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# Robert Kennedy's transformation concerning civil rights in America

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**ROBERT KENNEDY'S TRANSFORMATION CONCERNING  
CIVIL RIGHTS IN AMERICA**

**A Thesis**

**Presented to**

**The Faculty of the Department of History  
San Jose State University**

**In Partial Fulfillment**

**of the Requirements for the Degree  
Master of Arts**

**by**

**Christopher Hadley Brock**

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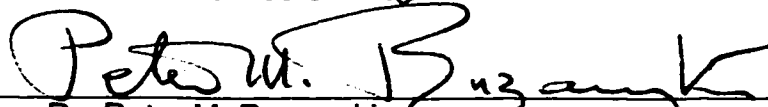
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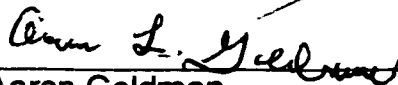
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## **ABSTRACT**

### **ROBERT KENNEDY'S TRANSFORMATION CONCERNING CIVIL RIGHTS IN AMERICA**

**by Christopher Hadley Brock**

**Robert Kennedy was a man who was transformed, from someone who exhibited practically no awareness or interest in the struggle of Black Americans for civil rights, to one of the most powerful and vocal white figures involved in the struggle for better lives for Blacks in America. This transformation began as he was faced directly with the problems of race, and grew exponentially with his awareness of the problems, and his ability to help solve them.**

**This thesis traces Kennedy's role as Attorney General where he followed the law to ensure integration at the Universities of Mississippi and Alabama. He later led the Kennedy administration in drafting and passing the Civil Rights Act of 1964. As senator from New York, Kennedy worked to improve the economic and social status of Black Americans through community empowerment in urban areas and nutritional assistance for the unemployed rural poor.**



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## CHAPTER 1

### FOLLOWING THE LAW

Robert Kennedy was a man who was transformed, from someone who exhibited practically no awareness or interest in the struggle of Black Americans for civil rights, to one of the most powerful and vocal white figures involved in the struggle for better lives for Blacks in America. This transformation began as he was faced directly with the problems of race, and grew exponentially with his awareness of the problems, and his ability to help solve them.

Prior to his appointment as Attorney General in 1961, there was little evidence that Kennedy recognized the severe problems that Blacks faced in America. Also, there was little to show that he acted consciously to further Black civil rights. During an interview in 1964, he admitted that he was unaware that Blacks often experienced more difficult lives than many Whites. "I don't think that it was a matter that we were extra concerned about as we were growing up. There wasn't any great problem. . . . You know, there was never any thought about the fact that there was anything different."<sup>1</sup> He looked at the less fortunate as encompassing all colors. Nevertheless, this lack of realization did not prevent Kennedy from acting when individual instances of injustice occurred.

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<sup>1</sup> Edwin O. Guthman and Jerry Shulman, eds., *Robert Kennedy in His Own Words: the Unpublished Recollections of the Kennedy Years* (New York: Bantam Books, 1988) , 66.

In 1947, while Kennedy was playing football at Harvard, the team was scheduled to play at the University of Virginia. Before the trip south, word came that Harvard's one black player would not be allowed to stay in the team hotel. Kennedy led the team in agreeing that they would cancel the game rather than stay in a segregated hotel in Virginia.<sup>2</sup>

While at the University of Virginia School of Law, Kennedy had started its Student Legal Forum. The forum served as an opportunity to invite prominent men such as Supreme Court Justice William O. Douglas and ex-President Herbert Hoover to enlighten the student members. In mid 1951, Kennedy chose to invite Undersecretary of the United Nations and major Black figure Ralph Bunche to address the club. The problems began when Bunche insisted on addressing a desegregated audience, an opportunity virtually unheard of in the South. Undeterred, Kennedy sent a resolution to the student government, insisting upon Bunche's requirement. The Southern majority refused to endorse it publicly, but the Forum members acquiesced in its content. Kennedy led the march to the university president's office stating that refusal of the resolution would be "morally indefensible."<sup>3</sup> In the end, the president admired Kennedy's moral outrage as well as the constitutional basis for a school related activity. The speech was given to an unsegregated audience.

During his brother's 1960 presidential campaign, Kennedy continued to refrain from showing a commitment to the civil rights struggle that raged around

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<sup>2</sup> Arthur M. Schlesinger, Jr., *Robert Kennedy and His Times* (Boston: Houghton Mifflin Company, 1978), 68.

<sup>3</sup> *Ibid.*, 86.

him. Despite the formation of a civil rights office run by his brother-in-law, and his endorsement of its “maximum civil rights” platform plank, the campaign manager focused solely on winning the election.

In May 1960, Kennedy called Harris Wofford to campaign headquarters. Wofford was a white attorney who had close ties to Martin Luther King Jr. and other Black leaders. Kennedy immediately explained, “We’re in trouble with Negroes. We really don’t know much about this whole thing. . . . We want you to head up a Civil Rights Section and work through Sarge [his brother-in-law Sargent Shriver who was nicknamed Sarge] and do everything you need to deliver every Negro delegate going to the convention.”<sup>4</sup> Wofford and Shriver hoped to advance Black civil rights during a Kennedy presidency and tried to ensure a proper effort with a specific civil rights plank for the Democratic convention platform.

Expecting that the plank would be watered down to satisfy the South, Wofford and platform chairman Chester Bowles created the “maximum” plank. It insisted on strict enforcement of voting laws, fair employment practices legislation, federal action to end discrimination in education and housing, and praise for the civil rights demonstrations.<sup>5</sup> In his frenzy to count potential delegates, and his desire to ensure the Black vote, Kennedy failed to examine extensively the strong plank before instructing his campaign workers, “And remember,

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<sup>4</sup> Harris Wofford, *Of Kennedys and Kings: Making Sense of the Sixties* (New York: Farrar Strauss Giroux, 1980) , 47.

<sup>5</sup> Carl M. Brauer, *John F. Kennedy and the Second Reconstruction* (New York: Columbia University Press, 1977) , 36.

we're all out for the Bowles platform."<sup>6</sup> Kennedy's indiscretion would raise the expectations of the civil rights movement, while simultaneously making his job as Attorney General immediately more difficult.

Wofford and Shriver would involve the Kennedys in another touchy situation shortly before the election that would test Kennedy's passion against injustice. On October 19, 1960, approximately two weeks before the general election, Martin Luther King was jailed in Atlanta for attempting to desegregate a department store lunch counter. Matters got worse for King when it was discovered that he was under a twelve month probation for an earlier offense. The previous May, King was arrested for driving in De Kalb County, Georgia with an Alabama driver's license.<sup>7</sup> King was transferred to a De Kalb County jail where he was denied bail and sentenced to four months of hard labor.

Based on the tight race for Black votes and Wofford's close friendship with the Kings, Shriver and Kennedy hatched a plan by which John Kennedy could gain prestige by making a sympathy call to Coretta King. Shriver quietly flew to Chicago where John Kennedy had just spent the day campaigning. Fearing that the rest of the staff would view the plan as dangerously risking southern white votes, Shriver waited until all had left to suggest the call to John

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<sup>6</sup> Robert Mann, *The Walls of Jericho: Lyndon Johnson, Hubert Humphrey, Richard Russell, and the Struggle for Civil Rights* (New York: Harcourt Brace and Company, 1996) , 273.

<sup>7</sup> Taylor Branch, *Parting the Waters: America in the King Years 1954-63* (New York: Simon and Schuster, 1988) , 356.

Kennedy. The candidate thought it was a kind gesture and phoned immediately with kind words for Mrs. King.<sup>8</sup>

Trouble began when the candidate casually mentioned the call to press adviser Pierre Salinger. Shocked, Salinger immediately contacted Robert Kennedy who insisted on seeing Wofford and Shriver in Washington at once. Shriver explained King's situation to Kennedy who was unaware of the latest details. Kennedy was concerned but continued to admonish the men. "Do you know that three Southern governors told us that if Jack supported Jimmy Hoffa, Nikita Khrushchev, or Martin Luther King, they would throw their states to Nixon? Do you know that this election may be razor close and you have probably lost it for us?"<sup>9</sup> Fortunately, Kennedy's conscience and a call from Georgia Governor Ernest Vandiver brought the result that Wofford and Shriver intended, because on the same evening, Kennedy received a call from Governor Vandiver telling him that a call to De Kalb County Judge Mitchell could win King's release.<sup>10</sup> Considering this an opportunity to finish the job that his brother began, as well as to right a wrong, Kennedy made the call and caused King's release. When asked what he said to the judge and why he made the call, he responded, "I said that if he was a decent American, he would let King out of jail by sundown. I called him because it made me so damned angry to think of that bastard sentencing a citizen to four months of hard labor for a minor traffic

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<sup>8</sup> Wofford, 18.

<sup>9</sup> Ibid., 19.

<sup>10</sup> Guthman and Shulman, 70.

offense and screwing up my brother's campaign and making our country look ridiculous before the world."<sup>11</sup> His change of mind led over sixty percent of Blacks to vote for his brother almost surely ensuring the close victory. In addition, his action showed his continued moral stand against obvious injustice. This attitude would be seen in gradual steps during his role as Attorney General.

In January 1961, newly appointed Attorney General Robert Kennedy inevitably entered the center of the civil rights struggle. On the one hand, he was faced with pressure from Black voters to deliver the promises made in the Democratic platform. At the same time, the administration had to cope with the fact that it had been elected with a razor thin margin of about 120,000 votes. The President and his brother feared that a push for strong civil rights legislation would be strongly opposed by the powerful Southern Congressional committee chairmen and could threaten the success of the rest of the Kennedy legislative program. In addition, Robert Kennedy was hesitant to force new laws on a strongly entrenched South.

In an interview shortly after he took office, Robert Kennedy stated that it was his

fundamental belief that all people are created equal. Logically, it follows that integration should take place today everywhere-- in schools, playgrounds and so on. But those of us who believe this must realize that, rightly or wrongly, other people have grown up with totally different backgrounds and mores, which we can't change overnight.<sup>12</sup>

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<sup>11</sup> Wofford, 21.

<sup>12</sup> Peter Maas, "Robert Kennedy Speaks Out On," *Look*, 28 March 1961, 24.

He also made his plans for action perfectly clear during an important speech in May 1961, at the University of Georgia School of Law. Wanting to inform the South of the Justice Department's positions on civil rights, Kennedy began by reminding all that "if one man's rights are denied, the rights of all are endangered. In our country the courts have a most important role in safeguarding these rights. The decisions of the courts, however much we might disagree with them, in the final analysis must be followed and respected."<sup>13</sup> He quickly made mention of the controversial *Brown v. Board of Education* decision on desegregation in which he asserted, "I happen to believe that the 1954 decision was right. But, my belief does not matter-- it is the law. Some of you may believe the decision was wrong. That does not matter. It is the law. And we both respect the law."<sup>14</sup> He made it clear that the Department was "maintaining the orders of the courts. We are doing nothing more or less."<sup>15</sup> He emphasized, however, that the Justice Department's plan did not begin with the courts when he explained that

since taking office I have conferred many times with responsible public officials and civil leaders in the South on specific situations. I shall continue to do so. . . . We are trying to achieve amicable, voluntary solutions without going to court. . . . We have sought to be helpful to avert violence and to get voluntary compliance. When our investigators indicate there has been a violation of law, we have asked responsible

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<sup>13</sup> *New York Times*, 7 May 1961, sec. 1, p. 1.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*



officials to take steps to correct the situation. In some instances this has happened. When it has not, we have had to take legal action.<sup>16</sup>

His speech tried to give the impression that he was a fair and unbiased Attorney General who was merely enforcing the laws of the land. It was with this impression in mind that Kennedy chose his Assistant Attorney General in charge of Civil Rights, Burke Marshall.

During the cabinet appointment process, the man most civil rights supporters, within and outside the campaign, wanted for Justice's civil rights post was Harris Wofford. He was seen as the campaign employee with the most civil rights contacts and experience. Also, the President and his brother viewed him as the one who took the most risks and could be an easy target for Southern opponents of civil rights. Kennedy believed that someone so emotionally committed to civil rights might not be able to deal objectively with the subject.<sup>17</sup> As Deputy Attorney General Byron White explained, "We thought it would be more interesting to get a first-class lawyer who would do the job in a technically proficient way that would be defensible in court-- that Southerners would not think of as a vendetta, but as an even-handed application of the law."<sup>18</sup> That first-class lawyer was Yale educated Burke Marshall, a corporate lawyer in a prestigious Washington D.C. firm. Based on his experience as an

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<sup>16</sup> Ibid.

<sup>17</sup> Edwin Guthman, *We Band of Brothers* (New York: Harper and Row, Publishers, 1971), 95.

<sup>18</sup> Victor S. Navasky, *Kennedy Justice* (New York: Atheneum, 1971), 162.

anti-trust expert, Marshall was seen as the perfect man to follow the philosophy of negotiating before seeking compliance by injunction.

The Attorney General and his staff were forced into action almost immediately by a school desegregation case inherited from the Eisenhower administration. The court proceedings were begun by J. Skelly Wright, a United States District Court judge who was attempting to desegregate the public schools of Orleans Parish, Louisiana.

