta, GA, file labeled "1964."
14. Statement of John Lewis, March 11, 1965, Classification 44 (Civil Rights) Headquarters Case Files, 1924, 1978, Records of the FBI, Record Group 65, National Archives.
15. Letter to J. Edgar Hoover with response, Classification 44 (Civil Rights) Headquarters Case Files, 1924-1978, Records of the FBI, Record Group 65, National Archives.
16. Records of the U.S. House of Representatives, Record Group 233, National Archives Identifier 595302.
17. "The Voting Rights Act of 1965," August 6, 1965; Record Group 11, National Archives.