Judge Wright first became involved with the issue in 1956, when he ordered New Orleans schools to desegregate "with all deliberate speed."<sup>19</sup> By May 1960, the school board had made no progress toward this goal, thus on May 16, 1960, Judge Wright presented his own desegregation plan to the Orleans Parish School Board. He ordered that the schools would integrate one grade at a time, beginning with the first grade, in the fall of 1960.<sup>20</sup> This was the first time that anyone had attempted to integrate elementary schools in the Deep South, and it was met characteristically with massive opposition.

Led by Louisiana Governor Jimmie Davis, the state government and legislature did all it could to prevent integration from taking place. The Governor issued an interposition act that declared that the federal government had no authority to interfere in a state's public schools. The legislature passed numerous segregation measures that sought to threaten school board members and

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<sup>19</sup> Anthony Lewis, *Portrait of a Decade: The Second American Revolution* (New York: Random House, 1964), 157.

<sup>20</sup> *New York Times*, 16 March 1960, p. A 23.

parents. It tried to take control of the schools by decree, declaring the school board vacant and warning banks not to provide loans if school funds were withheld. Ignoring a restraining order by Judge Wright, State Superintendent of Public Education Shelby Jackson declared a state holiday on November 14, the day integration was to begin. Nevertheless, Orleans Parish School Board President Lloyd Rittiner was able to persuade the schools to ignore the holiday and open on the 14th.<sup>21</sup>

The day was filled with violence, but three Black girls enrolled in McDonough No.19 School's first grade, and one Black girl enrolled at William Frantz School. While the state continued to harass teachers and parents, several white students began to return to school. The state government's legal standing concerning the schools became tenuous on November 30, when a three member District Court panel led by Wright declared the interposition act void and enjoined 700 more state and local officials from interfering with the integrated schools. On December 12, the Supreme Court upheld the ruling that the state was acting illegally. Attorney General Kennedy entered this controversy, in February 1961.

After becoming apprised of Louisiana's history of ignoring court orders, Kennedy made the unprecedented move of filing an *amicus curae*, friend of the court, brief in a suit against Superintendent Jackson. He was charged with contempt of court for interfering with court ordered school integration. Previously, no Attorney General had entered a desegregation case without prior

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<sup>21</sup> Ibid., 19 November 1960, A 21.

invitation of the court. When Kennedy discovered that Jackson and the state Legislature had withheld funds for teacher salaries, school lunches, and books, he believed that the time had come for the Administration to support court rulings on desegregation cases. In his brief, Kennedy explained his preference for voluntary submission that would preclude court action.

It would be most desirable if this difficult problem could be solved without the United States resorting to court proceedings, such as contempt actions, to protect the Orleans Parish School Board and secure compliance with the court's order. This is what we have tried to do. However, the vote of the Louisiana House of Representatives demonstrates that court action of this nature continues to be needed.<sup>22</sup>

By February 24, meetings between Kennedy and Louisiana's Congressional delegation together with conversations with state officials, convinced everyone involved that the Justice Department would stand firmly behind the court's integration rulings. It also revealed that state officials would face jail terms if they failed to comply with Federal orders. Consequently, money was released to the school board to keep its schools functioning. When asked a few days later about the results of the action, Kennedy explained, "These things are never finally settled, but I think we have achieved a very satisfactory result, the result being that the Governor has in fact recognized and the legislature has in fact recognized the fact that these two schools will be operated on a desegregated basis."<sup>23</sup>

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<sup>22</sup> *Washington Post*, 18 February 1961, A9.

<sup>23</sup> Congress, Senate, Subcommittee of the Committee on Appropriations, *Departments of State and Justice, the Judiciary and Related Agencies, Appropriations for Fiscal Year 1962*, 87th Cong., 1st sess., 28 February 1961, 20.

In making the decision to act, Kennedy stated that the question of how to act was never in doubt. "I think it seemed so logical what we had to do, what we should do. There wasn't a question of sitting down and deciding that. I think it was just taken for granted that the United States had to do what needed to be done."<sup>24</sup> He had begun his role as Attorney General by stating in word and action that the new administration would defend court decisions that called for civil rights progress.

The next event that would test Kennedy's commitment to enforce civil rights rulings occurred the following May. On May 4, a racially mixed group of Congress of Racial Equality members boarded a Greyhound bus in Washington D.C. to pursue a Freedom Ride through the Deep South. They sought to test the *Boynton v. Virginia* Supreme Court ruling, issued the previous December, that integrated buses, bus station waiting rooms, and restaurants serving interstate travel.<sup>25</sup> Although CORE president James Farmer had sent a telegram to the Justice Department prior to the trip, Assistant Attorney General for Civil Rights Burke Marshall came down with mumps before he could relate the news to his chief. Thus, the Attorney General did not learn of the controversial ride until news of the Anniston and Birmingham tragedies appeared in the morning paper on May 15.<sup>26</sup>

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<sup>24</sup> Guthman and Shulman, 82.

<sup>25</sup> Branch, 390

<sup>26</sup> Guthman and Shulman, 83.

Before Kennedy was able to respond to the situation, one of the buses carrying CORE passengers was burned outside Anniston by a mob of white segregationists. Later that day, the second bus was attacked by another mob as it arrived at the Birmingham Trailways bus station. A hint of the problems Kennedy would face in the South came when it was discovered that while scores of newsmen were present at the bus station to meet the arriving bus, no police arrived until ten minutes after the mob attack commenced. It was learned years later that the Federal Bureau of Investigation had advance knowledge of a deal between the Klu Klux Klan and Birmingham Police Commissioner Bull Connor. It followed that the Klan led mob would be given fifteen to twenty minutes to beat the riders before the police arrived to drag the bloodied travelers to jail for "inciting" the riot.<sup>27</sup>

Kennedy realized immediately that the ride was legal and that the riders needed to be protected. His goal was to conclude the ride as quickly and safely as possible with as much state and local responsibility as possible. He sent his administrative assistant John Seigenthaler to Alabama to speak to Governor John Patterson among other state officials. Patterson agreed initially to provide police protection for the ride through the state, but had changed his mind by the afternoon. In a statement to the press, Patterson explained, "The citizens of this state are so enraged I cannot guarantee protection for this bunch of rabble-rousers. I will only guarantee protection to the nearest state line."<sup>28</sup> Still not

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<sup>27</sup> Wofford, 152.

<sup>28</sup> *New York Times*, 14 May 1961, p. A 1.

ready to employ federal force, Kennedy convinced the riders to accompany Seigenthaler on a plane flight to New Orleans rather than risk further violence during bus travel.

Kennedy was forced to revisit the crisis shortly after the plane left, when a second group of riders entered Birmingham seeking to continue the ride, and Governor Patterson became unreachable by phone from the White House and the Justice Department. As soon as news spread that the freedom riders had abandoned their trip, CORE official Diane Nash began to gather reinforcements in Nashville for a trip to Birmingham.<sup>29</sup> Upon receipt of this news, Kennedy promptly phoned Patterson in the hope of convincing him to assert state protection over the riders. The unresolved crisis further angered him when Patterson's staff reported that the Governor could not be reached. The next day, Wednesday, after the new riders had been met by a mob, and Patterson remained incommunicado, Kennedy began to face the fact that some federal intervention would have to be employed in order to ensure a safe and successful ride.

By Thursday, while the President became aware of the plan, Deputy Attorney General Byron White had begun to assemble a federal force that included members of the United States Marshals, United States Border Patrol, prison guards, and the Bureau of Alcohol, Tobacco, and Firearms. This assemblage was expected to be effective without carrying the stigma of federal

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<sup>29</sup> Branch, 430.

troops.<sup>30</sup> During their Thursday morning meeting, Kennedy and the President agreed that the federal force was preferable to troops but still held to the hope that state protection would negate the need for its deployment. Kennedy continued to try to reach Patterson, finally succeeding on Friday. After Kennedy threatened to call out the marshals, Patterson agreed to meet with a federal spokesman.<sup>31</sup> John Seigenthaler was promptly driven to Montgomery.

After hours of negotiation, Seigenthaler phoned Kennedy with the news that Patterson would agree to protect the riders. Patterson proclaimed, "the state of Alabama has the will, the force, the men, and the equipment to give full protection to everyone in Alabama."<sup>32</sup> With this good news, Kennedy proceeded to ensure that a bus driver could be found to drive the bus to Montgomery. This was accomplished after a heated conversation with the Birmingham Greyhound supervisor during which Kennedy stated, "I am, the government is going to be very much upset if this group does not get to continue their trip. . . . Under the law they are entitled to transportation provided by Greyhound."<sup>33</sup>

The bus left Birmingham on Saturday morning, escorted by the Alabama Highway Patrol. The FBI had sent word ahead to the Montgomery Police Department on when the bus was expected to arrive. Fourteen miles outside the Montgomery city limits, the protection began to disappear as the highway patrol

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<sup>30</sup> Guthman, 169.

<sup>31</sup> Ibid., 170.

<sup>32</sup> *New York Times*, 21 May 1961, p. A 78.

<sup>33</sup> Schlesinger, 296.



prepared to turn over authority to the city police. Unfortunately, the bus arrived to another angry mob with no police in sight. The Justice Department learned of the violence from its assistant John Doar, as it happened, as he overlooked the scene from the U.S. Attorney's office. He explained that the bus had arrived and that the passengers were exiting the bus. Then, "Oh, there are fists, punching. A bunch of men led by a guy with a bleeding face are beating them. There are no cops. It's terrible."<sup>34</sup> One of the victims of the attack was John Seigenthaler who had arrived to welcome the bus and was beaten unconscious while trying to protect the riders. These events, and the resumed unavailability of Patterson, moved Kennedy to begin the movement of federal personnel into Alabama. He realized that his goal of federal inaction was superseded by the primary need to ensure the safety of the riders.

The role of the marshals became clear on Sunday, the 21st, after Martin Luther King arrived in Montgomery to lead a meeting of Blacks that evening at the First Baptist Church. Despite the public opposition of Patterson to protecting the Blacks, Alabama Public Safety Director Floyd Mann and his men helped the marshal led force prevent an angry white mob from overtaking the church. Patterson acted by calling out the National Guard only after the mob had hurled bricks and Molotov cocktails at the church and had overturned automobiles.

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<sup>34</sup> Guthman, 171.

Patterson's declaration of martial law finally allowed Kennedy to begin to disperse the federal force from the church.<sup>35</sup>

Despite the horror of the past week, the riders were as determined as ever to continue their goal of integrating interstate bus travel in the South. On Tuesday the 23rd, King announced that "I'm sure that these students are willing to face death if necessary. The ride will take place in the not too distant future."<sup>36</sup> Not wishing to test their resolve, Kennedy spent the days following the church riot ensuring safe passage to the next stop, Jackson, Mississippi. After numerous phone calls with Mississippi Senator James Eastland and both Alabama and Mississippi officials, Kennedy induced both states to guarantee protection of the buses to Jackson, in exchange for allowing the riders to be arrested upon their arrival. Kennedy later explained, "My primary interest was that they weren't beaten up. So, I, in fact, I suppose, concurred with the fact that they were going to be arrested, although I didn't have any control over it."<sup>37</sup>

As the ride on Wednesday, the 24th, was reaching its conclusion, Kennedy released two statements regarding the future of integrated interstate travel. In the first statement, he reminded the public that "Our obligation is to protect interstate travelers and maintain law and order only when local authorities are unable or unwilling to do so."<sup>38</sup> After receiving rumors that rides would

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<sup>35</sup> *New York Times*, 23 May 1961, sec. 1, p. 26.

<sup>36</sup> *Ibid.*, 24 May 1961, p. 1.

<sup>37</sup> Guthman and Shulman, 97.

<sup>38</sup> *New York Times*, 25 May 1961, p. A 25.

continue through the South at once, he declared that, "A cooling-off period is needed. It would be wise for those traveling through these two states to delay their trips until the present state of confusion and danger has passed."<sup>39</sup> He added that all restraint would aid the President during his trip to Europe to meet with Soviet leader Khrushchev. Refusal of some to ignore his pleas for a "cooling off" angered Kennedy, but this feeling did not prevent him from acting to ensure that the rationale behind the rides was not forgotten.

On May 29, Kennedy petitioned the Interstate Commerce Commission to ban segregation in interstate commerce. The Interstate Commerce Act already prohibited segregation in buses, bus terminals, waiting rooms, and affiliated restaurants, but the Commission failed to enforce its laws. Referring to the incidents in Alabama, Kennedy urged the issue and enforcement of new regulations that would ensure equal access to bus seats, waiting rooms, rest rooms, and restaurants, as well as alert carriers and passengers to the rules. Among his suggestions was the requirement that all buses and terminals contain visible signs that guarantee equality of access without regard to race, color, creed, or national origin. Another requirement prohibited signs that restricted access according to the aforementioned characteristics.<sup>40</sup> Kennedy wanted to ensure that no one could fail to understand which laws governed interstate transportation. After much communication with ICC chairman William

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<sup>39</sup> Ibid.

<sup>40</sup> Ibid., 30 May 1961, p. A 7.

Tucker, a recently appointed Democrat from Massachusetts, Kennedy's requests were instituted on September 22 to go into effect on November 1.

Although Kennedy understood the legal basis behind the rides, he did not comprehend the emotion and the urgency behind CORE's actions. He did not yet realize how people could accept jail time and risk their lives in order to be treated equally during a routine trip through the South. Soon after he heard from King that the students arrested in Jackson were refusing bail, and that more riders were pouring into Montgomery, Kennedy proclaimed to Harris Wofford, "This is too much! I wonder whether they have the best interest of their country at heart. . . . The President is going abroad and this is all embarrassing him."<sup>41</sup> He still did not understand why his "cooling off" statement was so roundly criticized by the movement.

Kennedy believed that civil rights progress could emerge gradually over a long period of time. This philosophy was formed in part by Burke Marshall's and his own ideas of federalism. Both firmly believed that in questions of law enforcement, the federal government could get involved in a crisis only after state and local police were unable or unwilling to protect citizens. Kennedy believed that he had followed this standard during the Freedom Rides. In his agreement to allow the riders to be arrested in Jackson, he stated that he was legally unable to prevent these arrests. He believed that the best way to deal with that issue was through the courts. Without the existence of a federal police force, Kennedy and Marshall believed that primary authority for law

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<sup>41</sup> Wofford, 156.

enforcement rested in the states. Their fear was that if the federal government attempted to seize this power, even temporarily, that state and local police would abdicate all responsibility. Therefore, Kennedy sought to use federal authority sparingly during the civil rights crises.

Following the violence and publicity surrounding the Freedom Rides, Kennedy sought to convince the Civil Rights movement that energies should be focused away from potentially violent demonstrations, and toward the idea of peaceful voter registration drives. There are a few main reasons why Kennedy thought that gaining the vote was the wisest action to take. Firstly, the drive would make the greatest amount of progress with the least amount of violent opposition. He believed that the simple right to vote would allow the large percentage of Blacks in the South to elect Black or otherwise sympathetic state and local officials. As far as opposition, Kennedy asserted, "How could anybody, really get very mad because you're making an effort to make sure that everybody votes? I mean, they can. But they can't come out as openly as they can of schools: 'We don't want our little blond daughter going to school with a Negro.'"<sup>42</sup> Secondly, he believed that the federal government had the most authority to ensure voting rights, based on existing law and precedent. Lastly, he thought that the drives would bring about much less unnecessary publicity for the Justice Department. He believed that negotiation and court suits could be pursued quietly.

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<sup>42</sup> Guthman and Shulman, 107.

Kennedy presented his ideas for action to a group of Freedom Riders leaders on June 19, 1961, after similar discussions with Martin Luther King a few months before the rides. After some voiced reservations that the shift would hinder the movement, by the end of 1961, King's Southern Christian Leadership Conference, SCLC, CORE, and the Student Nonviolent Coordinating Committee, SNCC, had been persuaded to support the cause. The organization of the Voter Education Project, VEP, served to cement their commitment. Kennedy's Justice Department provided the basis for the VEP through hard work and persuasion. Burke Marshall and Harris Wofford convinced the Taconic Foundation among others to contribute funds for the project. Kennedy, himself, spoke to Internal Revenue Service chief Mortimer Caplin to arrange a tax exemption for the project because it was technically an educational pursuit.<sup>43</sup> Having convinced the civil rights leaders to focus on voting rights, the Justice Department began to increase its drive to support voting suits and to convince Blacks to attempt voter registration throughout the Deep South.

Despite the lengths that Kennedy went to guarantee a voting rights drive, he did not appear to anticipate fully the time and trouble that accompanied the push towards widespread Black voting. His assistants Burke Marshall and John Doar did realize immediately that the Civil Rights Division itself would have to function differently from the past. Doar, a carryover from the Eisenhower administration, learned on his own that Department lawyers would be better utilized by arguing their own cases. Previously, Southern appointed United

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<sup>43</sup> Ibid., 104.

States Attorneys directed civil rights law suits. The men were sent into the field to investigate, negotiate, and if necessary file suits to guarantee equal rights.<sup>44</sup>

In addition to expanded roles, Marshall and Doar soon discovered the amount of evidence needed to win voting rights cases. Part of the statutory apparatus that allowed the Justice Department to initiate voting suits came from the 1957 Civil Rights Act by way of Title 42 Section §1971 of the United States Code. Subsection (b) follows the specific intent model of the 1944 *Screws v. United States* Supreme Court decision. The court ruled that Baker County Sheriff Claude Screws was guilty only if he specifically intended to deny John Hall, a Black man, his civil rights when he arrested, beat violently, and imprisoned him during a drunken incident. In the realm of voting, this precedent forced Justice Department lawyers to prove that Southern Whites specifically intended to deny Blacks the right to vote when they beat, harassed, or killed them during a voting drive. Facing impossible odds, Doar sought to initiate longer but potentially more successful suits based on Subsection (a).

Subsection (a) allowed suits to prove a pattern of discrimination in voter registration that allowed inequality of treatment of potential voters based on race. In many areas of the South, illiterate Whites were aided by the voting registrar in filling out forms or taking literacy tests. Concurrently, college educated African-Americans were refused registration if they could not translate difficult passages of the state constitution independently. Proving such a pattern under Subsection (a) was possible but required the examination of

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<sup>44</sup> Brauer, 117.

thousands of pages of voting applications and countless interviews with refused Blacks. Having convinced civil rights leaders to lead a voting drive, the Department encouraged Doar to push forward with Subsection (a) suits throughout the South.

Subsection (a) suits became less effective as judges and local citizens tried to cause gridlock of the court system. County registrars quit in order not to register Blacks or ignored injunctions; judges delayed access to voting documents; defense attorneys rested, forcing Justice lawyers to prove the entire case. Some suits lasted several years as they bounced from court to court while Southerners tried to avoid the inevitable, the existence of Black voters. In Forest County, Mississippi, a suit filed in July 1961, was still undecided in 1964, while a registrar attempted to fight contempt charges for refusing to register qualified Black voters.<sup>45</sup>

The delay in many suits involving literacy tests finally forced Robert Kennedy in March 1962, to seek legislation to ensure equality in voting. Kennedy presented an administration sponsored bill that would avoid the possibility of discriminatory use of literacy tests by making a sixth grade education sufficient to prove literacy. During testimony Kennedy explained,

Our experience shows overwhelmingly that the principal cause and method of discrimination has been the abuse of so-called literacy or interpretation tests. . . . This type of discrimination is accomplished most frequently by giving wide discretion to the persons who administer the

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<sup>45</sup> Burke Marshall, *Federalism and Civil Rights* (New York: Columbia University Press, 1964), 32.



tests while making objective review of their actions as difficult as possible.<sup>46</sup>

To explain the decision to seek legislation at that time, Kennedy testified,

You can say that we can bring these individual cases and we can bring individual cases and we have brought a large number of cases and we made a great number of investigations over the period of the last 14 months. The number has increased drastically. But that is still not the answer. . . . Often it is very, very difficult. One of these cases took 180 witnesses. Once we finally make the investigation, make the study, then we are apt to find other difficulties and problems.<sup>47</sup>

Concerning the difficulty of convincing Blacks to attempt to vote, the Attorney General explained, "If an individual, who is a college professor, goes in and is denied the right to register or to vote in an election, you are not going to get anybody else in that county to go in and try to register."<sup>48</sup>

Despite Kennedy's big step toward legislation to protect civil rights, he refrained from supporting a bill that would cover state and local elections in addition to the sought federal elections coverage. Although his goal for voting rights was to allow Blacks to solve their own problems by electing sympathetic public officials, he feared that a stronger bill would have no chance of passage. In the end, not even this bill was able to pass the Senate. Southern senators succeeded in filibustering the bill on the Senate floor until Majority leader Mike Mansfield saw the need to kill the bill by tabling it.<sup>49</sup> This result for the Kennedy

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<sup>46</sup> Congress, Senate, Committee on the Judiciary, Subcommittee on Constitutional Rights, *Literacy Tests and Voter Requirements in Federal and State Elections*, 87th Cong., 2nd sess., 10 April 1962, 262.

<sup>47</sup> *Ibid.*, 289.

<sup>48</sup> *Ibid.*

<sup>49</sup> Brauer, 136.

Administration's first civil rights legislation made the Justice Department's voting effort more difficult and convinced Kennedy to be sure that the votes existed before proposing further civil rights legislation. Referring later to the failed bill, Kennedy explained, "So, we sent up that legislation. I went up and testified. Nobody paid the slightest bit of attention to me."<sup>50</sup>

Incidents of violence during the voting drive drove the point home further that the push for Black voting would be neither quiet nor noncontroversial. Robert Moses, a member of SNCC, began voter education schools in Pike, Walthall, and Amite counties, Mississippi, to increase substantially the number of Black voters in the area. When the drive began in August 1961, Walthall County had 2490 Blacks of voting age with none registered. At the same time, a majority of 4530 Whites were registered to vote.<sup>51</sup> Moses first encountered violent opposition to his drive when he tried to help register voters in the Amite County town of Liberty on August 29. Moses was struck several times in the head with a knife handle by Billy Jack Caston. Caston, the county sheriff's cousin beat Moses after discovering what his intentions were. Moses' head wounds required nine stitches in three places. A local court acquitted Caston of wrongdoing two weeks later.<sup>52</sup>

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<sup>50</sup> Hugh Davis Graham, *The Civil Rights Era: Origins and Development of National Policy 1960-1972* (New York: Oxford University Press, 1990), 65.

<sup>51</sup> U.S. v. Wood, 295 F. 2nd. 772.

<sup>52</sup> Bob Moses, "Mississippi: 1961-1962," *Liberation* 14 (January 1970) : 10.

In related instances, SNCC member John Hardy was struck in the head by Walthall County registrar, John Wood on September 7, after Hardy tried to assist two women trying to register. With his head bleeding profusely, Hardy was arrested for disturbing the peace.<sup>53</sup> On September 31, Herbert Lee, a farmer from Amite County, was shot and killed by State Senator E.H. Hurst. Lee had become involved in the voter education schools and had been seen by local Whites as dangerous. Hurst was acquitted after claiming that Lee threatened him with a tire iron.<sup>54</sup>

The incidents of violence in rural Mississippi caused not only human suffering but also scared away many previously willing potential African-American voters. The main bone of contention between the voting rights workers and Robert Kennedy was that although the Justice Department was entering voting suits, it was failing physically to protect Blacks trying to register. Despite the fact that Kennedy always intended to rely on local law enforcement to protect the workers, Moses among others believed that protection was promised in return for beginning the voting drive. Although no specific promise was made, the Department's habit of promising to take collect phone calls in emergencies, and Harris Wofford's vision of jails filled with uncooperative white Southern officials sent a specific message to the movement. It would take much progress in civil rights for Robert Kennedy to regain the faith of many civil rights leaders.

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<sup>53</sup> U.S. v. Wood.

<sup>54</sup> Moses, 12.

His next opportunity would come as a result of a response to his brother's moving inauguration speech.

On January 21, 1961, the day after John Kennedy's inaugural address, twenty nine year old Air Force veteran James Meredith was aroused enough to decide to transfer from all Black Jackson State College to the completely segregated University of Mississippi.<sup>55</sup> Despite the aid and encouragement of Medgar Evers and the National Association for the Advancement of Colored People Legal Defense Fund, his application was rejected by the university in May 1961. The next month Burke Marshall of the Justice Department first became involved in the situation as Meredith and NAACP attorney Constance Baker Motley filed suit in federal court. The Department followed the case as it slowly worked its way to the Supreme Court, becoming directly involved at the request of Supreme Court Justice Hugo Black.

In August, Black asked Justice for a memorandum on the legality of stays issued by Court of Appeals Judge Ben Cameron. On several occasions, after the Court of Appeals for the Fifth Circuit reversed Judge Sydney Mize of the District Court on the grounds that James Meredith was rejected admission solely on the basis of race, Cameron, who was uninvolved in the case, issued a stay on the ruling.<sup>56</sup> Each stay extended the amount of time that Meredith would have to wait to enjoy his legal right to enroll. Robert Kennedy and the Justice Department assured Justice Black that the stays were illegal and that he

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<sup>55</sup> Brauer, 180.

<sup>56</sup> Guthman, 183.

had the power, during court recess, to set aside the stays and order the University of Mississippi to enroll Meredith. On September 10, Black did so.

On September 13, Judge Mize formally reiterated the order to admit Meredith. All appeared settled until later that day when Mississippi Governor Ross Barnett declared the doctrine of interposition, claiming that the federal courts had no right to force a sovereign state to admit a Black man into its schools. He proclaimed that he would risk a prison sentence to prevent the admission of Meredith and urged officials and citizens of Mississippi to join him in this fight. Robert Kennedy hoped that a fight would not be necessary.

Kennedy's ideal plan was to negotiate a solution prior to resorting to court action. Faced with the need to carry out a court order, Kennedy and the Justice Department sought to urge Mississippi officials to admit Meredith peacefully, without the further need for court action or the use of federal force. Prior to his first conversation with Governor Barnett, Kennedy assumed that Meredith could be admitted with the protection of Mississippi state troopers, as they had protected the freedom riders the previous year. During Kennedy's first few conversations with Barnett prior to the ordered September 20 registration day, the idea of protection and success was promising. All began to change when a state court accused and convicted Meredith of committing perjury by falsely stating his native county on a voting application. Barnett then received a resolution from the state legislature that would ban from higher learning anyone with criminal charges against them.<sup>57</sup>

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<sup>57</sup> *New York Times*, 20 September 1962, p. 27.

On the morning and afternoon of registration day, amid rumors that Meredith would be arrested as he arrived to enroll, Robert Kennedy and Burke Marshall spoke several times with Barnett and state Attorney General Joe Patterson. During the conversations, Kennedy and Marshall were assured that Meredith would not be arrested and that he would be safe. In these two cases, Barnett was reliable. What Kennedy and the Justice Department did not know was that when James Meredith, accompanied by Chief Marshal James McShane and border patrolman Charles Chamblee, arrived at the university, he would be turned back by a mob of students, several highway patrolmen, and Ross Barnett himself.

This open defiance of the court order led to contempt of court charges filed against the university's chancellor, registrar, and dean for allowing Barnett to act as registrar. Eventually Kennedy was forced to file contempt charges against Barnett himself after the governor ignored a restraining order and instructions to the Board of Trustees to admit Meredith and again physically turned back Meredith and the federal government.<sup>58</sup> This event, on September 25, at the state capitol in Jackson, caused Kennedy to begin talking about the use of troops to ensure that Meredith enrolled safely.

With negotiation and court orders achieving little concrete ends, Kennedy announced publicly on September 26, "The situation is serious. The question of Federal troops is the same as it has been. That is, we'll use whatever is

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<sup>58</sup> Ibid., 26 September 1962, p. 22.

necessary to do the job.”<sup>59</sup> With Barnett declared guilty of contempt and two additional attempts to register Meredith turned back by police and mobs, Kennedy and the President began the process that led to President Kennedy signing an executive order on the 29th. It federalized the Mississippi National Guard and moved marshals and troops to staging areas in nearby Memphis. These steps appeared necessary after all other peaceful overtures had been exhausted.

Robert Kennedy explained later that,

What I was trying to avoid basically was having to send troops and trying to avoid having a federal presence in Mississippi. In my judgment, what Barnett was trying to accomplish was the avoidance of integration at the University of Mississippi, number one. And if he couldn't do that, then to be forced to do it by our heavy hand-- and his preference was with troops.<sup>60</sup>

Kennedy ended up having to use marshals, National Guardsmen, and troops to quell a riot that developed on campus after Meredith was snuck on campus the night of the 30th. Fortunately, however, he was able to spare martyring Barnett by convincing him to allow Meredith to enroll.

After countless conversations with Barnett appeared for naught, Kennedy finally was able to trick the governor into allowing the enrollment to take place. On Sunday morning, the 30th, Kennedy took the offensive. Referring to the initial deal between Barnett and the President that Barnett later broke, Robert threatened that if Barnett refused to go along with the government's latest plans,

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<sup>59</sup> *Ibid.*, 27 September 1962, p. 29.

<sup>60</sup> Guthman and Shulman, 160.

that the President would publicly reveal Barnett's slight of the President. Barnett agreed immediately to smooth Meredith's arrival to avoid having loyal Mississippians discover that their leader was dealing secretly with the enemy.<sup>61</sup>

Kennedy had succeeded in his duty of enforcing a federal court order. In addition, he showed the lengths he would go to ensure civil rights progress in Mississippi. A hint of what drove his energies during the crisis appeared with his desire to speak directly to Meredith during the difficult saga. On the night of the 25th, Kennedy assured Meredith that, "It's going to be a long, hard and difficult struggle, but in the end we're going to be successful."<sup>62</sup> After Meredith responded with, "I hope so," Kennedy implored, "Not hope. We will be successful."<sup>63</sup> Kennedy wanted to remind Meredith that the federal government was going to make sure that integration was going to be a reality at the University of Mississippi. Through his actions, Kennedy was showing the civil rights community and the nation that the Justice Department would aid the courts with force if necessary to uphold the rights of all Americans.

Kennedy would have practically a repeat performance in university integration, this time at the University of Alabama with Alabama governor George Wallace. However, before that crisis, the Kennedy administration was able to utilize its negotiation strategy to solve a turbulent and sometimes violent series of events in the Alabama city of Birmingham. The Kennedys did not have to be

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<sup>61</sup> Guthman, 200.

<sup>62</sup> *Ibid.*, 192.

<sup>63</sup> *Ibid.*



proactive yet in making law to ensure Black civil rights. Those days would be numbered.

## CHAPTER 2

### CIVIL RIGHTS LEGISLATION IS NEEDED

In January 1963, Martin Luther King Jr. and the SCLC made plans to target Birmingham, the largest segregated city in the South. They sought a progressive series of demonstrations and boycotts to serve as a lightning rod for the desegregation of facilities and equal hiring in Birmingham and other parts of the South. They also hoped to force the Kennedy administration to act on their behalf.<sup>64</sup> Their wishes would be more than granted.

Coinciding with the defeat of staunchly segregationist Safety Commissioner Bull Connor, demonstrations began on April 3, with an attempt to integrate downtown lunch counters. Aware of Birmingham's laws defending segregation, the SCLC expected and hoped to fill the jails with demonstrators, thus forcing the local businesses to change their policy of racism.

The Kennedys first became involved in the situation when King was jailed on Good Friday, April 12, 1963. He deliberately ignored a state court ruling banning Black protest to display the movement's resolve in the face of legal injustice and to boost the interest of an increasingly disinterested national press.<sup>65</sup> As hoped for, Kennedy and President Kennedy returned the calls of a

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<sup>64</sup> Jean Stein, *American Journey: The Times of Robert Kennedy*, ed. George Plimpton (New York: Harcourt Brace Jovanovich, Inc., 1970), 114.

<sup>65</sup> Branch, 729-30.

worried Coretta King, assuring her that her husband was safe. Federal inquiry and national publicity made King's remaining jail time less ominous.

The bulk of federal influence and action came in May after King raised the stakes by employing schoolchildren as marchers. A public response by Kennedy came after pictures of angry police turning police dogs and fire hoses on the youngsters were flashed across newspaper headlines and television screens. He granted that "these demonstrations are the understandable expressions of resentment and hurt by people who have been the victims of abuse and deprivation of their most basic rights for many years."<sup>66</sup> However, he questioned the use of children in marches, and, "hoped for the sake of everyone," that the grievances can be solved, "in meetings, in good faith negotiations, and not in the streets."<sup>67</sup>

The next day, Kennedy sent Burke Marshall to Birmingham to seize control of the situation and help solve the matter by using the administration's plan. With no federal statutes proscribing segregated lunch counters or unequal hiring practices, law suits and troops could not solve the chaos in Birmingham. Mediation, the Justice Department's favorite problem solving tool, served as the best available weapon. As head mediator Burke Marshall explained, "In a sense, there was no way of getting at those problems through

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<sup>66</sup> *New York Times*, 4 May 1963, p. A 8.

<sup>67</sup> *Ibid.*

law. . . . The only way we had to get at the problem was through trying to find acceptance by both sides.”<sup>68</sup>

The administration realized that white Birmingham businessmen refused to speak with demonstrating Blacks. However, store owners suffering from boycotts, city officials spending large amounts of money dealing with demonstrators, and real estate investors facing falling land values needed desperately to find a quick solution.<sup>69</sup> Marshall and his superiors reminded these people of their predicament as they worked toward a compromise that would last.

While Marshall began shuttling between separate meetings of Birmingham businessmen and King’s SCLC, Kennedy and President Kennedy employed Treasury Secretary C. Douglas Dillon and Secretary of Defense Robert McNamara in telephoning Southern bankers and company managers and their Northern superiors, persuading them to work with the White House to reach a solution. Beginning slowly, Marshall got reasonable members of both sides to begin negotiating. He then continued to meet with King’s group on one hand, and a Senior Citizens Committee of seventy of Birmingham’s major figures on the other.

Marshall secured an agreement because he was able to get the white leaders to “realize how really easy it was, from their point of view, to make a gesture that would, for the time being, deal with their problem; how easy it was just to open a lunch counter. . . two or three jobs, basically; they could accept

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<sup>68</sup> Stein, 115.

<sup>69</sup> Ibid.

that.”<sup>70</sup> As for King’s forces, Marshall explained that King “wanted recognition of what was right and what was unfair. And, once he got that in a way that was public, then that was enough.”<sup>71</sup>

The settlement called for the desegregation of lunch counters, rest rooms, and dressing rooms in downtown department stores within ninety days; nondiscriminatory hiring, including the hiring of Black clerks and salesmen, within sixty days; release of all jailed demonstrators on bond; and the establishment of a biracial committee within two weeks.<sup>72</sup> Before this settlement was announced on May 10, however, Robert Kennedy had to intervene to help raise bail for a majority of the jailed demonstrators.

Employing politically and legally questionable means, Kennedy telephoned United Auto Workers head Walter Reuther and AFL-CIO President George Meany who promised a delivery of cash totaling \$160,000, obtained from creative use of union pension funds. The money was used immediately to release the demonstrators, allowing the settlement to be announced officially the next day.<sup>73</sup> The opposition and violence to the desegregation of Birmingham and the integration of the Universities of Mississippi and Alabama convinced Kennedy that only successful legislation could ensure integration in

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<sup>70</sup> Ibid., 116.

<sup>71</sup> Ibid.

<sup>72</sup> *New York Times*, 11 May 1963, p. A 1.

<sup>73</sup> Branch, 788-89.

other areas of the South. The overwhelming national outcry to this violent opposition convinced him that this legislation could be passed.

Prior to the events in Birmingham and the university in Tuscaloosa, Kennedy and the President had tried to propose legislation in February 1963, that would have attempted to expedite voting cases, reintroduce a sixth grade education as a presumption of literacy, and extend the life of the Civil Rights Commission for four more years.<sup>74</sup> Without the support of Congress or a degree of public outcry, the bill languished much like the literacy bill of the previous year. Due to the violent excesses of Bull Connor and the widespread national condemnation of these actions, Kennedy believed that the time was ripe for major civil rights legislation.

The increasing willingness of African-Americans to march and risk their safety in order to gain their basic rights, combined with Kennedy's moral outrage to convince himself that a comprehensive civil rights bill was necessary for the future good of the nation. He believed that two alternatives existed in order to ensure the safety of Black demonstrators and the possibility of nationwide equality. The first alternative, federal protection of the demonstrators, was ruled out immediately. By mid-1963, Kennedy and his chief Justice Department assistant Burke Marshall remained firm in their belief that primary law enforcement rested in the towns and the states. A federal presence in situations like the University of Alabama was to remain an exception.<sup>75</sup> The preferred alternative

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<sup>74</sup> *New York Times*, 1 March 1963, p. A 5.

<sup>75</sup> Guthman and Shulman, 173.

was to get at the heart of the problem, the reason why Blacks were having to demonstrate. Kennedy believed that the problems in voting, desegregation, and discrimination could be solved if the government and the people affected had the legal means to conquer these divisive issues. Finally convinced that negotiation and random voluntary actions could not solve all of the problems facing Blacks, Kennedy, along with Burke Marshall, began to draft the genesis of the most comprehensive civil rights legislation ever, during a May 17, 1963, plane flight to Asheville, North Carolina.<sup>76</sup>

After Kennedy and the Justice Department began to draft the legislation, but before it was formally presented to Congress, hints of its content were leaked to the press. At a May 23rd press conference, President Kennedy answered a question about possible legislation by replying "I think there may be other things that we could do which would provide a legal outlet, for a remedy other than having to engage in demonstrations."<sup>77</sup> *The New York Times* in particular began to speculate about possible legislation, describing precisely what the actual legislation would say. Although legislation appeared inevitable, Kennedy and Burke Marshall sought to explain to the affected businesses how much easier it would be for the country if they voluntarily integrated prior to the bill's passage. Anticipating a fear of publicity among Southern business owners, Kennedy and Burke Marshall held a series of secret late May meetings in New York. Speaking with the heads of national hotel chains and then eighty

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<sup>76</sup> Guthman, 213.

<sup>77</sup> *New York Times*, 23 May 1963, p. A 18.

percent of Southern movie theater owners, Kennedy acknowledged that there would be difficulties but that voluntary steps would prevent the need for headline grabbing demonstrations.<sup>78</sup> News sources about these meetings would come from the businessmen themselves because Kennedy and the Justice Department refused to discuss publicly the meetings or its participants.<sup>79</sup>

As President Kennedy's closest adviser, Kennedy was able to impart to him the vital need for strong civil rights legislation. He was able to convince the President, against the wishes of most of the White House staff, to back visibly and vocally the legislation risking the success of the rest of his program in Southern run Congressional committees. Following a few informal meetings with business and government leaders, the President seized the successful conclusion of the University of Alabama incident on June eleventh to make a nationally televised speech on the need for civil rights legislation. Burke Marshall later explained, "The Attorney General urged President Kennedy, against the advice of many people in the White House and many political advisers, to take the civil rights issue on a moral, personal basis to the country."<sup>80</sup> Special assistant to the President Kenneth O'Donnell further explained that most in the White House including himself "[a]ll felt that the civil rights legislative action should follow our new tax reduction bill for political reasons. The

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<sup>78</sup> Ibid., 28 May 1963, p. 1.

<sup>79</sup> Ibid., 27 May 1963, p. 1, 19.

<sup>80</sup> Stein, 123.



Justice Department wanted to push first on the civil rights bill.”<sup>81</sup> Despite his role as Robert Kennedy’s top Justice Department official on civil rights, Marshall was hesitant to propose major legislation. He explained that proposing a major bill “in 1963 with the southern control of a third of the Senate, was a very, very serious undertaking.”<sup>82</sup> The bill “would tie up the Congress for months, for a year, maybe more than a year, making it impossible for him, [President Kennedy], to get other legislation through.”

President Kennedy followed his brother’s urging and did present the civil rights crisis as a moral issue to the American public. After announcing the successful entrance of the students into the University of Alabama, he stated that Americans of any color should be able to

attend any public institution they select without having to be backed up by troops. It ought to be possible for American consumers of any color to receive equal service in places of public accommodation such as hotels and restaurants, and theaters and retail stores without being forced to resort to demonstrations in the street.<sup>83</sup>

He asserted that concerning civil rights, America was not faced with either a sectional, partisan, or even a legal issue but “are confronted primarily with a moral issue. It is as old as the Scriptures and is as clear as the American Constitution. The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities whether we are going to treat our

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<sup>81</sup> Kenneth P. O’Donnell and David F. Powers with Joe McCarthy, *Johnny, We Hardly Knew Ye: Memories of John Fitzgerald Kennedy* (Boston: Little, Brown and Company, 1972) , 6.

<sup>82</sup> Mann, 352-53.

<sup>83</sup> *New York Times*, 12 June 1963, p. A 20.

fellow Americans as we want to be treated.”<sup>84</sup> Tracing some of the nation’s failed attempts at justice, he suggested the beginning of a solution by declaring that “[we] face, therefore, a moral crisis as a country and a people. It cannot be met by repressive police action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. It is a time to act in Congress, in your state and local legislative body, and above all, in all of our daily lives.”<sup>85</sup>

Now that the President was publicly behind strong civil rights legislation, Kennedy and the Justice Department increased their energies in working with legislative leaders to ensure successful passage of the legislation. Robert Kennedy understood how much he had pulled his brother into the fire. During a meeting with civil rights leaders on June 22, two days after the bill had been assigned to the House Judiciary Committee, President Kennedy explained his total support for the legislation, and the tough road ahead. He emphasized that “a good many programs I care about may go down the drain as a result of this -- we may all go down the drain as a result of this -- so we are putting a lot on the line.”<sup>86</sup> Aside from Robert Kennedy’s own strong feelings about a successful civil rights bill, he now had to make sure that his brother’s political future remained alive.

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<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> Arthur M. Schlesinger, Jr., *A Thousand Days: John F. Kennedy in the White House* (Greenwich, Conn.: Fawcett Publications, Inc., 1965) , 886.

Kennedy's first step toward successful and meaningful legislation, was to serve as lead witness at the opening of the House Judiciary Subcommittee Number Five hearings on June 26. Seeking to defend the bill which he led in drafting, Kennedy briefly explained all of its sections, but spent most of his time defending the controversial title II, which dealt with equal access to public accommodations. Using both common sense moral arguments and presenting potential economic benefits, Robert explained the plight of the Black traveler in the South.

For a white person, traveling for business or pleasure ordinarily involves no serious complications. He either secures a room in advance, or stops for food and lodging when and where he will. Not so the Negro traveler. He must either make elaborate arrangements in advance, if he can, to find out where he will be accepted, or to subject himself and his family to repeated humiliation as one place after another refuses them food and shelter. He cannot rely on the neon signs proclaiming "vacancy," because too often such signs are meant only for white people, and the establishments which will accept him may well be of inferior quality and located far from his route of travel. The effects of discrimination in public establishments are not limited to the embarrassment and frustration suffered by the individuals who are its most immediate victims. Our whole economy suffers. When large retail stores or places of amusement, whose goods have been obtained through interstate commerce, artificially restrict the market to which these goods are offered, the Nation's business is impaired.<sup>87</sup>

The reference to interstate commerce refers to Burke Marshall's recommendation that the title's enforcement powers rest with Congress's ability to oversee the nation's interstate commerce. The pro-civil rights Republicans on the Judiciary Committee however preferred basing enforcement powers on the

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<sup>87</sup> Congress, House, Subcommittee No. 5 of the Committee on the Judiciary, *Miscellaneous Proposals Regarding the Civil Rights of Persons Within the Jurisdiction of the United States*, 88th Cong., 1st sess., 26 June 1963, 1374.

equal protection clause of the fourteenth amendment. Kennedy feared this basis because the clause pertained only to state action not to acts of individual businessmen. Southern states could repeal all state licenses for businesses and thus allow small business to continue discriminating. Republicans countered that the interstate commerce clause would not reach the small business, thus the need for the equal protection clause.<sup>88</sup> A compromise was reached whereby both clauses were included in the proposed legislation.

Kennedy continued to push a moral common sense argument for, as well as defend the legality of the public accommodations title of the civil rights bill during his July 1, testimony before the Senate Commerce Committee. He explained that under present rules of etiquette, "White people of whatever kind - - even prostitutes, narcotics pushers, Communists, or bank robbers are welcome at establishments which will not admit certain of our Federal judges, ambassadors, and countless members of our armed forces."<sup>89</sup> In order to explain that the federal government was not attempting to supersede state and local law, he stated that,

before bringing a suit under this act, the Attorney General ordinarily would permit state and local authorities to act if there is an applicable public accommodations law in the locality. If there is no local law, he would employ the services of available Federal agencies to secure voluntary compliance.<sup>90</sup>

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<sup>88</sup> Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, Md.: University Press of America, 1990), 50.

<sup>89</sup> *New York Times*, 2 July 1963, p. A 12.

<sup>90</sup> *Ibid.*

Along with his appearance before both houses of Congress, Kennedy's next steps would attempt to ensure that the civil rights bill would be passed by Congressional leaders with the public accommodations title, title II intact.

Justifiably fearful that southern Democrats and conservative Republicans in both houses would either kill the bill by making it too tough and unpassable or emasculate it to render it meaningless, Kennedy sought the aid of Republican leaders who could help carry the bill to a successful conclusion. In the House, much attention focused on the moderate Republican leader of House Subcommittee number five, William McCulloch of Ohio. In the belief that his cooperation was vital to the success of the House bill, Kennedy sent Burke Marshall to speak to McCulloch in his Ohio district during the July fourth recess. Known for his success in negotiating the Birmingham march truce, as well as his superb knowledge of the pending legislation, Marshall was able to secure McCulloch's cooperation but with a price. Fearful that a potential gutting of the bill would be blamed on Republicans, McCulloch insisted on having the power to approve all changes made in the House and the Senate. Also, if the bill were successful, President Kennedy would publicly have to give Republicans equal credit for its passage.<sup>91</sup> Kennedy next sought Republican aid in the Senate.

Much as the administration saw the need for help among House Republicans, the Senate Republican vital to the bill's successful passage was Minority Leader Everett Dirksen of Illinois. After an early June meeting with President Kennedy and a conference with Senate Majority leader Mike Mansfield of

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<sup>91</sup> Charles Whalen and Barbara Whalen, *The Longest Debate: A Legislative History of the 1964 Civil Rights Act* (Cabin John, Md.: Seven Locks Press, 1985), 13.

Montana on June 13, Dirksen appeared eager to co-sponsor a Senate civil rights bill. He agreed on voting rights, school desegregation, and civil rights commission titles but could not accept ones dealing with public accommodations and equal employment.<sup>92</sup> These sticking points would have to be resolved following passage of the House bill.

Despite promises to McCulloch that Republicans would not be blamed for gutting a strong bill, and specific instructions to subcommittee chairman Emanuel Celler to produce a strong but passable bill, on October 1, Celler sent out a bill stronger than that of the administration with plans to allow moderates and Republicans to slice it to a passable level.<sup>93</sup> Despite several conversations and an explicit memo sent from Deputy Attorney General Nicholas Katzenbach to Celler on August 13, which strongly recommended "the objective of getting as much consistency as possible on general ideas,"<sup>94</sup> and to "postpone any votes on any matters until there has been an attempt to obtain as much of a consensus as possible on all titles,"<sup>95</sup> Celler followed his own agenda. Celler, a forty-one year veteran of the House, believed that this bill could be handled just as the 1957 and 1959 Civil Rights Acts were slashed to

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<sup>92</sup> Michael Mansfield, "Memorandum by Senator Mansfield on Conference with Senator Dirksen, June 13, 1963," in *Civil Rights, The White House, and the Justice Department 1945-1968*, Vol. 13, ed. with intros. by Michal R. Belknap (New York and London: Garland Publishing, Inc., 1991), 30.

<sup>93</sup> Whalen and Whalen, 37.

<sup>94</sup> Nicholas de B. Katzenbach, "Letter from Deputy Attorney General Nicholas de B. Katzenbach to Representative Emanuel Celler, August 13, 1963," in *Civil Rights, The White House, and the Justice Department 1945-1968*, Vol. 13, 50.

<sup>95</sup> *Ibid.*

passable levels. He failed to heed advice that these tactics would serve to kill the bill as liberal Democrats and conservatives now refused to take the blame for watering down the legislation.<sup>96</sup>

With most of the administration and McCulloch greatly angered by the fact that Celler's actions almost surely doomed the legislation, Kennedy, the Justice Department, and the President scrambled to save the bill. Kennedy later explained that his thoughts at the time about Celler were that "we'd lost him and he wasn't giving any leadership. He'd indicated that he'd come along with us and then hadn't."<sup>97</sup> He called Celler into his office and proceeded to lash out at him for ignoring the advice of the Justice Department, the President, and McCulloch. Kennedy told him that "he was no good to us,"<sup>98</sup> and that "the bill was going to go down the drain."<sup>99</sup> Beginning to realize his great error, Celler agreed to try again to lead a passable bill out of committee. President Kennedy met with a furious McCulloch and Minority Whip Charles Halleck of Indiana in order to preserve Republican cooperation. Both agreed to lead and support a restructured bill granted that liberal Democrats offer half of the restructuring amendments and that Kennedy himself appear again in House committee to call for changes in the subcommittee bill. Eager to do what he could to

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<sup>96</sup> Whalen and Whalen, 29-30.

<sup>97</sup> Graham, 128.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

rescue the bill from oblivion, Kennedy agreed to testify on October 15 to explain that "what I want is a bill, not an issue."<sup>100</sup>

After stating emphatically that strong legislation was necessary to combat discrimination in voting, public accommodations, and school desegregation, Kennedy explained the key differences between the original legislation and the subcommittee version that may prevent effective civil rights legislation from being passed. Referring to title I and voting, Kennedy explained that although the standards of a sixth grade education as proof of literacy, and the appointment of judges to investigate voting fraud would be just as useful in state elections as they would in federal elections, the constitutionality of the federal government prescribing laws for state elections was questionable and could prevent the title from becoming law.<sup>101</sup> Speaking about title II and public accommodations, he defended the administration's version which focused on the major sources of racial discrimination but excluded smaller and more private businesses such as doctor's offices and barbers. Kennedy emphasized that focusing on the major reasons for demonstrations would lead to voluntary desegregation in other areas.<sup>102</sup> Concerning title III and desegregation of public facilities, Kennedy did not believe that the attorney general should have the power to bring injunctions to enjoin the deprivation of any constitutional right. He stated that no one should have such broad based power to delve into local

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<sup>100</sup> Loevy, 68.

<sup>101</sup> Congress, House, Committee on the Judiciary, *H.R. 7152 as Amended by Subcommittee No. 5*, 88th Cong., 1st sess., 15 October 1963, 2653-54.

<sup>102</sup> *Ibid.*, 2655.



matters, and could require a type of federal police force to ensure enforcement. He believed that the new title III went far beyond its original intent of speeding up desegregation of schools as well as libraries and public parks.<sup>103</sup>

After the Kennedy administration had made its suggestions clear and in public, it worked with committee leaders to ensure that these changes were included in the final House bill, and that the bill would survive intact throughout the process toward passage. With the President lobbying House members, and Kennedy supervising Nicholas Katzenbach and Burke Marshall revising the bill with Celler and McCulloch, the bill was voted out of committee on October 28, and was passed by the House on February 10, 1964. The assassination of President Kennedy on November 22, 1963, went a long way in ensuring such swift House passage. The next and possibly toughest step came in pushing the bill through the Senate.

In the Senate, getting a majority of the votes was enough to pass the bill, but its supporters would also need 67 votes for cloture in order to break a conservative led filibuster and allow voting to take place. Kennedy insisted on achieving cloture rather than attempt the alternative of tiring out the opposition, which Lyndon Johnson preferred. Both men held their opinions for the same reason. In 1957 and 1960, then Senate Majority Leader Johnson had worn out the filibusterers and passed civil rights laws. Unfortunately, he had to make

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<sup>103</sup> Robert F. Kennedy, "Memorandum from the Attorney General to the President, October 23, 1963," in *Civil Rights, The White House and the Justice Department, Vol. 13, 98.*

major concessions in the bills in order to gain conservative agreement.<sup>104</sup> Kennedy remembered these instances as well as his proposed 1962 literacy test bill which failed two cloture votes and was eventually dropped. After the battle in the House, his enduring hope for a strong bill, and the promises made to McCulloch that Republicans would not be blamed for gutting the final legislation, Kennedy insisted that cloture votes not be taken until the votes to break the filibuster were there. This is the reason why Senate Minority Leader Everett Dirksen was so important to the bill's passage. Kennedy and the administration knew in June 1963, with a reminder from Senate Majority Leader Mike Mansfield, that "to obtain 67 votes for cloture requires, at a minimum, complete cooperation and good faith with respect to Senator Dirksen. If that does not exist, the whole legislative effort in this field will be reduced to an absurdity."<sup>105</sup> Thus, Kennedy, the Johnson administration, Senate Democrats, and William McCulloch began, after the bill's delivery to the Senate on February 17, 1964, to work on Dirksen to gain his support and his leadership for the entire House bill.

As Senate Majority leader Mike Mansfield's choice as floor leader of the bill, Senator Hubert Humphrey of Minnesota recognized Dirksen's importance in the bill's passage. He made a point of making sure Dirksen was treated as a respected leader throughout the process by alerting him on the bill's progress. After the bill finally became pending business on March 30, following a southern filibuster, Dirksen realized that responsibility for the bill's passage was in his

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<sup>104</sup> Whalen and Whalen, 125.

<sup>105</sup> Michael Mansfield, "Memorandum from Mike Mansfield to the President, June 18, 1963," in *Civil Rights, The White House, Vol. 13*, 33.

hands. He therefore sought to put his stamp on the final version by offering a series of amendments to alter the federal nature of some of its enforcement procedures. Democrats began to descend on Dirksen, confident that he was willing to negotiate. William McCulloch was the first one to chip away at Dirksen's potential amendments. He visited Dirksen on April 14, and reminded him that he had not notified him of these amendments before making them public. McCulloch also reminded him that all Senate changes must meet with his favor for the bill to survive the entire Congress. Dirksen wisely dropped several of the unpopular amendments.<sup>106</sup>

On April 23, despite his belief that state and local entities should have sole oversight power over job discrimination, Dirksen, in a meeting with Kennedy, Mansfield, and Humphrey, agreed to allow the proposed Equal Employment Opportunity Commission to file suits.<sup>107</sup> In addition he negotiated with the Democrats to write a new jury trial amendment to supersede one by Southern conservative Senator Herman Talmadge. The compromise attempted to thwart attempts by Southern senators to authorize jury trials in all contempt of court proceedings involving failure to obey a court order to cease discriminating. Southerners and civil rights supporters believed that the original amendment would result in blanket acquittals. The compromise authorized, at a judge's discretion, a trial with or without a jury. In the absence of a jury a defendant found guilty would receive a maximum of thirty days in prison and a

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<sup>106</sup> Whalen and Whalen, 164.

<sup>107</sup> Ibid., 169.

maximum fine of three hundred dollars.<sup>108</sup> Supporters believed that this provision at least provided some degree of punishment.

The final barrier to complete bipartisan agreement on the bill was Dirksen's opposition to the Attorney General's power to file suit in public accommodation and employment discrimination suits. Dirksen began a series of meetings with Kennedy, the Justice Department, and Senate leaders to clear up differences.<sup>109</sup> As the group went through Dirksen's remaining amendments, Nicholas Katzenbach and Burke Marshall worked with Senate counsel on changes in wording. On May 13, Kennedy was able to persuade Dirksen to accept a compromise by which the attorney general had the authority to bring suit under titles II and VII if a pattern or practice of discrimination existed and state or federal agencies were unable to reach compliance. In cases involving individual instances, the attorney general could only intervene in not initiate discrimination suits.<sup>110</sup> With these barriers crossed, Dirksen was fully willing and able to help achieve cloture and pass the legislation. Cloture was reached on June 10, and the bill was passed by the Senate 73-27. After the bill was returned to the House for final approval, it was signed into law by Lyndon Johnson on July 2.

Despite joy concerning the passage of legislation, even as early as mid 1963, Kennedy realized that civil rights legislation alone was not going to

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<sup>108</sup> Ibid.

<sup>109</sup> John F. Manley, "The U.S. Civil Rights Act of 1964," *Contemporary Review* 206 (January 1965) : 12.

<sup>110</sup> *New York Times*, 14 May 1964, p. A 28.

**improve the lives of all Black Americans entirely. These thoughts would govern his words and actions for the remainder of his life.**

## CHAPTER 3

### FRAMEWORK FOR AN URBAN SOLUTION

Robert Kennedy knew that the severe problems in the northern ghettos required different solutions than those employed to ensure legal equality. As he explained to journalist Anthony Lewis,

Problems in the North are not easily susceptible to passage of legislation for solution. You could pass a law to permit a Negro to eat at Howard Johnson's restaurant or stay at the Hilton Hotel. But you can't pass a law that gives him enough money to permit him to eat at that restaurant or stay at that hotel.<sup>111</sup>

Kennedy's ideas for action and enlightening experiences came in large part from his role as head of the President's Committee on Juvenile Delinquency during his term as Attorney General.

The committee began as an attempt to keep teenagers in school and out of trouble. Nevertheless, it gradually developed into a framework that Kennedy would employ in helping to decrease poverty by involving the poor in improving their lives. The move toward action began shortly after the 1960 presidential election when Kennedy approached Dave Hackett, a boyhood friend of the Kennedy family who had worked for Kennedy during his investigating days and had been a special assistant during the presidential campaign. Kennedy simply asked if Hackett would look into the problems of juvenile delinquency and to

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<sup>111</sup> Schlesinger, *Robert Kennedy*, 779.

find out what the administration could do to help solve these problems.<sup>112</sup> Apparently the request grew from the experience of Kennedy's sister Eunice who had done some work in the area and from Kennedy's own awareness of a problem among some of America's youth.<sup>113</sup>

Not having much previous knowledge about juvenile delinquency, but given full authority to research the issue, Hackett began immediately to speak with every expert both inside and outside the government that he could contact. His first major non-governmental contacts were with Leonard Cottrell of the National Institute of Mental Health, NIMH, David Hunter and Richard Brown of the Ford Foundation, and Lloyd Ohlin of the Columbia University School of Social Work.<sup>114</sup> All four men were working together on an increasingly popular delinquency program on the Lower East Side of Manhattan called Mobilization for Youth, MFY. Cottrell was a professional sociologist who had many years of experience dealing with delinquency. His role in MFY was as head of NIMH's review panel, which as one of its funding bodies monitored planning. Hunter and Brown were also monitoring how its foundation's money was spent. Ohlin was called to the aid of MFY from Columbia for his sociological expertise on delinquency, particularly for his newly developed opportunity theory regarding the causes of delinquent behavior.

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<sup>112</sup> David Hackett, Interview by John W. Douglas, 21 October 1970, page 67, transcript, For the Robert Kennedy Oral History Program of the John F. Kennedy Presidential Library.

<sup>113</sup> *Ibid.*

<sup>114</sup> *Ibid.*, 69.

With his partner Richard Cloward, Ohlin advanced a theory at odds with the majority of delinquency experts. Diverging from the ideas and methods of dealing with the delinquent individually as a deviant with unique problems thus requiring only individual counseling and therapy, Cloward and Ohlin presented the theory that the source of the problem was not the individual delinquent himself seeking to oppose mainstream goals, but instead was the structure of the slum environment which prevented the juvenile from reaching mainstream goals legitimately. The existing joblessness, poverty, lack of education, and discrimination greatly hindered the ability of ghetto dwellers to function profitably and lawfully in society. The solution was to reform drastically the traditional structures of government/client relations in the ghettos so that their residents could attain the legitimate avenues of opportunity that had been denied them.<sup>115</sup> These ideas were being considered and put into place as Ohlin, Cloward, and the before mentioned men were attempting to reform the communities of Manhattan's Lower East Side through a comprehensive assembly of public and private organizations.

Hackett was greatly impressed with the project and its ideas, so it did not take much beyond a recommendation from Cottrell for him to ask Ohlin to aid in the creation of a federal delinquency program and later to employ the advice and aid of other MFY members. Hackett, Ohlin and others quickly began to formulate a federal department and legislation that would bring funding to comprehensive, city based organizations that could work to transform the social and

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<sup>115</sup> Richard A. Cloward and Lloyd E. Ohlin, *Delinquency and Opportunity* (New York: The Free Press, 1960), 152.



economic structures of communities such as New York City was attempting through MFY.

By May of 1961, after much discussion among the growing group of experts and consultation with the Attorney General, a coordinated federal agency, the President's Committee on Juvenile Delinquency and Youth Crime, PCJD, was established by President Kennedy through an executive order.<sup>116</sup> Attorney General Robert Kennedy was named chairman and Secretary of Labor Arthur Goldberg and Secretary of Health, Education and Welfare, HEW, Abraham Ribicoff as equal members. Hackett, at the time an assistant to Kennedy at Justice was named Executive Director of the committee as well as special assistant to the chairman. Ohlin was given the title of special assistant to the Secretary of HEW. In addition, a Citizen's Advisory Council was created to provide a ready pool of delinquency experts.<sup>117</sup> Despite the coordinated structure, most of the committee would function through Hackett and Ohlin under the direction of Robert Kennedy.

The fund generating authority and statutory basis of the committee came from the Juvenile Delinquency and Youth Offenses Control Act of 1961 which the President proposed simultaneous with the executive order. The bill consisted mostly of legislation which interested members of Congress had failed for

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<sup>116</sup> President, Executive Order, "Establishing the President's Committee on Juvenile Delinquency and Youth Crime, Executive Order 10940," *Federal Register* 26, no. 92 (13 May 1961) : 4136, microfiche.

<sup>117</sup> Robert Kennedy Papers, "President's Committee on Juvenile Delinquency application addendum," 1964 Campaign: Background Materials, Edwin Guthman File, Box 5, 1, of the John F. Kennedy Presidential Library.

years prior to Senate passage earlier in 1961 to get serious attention. The key new addition to the bill was a new preamble which briefly described the function of the President's Committee in relation to the existing federal government as well as a vague description of opportunity theory which was clearly the ideological force of the entire program. The bill, in short, called for the federal government to undertake demonstration projects in the field of youth services, to train personnel to work with young people in trouble, and to evaluate and disseminate the most effective ways of using total resources to combat juvenile delinquency in local communities.<sup>118</sup> It would provide total funding of thirty million dollars over three years to accomplish these goals. During his presentation, President Kennedy explained that "Juvenile delinquency and youth offenses diminish the strength and vitality of our nation. They present serious problems to all the communities affected, and they leave indelible impressions upon people involved which often cause continuing problems."<sup>119</sup> The bill was passed by Congress in September following testimony by Labor, HEW, and Robert Kennedy himself.

During testimony in support of the Juvenile Delinquency Control Act, Kennedy touched on several aspects of the legislation. In describing the scope and structure of the federal government's role, he urged that

if we would make more effort in the field of housing, in education, in the field of job opportunity, help the school dropouts, if we are able to coordinate our efforts here at the federal government, with the local

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<sup>118</sup> Ibid., 1.

<sup>119</sup> Ibid.

institutions, the state and charitable organizations, such as the Ford Foundation. . . if we are able to bring all this effort together, then we are going to make some progress.<sup>120</sup>

Continuing along the line of Ohlin's opportunity theory, he stated

I think some of us who were fortunate might also have been juvenile delinquents if we had been brought up in different environments. In many cases I think the only reason you are not a juvenile delinquent is that you were not caught. If you live in a better neighborhood and have a better life you are less apt to be caught than if you live in a more difficult neighborhood.<sup>121</sup>

Wishing to give a real life example for the need for federal intervention,

Kennedy related a piece of first hand experience.

I visited a neighborhood up in New York City and talked for some hours with one of these gangs. One of their great heroes in that area was the head of the gang who had been convicted of murder. He had gotten out of the institution and he was back. Another was under indictment or arrest for murder. They are great heroes. . . . They feel that they do not have really an opportunity of getting out. Their opportunity of getting a better education, of getting out of this environment, rests only with perhaps, peddling dope and getting to be a major figure in getting their names in the paper. . . . We are going to have to say to them that they have a chance and opportunity. We cannot say to them, "You should not be a juvenile delinquent," if the school is no good, if they are not going to get a good education, if they don't have a place to live at night, if they have no parents and they don't have a chance of getting a job after they get out.<sup>122</sup>

Although not involved directly in the daily formation of delinquency policy,

Kennedy clearly was emotionally and intellectually involved in its progress.

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<sup>120</sup> Congress, House, Special Subcommittee on Education of the Committee on Education and Labor, *Juvenile Delinquency Control Act*, 87th Cong., 1st sess., 12 July 1961, 109.

<sup>121</sup> *Ibid.*

<sup>122</sup> *Ibid.*, 113.

Prior to and throughout the passage of the legislation, Hackett and Ohlin were completing the program's organizational structure and gathering great minds to aid in formulating the criteria by which communities would be granted funding and guidance to form anti-delinquency programs. Ohlin's official role in HEW was soon upgraded to executive director of the Office of Juvenile Delinquency, the technical wing of the delinquency program. Along with the Citizen's Advisory Council, essentially a paper entity, a working subcouncil, the Technical Review Demonstration Projects Panel was created and staffed by Hackett and Ohlin. Numerous meetings settled on the grand goal of seeking the funding of cities which could present comprehensive plans comprising all public and private entities that had an impact on delinquency and its economic and social surroundings. These entities would include schools, labor, police, the courts, city and state government, etc. The plan would lay out a coordinated effort of these organizations to solve delinquency through innovative reform of existing practices.<sup>123</sup>

Shortly after Congress passed the Juvenile Delinquency bill in September 1961, Hackett was already sending staff members to major cities soliciting willing participants. Hackett kept the Attorney General constantly aware of committee progress as in this memo which explained, "We are using the following procedure in dealing with cities: After an initial invitation comes from a local leader, an advance man goes to the city and talks informally with key persons

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<sup>123</sup> Daniel Knapp, *Scouting the War on Poverty: Social Reform Politics in the Kennedy Administration* (Lexington, Mass.: D.C. Heath and Company, 1971), 75.

which include the mayor, the ranking County official, the school board, etc.”<sup>124</sup> He went on to explain that if these informal meetings provoke interest and a potential for a coordinated effort, that Ohlin or Hackett would participate in more formal discussions, possibly followed by technical assistance in preparing a plan for action for the community.<sup>125</sup>

Once a city’s course of action was approved by the demonstration projects panel, it would be awarded a planning grant which would be used for up to a year of intensive planning and organization, to be followed by the first year of the program’s action phase. The President’s Committee believed that a year of organization and research was necessary to create a viable delinquency program. Many members of Congress were not as comfortable with such a leisurely pace, so the committee was forced to find a project that was ready to begin its action phase. The natural choice was MFY which already had had a few years to create its program and would be the visible example of what the PCJD was looking for in a program.

MFY’s action phase, funded in March 1962, came with a number of innovative ideas. For improvements in education, the plan called for better preschool programs, increased tutoring for all levels, and teacher in-service to train teachers to communicate better with parents.<sup>126</sup> To help solve the

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124 Ibid., 70.

125 Ibid.

126 Peter Marris and Martin Rein, *Dilemmas of Social Reform: Poverty and Community Action in the United States* (Chicago: Aldine Publishing Company, 1973), 59,62.

problems of youth joblessness, MFY suggested the creation of a youth employment center which would provide youths with advisement, job placement and related training as well as to teach the vital basic skills of reading, arithmetic, personal appearance, and responsibility.<sup>127</sup> Staff involvement in communicating with landlords and welfare agencies was also included in the plan. In all the PCJD would issue sixteen planning grants but with very few approaching the success of its model, MFY, in either program content or agency coordination.

One general criticism of many of the proposed programs was the lack of true coordination among its board members. Quite often, chosen board members from the various government, social and economic agencies had trouble stepping out from their usual authoritative role in the community and thus had difficulty working in concert on the problem of delinquency. These attitudes also often led to a general lack of innovative solutions. Social workers used to dealing with delinquents on a one-on-one basis would have trouble adjusting to plans to deal with solving the larger problems of delinquency in the community. Welfare officials would not easily criticize the ways they interact with those requiring services. In addition, most of the planning and implementation of the plans failed to consult or include the residents who would be affected by these actions. Some of these problems were unforeseen by the PCJD, while others were allowed to slip by while the grant committee was rushing to distribute the time limited funds. Even MFY, with its well thought out program was not without its problems.

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<sup>127</sup> Ibid., 72.

MFY, among others, failed to anticipate some of the problems involved with reform. While its tutoring and early education ideas were well received by the school system, its teacher inservice plan was rejected by teachers who did not want to admit the need for better teacher-parent communication, or the gaps in cultural understanding between teachers and students.<sup>128</sup> At the same time, MFY's employment centers attracted large numbers of youth but were unable to secure gainful employment for a majority of its applicants. The problems arose not from the inability of MFY personnel to train the teens but due instead to the number of teens with police records and those needing to learn personal appearance and responsibility before they could attain marketable job skills. Its program was successful in improving these necessary people skills but failed dramatically to overcome the paucity of job skills and the sheer lack of jobs available in the slum communities.<sup>129</sup> In the end, MiFY's greatest impact on future action in the ghettos would be its subsequent employment of legal aid to residents and its conscious attempt to expand its role to include an attack on ghetto poverty with the aid of the poor residents themselves.

PCJD and, subsequently, other groups in the Kennedy administration began to shift their attention beyond the specific problem of delinquency to the greater issue of poverty in America. Although ideas emerging from the planning grants were taking the forms of anti-poverty solutions, the conscious intent to attack poverty grew in concert with other government influences. In early 1963,

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<sup>128</sup> Ibid., 67.

<sup>129</sup> Ibid., 77, 89.

prompted by his sister Eunice, Robert Kennedy proposed a domestic version of his sister's husband Sargent Shriver's Peace Corps to help the poor of the nation. Again Kennedy employed David Hackett and former Ford Foundation employee Richard Boone to look into this issue.<sup>130</sup> In addition, Kennedy aided in bringing together several members of the cabinet during at least three Saturday meetings to develop a coordinated strategy. Although the proposed Domestic Peace Corps did not pass Congress in its original form, it eventually became VISTA under the Johnson administration, and its influence added to PCJD ideas to push the nation towards poverty legislation. Hackett saw these events as aiding in the successful funding of his numerous planning projects and in continuing his efforts to improve slums on a larger stage.

During the planning for the Domestic Peace Corps, Hackett and Boone continued to hold meetings with experts both inside and outside the government to formulate a successful structure to combat poverty and earn the varied group the nickname "Guerrillas." Through these meetings, their experiences with PCJD, and their examination of project successes and failures, a coherent strategy was created. Starting with the PCJD prototype of government agencies providing advice and funding to a coordinated community group, the emphasis on participation of the slum residents in project planning and implementation was increased. The need for greater coordination of government entities was also strongly encouraged. Taking the PCJD structure into account, Hackett

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<sup>130</sup> John F. Kennedy Library, Poverty and Urban Policy, "Brandeis University Conference: Conference Transcript of 1973 Group Discussion of the Kennedy Administration Urban Poverty Programs and Policies, Pt. 2," 224.



believed that a truly independent domestic cabinet post staffed by representatives of poverty related departments, would streamline overlapping programs and jurisdictions and combine the intellectual power of the federal government. In addition, he believed that this cooperation would aid community groups in receiving advice and funding from only one source.<sup>131</sup> These events occurred at the same time that President Kennedy himself was becoming increasingly interested in an attack on poverty.

In addition to the information that he was getting from his brother about the PCJD findings and the need for a Domestic Peace Corps, President Kennedy was greatly influenced about poverty in the United States from two additional sources. The first was a January 1963 *New Yorker* article entitled "Our Invisible Poor." It served to review current literature on poverty such as John Kenneth Galbraith's *The Affluent Society* and Michael Harrington's *The Other America*. and generally presented the fact that although there were fewer numbers of poor in America as compared to the Great Depression, these poor attained a smaller percentage of America's gross income. He also claimed that these poor were increasingly less able to earn enough money to provide their families and themselves with basic human needs. The main causes for this poverty included lack of job skills, poor health, and a stagnant slum environment.<sup>132</sup> The second influence was an October 20, 1963 *New York Times* article on the extreme poverty conditions in abandoned coal mining towns in

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<sup>131</sup> Ibid., 225.

<sup>132</sup> Dwight MacDonald, "Our Invisible Poor," *New Yorker*, 19 January 1963.

Eastern Kentucky. It too emphasized horrible conditions and feelings of helplessness. The *New Yorker* article encouraged President Kennedy to begin thinking about a larger federal program to deal with poverty. The second article came shortly before a search began for a concrete plan of action.

While Hackett and Boone were pushing forward on the Domestic Peace Corps and beyond, President Kennedy's Council for Economic Advisers, CEA, was beginning to discuss plans for poverty legislation. Council members such as William Capron were present at Robert Kennedy's Saturday strategy meetings, and Budget Bureau member William Cannon was becoming loosely involved with Hackett and Boone's growing ideas.<sup>133</sup> These associations would aid the Guerrillas in the fall of 1963 when CEA chairman Walter Heller asked Cannon and Capron for help in gathering poverty program ideas. Cannon remembered the Guerrillas' fresh and innovative proposals and swiftly contacted Hackett requesting a written plan for the president's poverty program.<sup>134</sup> Cannon was also interested because he had been familiar with Leonard Cottrell like community programs in Chicago.<sup>135</sup> In late October, Hackett gave Cannon an outline of a community based poverty plan. Cannon then began to distribute the plan to the other Budget Bureau and CEA members and quickly gained Capron's cooperation. By mid November, President Kennedy was still deciding what role a poverty program would take, but the Guerrillas' ideas had

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<sup>133</sup> Brandeis University Conference, Pt. 1, 141,172.

<sup>134</sup> Ibid., 172.

<sup>135</sup> Ibid., 62.

been embraced by the President's economic advisers. They agreed with Hackett that working with the residents of the communities was vital, and they also believed that a coordinated but independent federal agency was the ideal entity to monitor the entire program. Cannon, in particular, was drawn by the philosophy of a planning stage and a small number of demonstration projects occurring prior to a massive amount of action and funding.<sup>136</sup> Considering Hackett's relationship with the Attorney General, his plan appeared on the road to acceptance. President Kennedy's assassination on November 22 would serve to alter the content and prominence of the plan in the eventual War on Poverty.

With President Kennedy's death on November 22, Hackett's main source of influence, Robert Kennedy, lost most of his power. Added to this was the fact that new president Lyndon Johnson believed that he must move on poverty quickly and boldly. His point man on poverty, Kennedy in-law Sargent Shriver, agreed. These circumstances did not bode well for the potential smashing success of the community action program. Johnson and Shriver believed that moving quickly and boldly precluded extensive planning and limited demonstration programs. In February 1964, at his first strategy meeting as head of the newly created Office of Economic Opportunity, OEO, Shriver swiftly concluded that community action programs alone "would never fly."<sup>137</sup> He knew that

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<sup>136</sup> Richard Blumenthal, "The Bureaucracy: Antipoverty and the Community Action Program," in *American Political Institutions and Public Policy: Five Contemporary Studies*, ed. Allan P. Sindler (Boston: Little, Brown and Company, 1969) , 147.

<sup>137</sup> Brandeis, pt. 2, 234.

Johnson sought to move quickly in as many areas as possible. He believed that a totally coordinated agency would not work quickly enough. Shriver preferred that community action serve as one of many pieces of a massive attack on poverty. Like Johnson, he believed that single issue projects organized by various cabinet departments would be the best and most visible commitment by the new president.<sup>138</sup>

Although their ideal plan was defeated, Richard Boone, Lloyd Ohlin and others were appointed to draft legislation for Title II, the community action program for the proposed Economic Opportunity Act. They worked on the inside while Hackett, Kennedy, Cannon and others worked somewhat on the periphery to retain and pass as much of community action theory as possible. While government coordination and careful planning were lost, the theory of participation of the poor citizen in implementation was preserved in the inclusion of language calling for the "maximum feasible participation" of the poor. Despite its vagueness and questionable power in the overall legislation, Kennedy and others fought hard for its inclusion. They were also able to resurrect the National Service Corps as Volunteers in Service to America or VISTA as part of the entire legislation.

Kennedy demonstrated his support for community action and his understanding and belief in the guerrillas' theories about delinquency and poverty during his testimony before the committee considering the Economic

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<sup>138</sup> James L. Sundquist, "Origins of the War on Poverty," in *On Fighting Poverty: Perspectives From Experience*, ed. James L. Sundquist (New York: Basic Books, Inc., 1969) , 25.

Opportunity Act of 1964. He began his testimony of April 7, by briefly describing the culture of poverty that hinders the progress of those who live in the urban ghettos. He attributed lack of education and motivation to achieve in large part to "families which discourage education; many live in poor housing and are exploited by corrupt landlords. Their families are plagued with poor health, alcoholism, and drug addiction, by unemployment and discrimination."<sup>139</sup> Kennedy added that such an environment, "breeds hopelessness and defeatism, in which the young person is unable to move the institutions which affect him; in which he comes to feel that everything is closing in on him, that he is powerless in a hostile world."<sup>140</sup> He believed that delinquency occurs when legal means of success do not appear to exist.

Kennedy stated that his support for community action programs grew out of his belief that present institutions that affect the poor,

Education, welfare, recreation, business, labor, are huge complex structures, operating far outside their [the poor's] control. They [the institutions] plan programs for the poor, not with them. Part of the [ir] sense of helplessness and futility comes from the feeling of powerlessness to affect the operation of these organizations.<sup>141</sup>

Kennedy further stated that "the key to the success of this program, and I think it has been the key to the success of this country, is people coming up themselves

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<sup>139</sup> Congress, House, Subcommittee on the War on Poverty Program of the Committee on Education and Labor, *Economic Opportunity Act of 1964*, 88th Cong., 2nd sess., 7 April 1964, 302.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid., 304.

and deciding what needs to be done, and then the rest of us who are in a more advantageous position helping."<sup>142</sup> Kennedy would expand and transform these ideas into actions as his position as senator from New York brought him closer to the problems of northern cities.

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<sup>142</sup> *Ibid.*, 308.

## CHAPTER 4

### EFFORTS TO IMPROVE LIVES

Although civil rights and poverty did not dominate his speeches during his New York Senate campaign against fellow civil rights supporter Kenneth Keating, Kennedy still found opportunities to continue to focus on the problems of urban Blacks and the need to help solve them. It would not be long before he turned these ideas into actions. During an October 1964 speech to the Buffalo chapter of the NAACP, Kennedy emphasized that the problems of educational deficiency, joblessness, and deteriorating housing conditions in urban ghettos must be met head on with solutions. He firmly stated that the costs of improvement programs, although high, would go far to lessen the need for increasing funds for welfare and law enforcement.<sup>143</sup>

Kennedy took the opportunity following his election to the Senate to re-emphasize the need for expediency in dealing with social and economic problems in the urban ghettos. This opportunity came after an altercation with police and Blacks in the Watts section of Los Angeles in August of 1965, turned into a full blown riot resulting in widespread looting and arson. National reaction widely favored increased law enforcement in slum areas like Watts. During a speech to the Independent Order of Odd Fellows just days after the riots

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<sup>143</sup> William vanden Heuvel and Milton Gwirtzman, *On His Own: Robert F. Kennedy 1964-1968* (Garden City, N.Y.: Doubleday and Company, Inc., 1970), 79.

began, Kennedy tried to explain the problems and frustrations of ghetto dwellers while also condemning the few that led the rioting.

He stated that Watts was merely one example of a number of urban slums where the poor believe that there is no hope of improving their lives. He explained that

we are in the midst of the longest sustained peacetime expansion in history: median income of white families reached a record high of \$6237 in 1964. But median Negro family income was only \$3330 which means that nearly half of all Negro families live on incomes under the poverty level.<sup>144</sup>

He stated that urging Blacks to stay in school was not a solution when "figures from the 1960 census suggest that the average nonwhite man who has completed college can expect to earn less over a lifetime than the white man who did not go beyond the eighth grade."<sup>145</sup>

While condemning the actions of the rioters, Kennedy argued that a majority of Watts residents did not participate in the riots but were equally wary of local law enforcement and pleas to simply obey the law. Kennedy explained that the law and police did not appear to minorities to provide the same comfort and protection that it did to many Americans. He asserted that

the laws do not protect them from paying too much money for inferior goods, from having their furniture illegally repossessed. The law does

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<sup>144</sup> Congress, Senate, Address by Senator Robert F. Kennedy, State Convention of Independent Order of Odd Fellows, Spring Valley, N.Y., August 18, 1965, 89th Cong., 1st sess., *Congressional Record* 111, no. 156, daily ed. (24 August 1965) : 20693.

<sup>145</sup> Ibid.



not protect them from having to keep lights turned on the feet of children at night to keep them from being gnawed by rats.<sup>146</sup>

He concluded by declaring that riots like the one in Watts could occur in other cities unless steps were taken to help these people improve their lives through job opportunities and a voice in their communities.

Kennedy soon continued to show his concern by visiting areas such as Watts to talk to its residents and publicize their problems. Although adhering to his ideas on community involvement to solve their own problems, Kennedy sought to formulate a specific plan to accomplish these goals. He instructed his legislative assistants Adam Walinsky and Peter Edelman to help formulate a plan and make it presentable in a speech he could give to encourage support for his ideas.<sup>147</sup> Both Walinsky and Edelman were young lawyers from Harvard and Yale Law Schools who rose from low level Justice Department officials, to campaign volunteers, to Senate staff assistants and speech writers. Each helped Kennedy convert his ideas into words and actions as well as provide suggestions of their own. Both helped him to create a series of civil rights speeches that he gave in January 1966, to propose solutions to urban problems.<sup>148</sup>

The first speech given on January 20, 1966, discussed housing segregation in urban areas. Kennedy emphasized that the inner cities contain a majority

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<sup>146</sup> Ibid.

<sup>147</sup> Peter Edelman, Interview by Larry Hackman, 3 January 1970, page 87, transcript, For the Robert Kennedy Oral History Program of the John F. Kennedy Presidential Library.

<sup>148</sup> Ibid., 89.

of black residents while the suburbs house a majority of white residents. He purported that these realities grew out of both the poverty that prevented poor African-Americans from affording better and the implication that Whites worked to preserve the segregation. Kennedy urged that

our course of action must be twofold--on the one hand giving the Negro complete freedom of choice of neighborhood and, on the other hand, improving existing conditions in the present Negro neighborhoods. . . . And if his desire in the end is for a Negro neighborhood, the choice must not be so narrow that he has to live in a central city neighborhood to live in a predominantly Negro neighborhood.<sup>149</sup>

He recommended that the federal and state governments work toward breaking down barriers to black housing choices through anti-discrimination laws and financial assistance to those who wish to relocate.

Kennedy used his second speech to provide recommendations to help blacks to improve the areas in which they currently lived. Presented to the New York Borough President's Conference of Community Leaders on January 21, the speech was a comprehensive plan based on his ideas of community action and Adam Walinsky's long held desire for residents to rebuild a ghetto themselves. It became the blueprint for attacking ghetto ills. Kennedy began his speech by explaining that the current welfare policies were limiting, not aiding, the lives of the urban poor. He stated that the system fostered the breakdown of the family by forcing the father to move out in order for the rest of his family to be eligible for payments. In addition, the school dropout rate was higher when

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<sup>149</sup> Congress, Senate, Address of Senator Robert F. Kennedy, Luncheon of the Federation of Jewish Philanthropies of New York, Americana Hotel, New York City, January 20, 1966, 89th Cong., 2nd sess., *Congressional Record* 112, pt. 2 (2 February 1966) : 1872-73.

welfare payments exist because the young see that the jobs available to graduates pay less than welfare.<sup>150</sup> He urged that the best medicine for the inner cities was to train its residents in jobs that would allow them to rebuild their neighborhoods and own their own homes and businesses. He saw on the job training in construction as a first step in creating meaningful work for men and their sons. He saw this plan expanding to include participation by universities to teach the residents to be able to work in newly built health clinics and the business skills to run local stores. He looked both to private corporations and government to provide financial support to get the plan started and functioning. Basically, he believed that

what is called for, in short, is a total effort at regeneration-- an effort to mobilize the skills and resources of the entire society, including above all the latent skills and resources of the people of the ghetto themselves in the solution of our urban dilemma.<sup>151</sup>

It would not take long for him to find a site to showcase his plan.

Bedford-Stuyvesant, a ghetto in Brooklyn, New York was described by writer Jack Newfield in the following manner. "Diseased debris rotting under a halo of mosquitos in a vacant lot. . . . Burned out houses with families still living behind the boarded-up windows. Roaches so bold they no longer flee from the light."<sup>152</sup> He further reported that Bedford Stuyvesant encompassed an area of

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<sup>150</sup> Congress, Senate, Address of Senator Robert F. Kennedy, Borough President's Conference of Community Leaders, January 21, 1966, 89th Cong., 2nd Sess., *Congressional Record* 112, pt. 2 (2 February 1966) : 1874.

<sup>151</sup> *Ibid.*, 1875-76.

<sup>152</sup> Jack Newfield, *Robert Kennedy: A Memoir* (New York: E.P. Dutton and Co., Inc., 1969), 87.

450,000 people, about ninety percent black, squeezed into 500 square blocks. Eighty percent of the teenagers were high school dropouts. It had the highest infant mortality rate in the United States. More than ninety percent of its housing was built prior to 1920, and nearly half of it was officially classified as dilapidated and insufficient.<sup>153</sup> Kennedy chose this urban ghetto to test his plan for urban restoration.

His first physical exposure to Bedford-Stuyvesant came in February 1966, after telling his Senate aide Adam Walinsky that he wanted to set up a ghetto project that followed the plans in his speeches. "I want to do something about all this. Some kind of project that goes after some of these problems. Why don't you and Tom [Johnston] see what you can put together."<sup>154</sup> His visit was scheduled as a visit from a New York senator, but also as an opportunity to see the problems up close and to discuss the problems with the city's leaders. The community leaders were all too happy to vent to him about problems. They verbally attacked him, explaining that they felt that Washington and City Hall were ignoring them, giving money and attention instead to nearby Harlem. The leader of the group, Civil Court Judge Thomas Jones explained, "I'm weary of study, Senator. Weary of speeches, weary of promises that aren't kept. . . . The Negro people are angry, Senator, and judge that I am, I'm angry too. No one is helping us."<sup>155</sup>

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<sup>153</sup> *Ibid.*, 87, 90.

<sup>154</sup> *Ibid.*, 93.

<sup>155</sup> *Ibid.*, 94.

Shortly after the meeting, Walinsky and Senate aide Johnston began a period of several months talking to experts throughout the nation in order to turn Kennedy's speeches into reality. Meanwhile, Kennedy began to line up political and much needed financial support for his proposed project. By 1966, much of the federal antipoverty money was being shifted to fund the war in Vietnam. Politically, Kennedy was able to gain the support of Republican New York Mayor John Lindsay and fellow New York senator Republican Jacob Javits. For financial help, Kennedy went to family friends in the New York corporate world such as Thomas Watson, chief executive officer of International Business Machines, IBM, William Paley, Chairman of the Board of the Columbia Broadcasting System, Andre Meyer, a world renowned investment banker with Lazard Freres, and former Kennedy administration Secretary of the Treasury C. Douglas Dillon. Eli Jacobs, an investment banker who was to become the first head of the corporate wing of the project, described Kennedy's methods for getting such powerful men to participate. He explained that Kennedy expressed the belief that federal programs and solutions did not work successfully in the inner city. He believed that it was necessary to solicit local power and local business involvement in Bedford-Stuyvesant. He added that many in the New York business community participated because

this looked like an interesting experiment with the advantage that serious people were taking these problems seriously, so that it had this domino effect. If Andre Meyer and Tom Watson and Bill Paley were involved, then to X, Y, and Z it would have the attributes of seriousness.<sup>156</sup>

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<sup>156</sup> Eli Jacobs, Interview by Roberta Greene, 27 October 1976, page 12, transcript, For the Robert Kennedy Oral History Program of the John F. Kennedy Presidential Library.

Kennedy's plan for action reflected his desire for the "maximum feasible participation" of Bedford-Stuyvesant residents in a style similar to what he pushed in the community action programs of the 1964 Economic Opportunity Act. Seeing how these ideas had failed when driven from the federal level, he sought to implement a multi-faceted plan with local decision making and control with state, local, federal and private financial and advisory support. The plan would begin and grow in Bedford Stuyvesant with these two structures of organization. The Bedford-Stuyvesant Restoration Corporation would consist of the religious, political, business, and educational leaders in the community. They would be the formulators of a course of action to improve their city and its residents. It would have Judge Thomas Jones as its chairman and Deputy Police Commissioner Franklin Thomas as its executive director. Thomas was seen as such an icon in the community that Jacobs believed that "Without Frank Thomas the project wouldn't have gotten launched, wouldn't have been credible."<sup>157</sup> This power and influence also included a close relationship with Mayor Lindsay. Others on the board would include the local leaders of the NAACP and CORE. The advisory and financial entity the Bedford-Stuyvesant Development and Services Corporation, D and S, would be chaired initially by Eli Jacobs and include the aforementioned Andre Meyer, William Paley, Thomas Watson, and Douglas Dillon as well as Benno Schmidt, investment banker and

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<sup>157</sup> Jacobs, 32.

managing partner of J.H. Whitney, and Senators Jacob Javits and Robert Kennedy.<sup>158</sup>

Together, Kennedy expected these groups to deal with as many of the problems and issues of Bedford-Stuyvesant as possible. These were to include as wide a spectrum as housing, health problems, parks and recreation, education, employment, manpower training and economic opportunity. The plan would help a young Black teen get the training needed for employment while also attracting businesses to build plants locally. The first physical manifestation of the plan after the recruiting and formation of the corporations was the planning and construction of two "super blocks." Designed by architect I.M. Pei, each of the two ten by three block areas would involve the restoration and renovation of as many buildings as possible. Irrevocable buildings and unnecessary streets in the center of these areas would be cleared to create an open greenbelt area that would include recreation facilities and other open air parkland.<sup>159</sup> This would serve to foster a greater sense of pride and community among the residents. An abandoned building that formerly housed a Sheffield Farms milk bottling plant was chosen to be renovated to serve as the headquarters for the development corporations as well as a community center and space for future businesses. Additional planning aimed at helping residents outside the superblock areas to renovate dilapidated dwellings. The building

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<sup>158</sup> Thomas Johnston, "Report by Thomas Johnston to Senator Robert Kennedy on The Bedford Stuyvesant Program," Senate Legislative Subject File Box 11: Bedford-Stuyvesant Development Program 1967, of the Robert Kennedy Papers of the John F. Kennedy Presidential Library, 15.

<sup>159</sup> *Ibid.*, 1-2.

and restoration plans called for local architects and skilled workers to assist in the organization and the planning and local skilled and unskilled workers to complete the project. Unemployed youth were given the training to restore their own community. Low interest loans were provided to local residents to help restore their own homes.

An economic development plan was created to establish the training of local residents to fill employment opportunities in businesses such as national retail, industrial, and financial companies. In addition to attracting these businesses for employment and consumer purposes, it would also attempt to foster the creation of new local businesses that could be owned and operated by Bedford-Stuyvesant residents.

A community development plan was developed to improve the area's educational, cultural, recreational, and health services. Such a focus would help the community to improve itself for the long run. The youth of Bedford-Stuyvesant was the first concern of the project. Emphasis would be on church sponsored programs and the establishment of improved and expanded school playgrounds, parks and clubs that could energize and increase young people's self esteem. Another important focus would be on small business assistance. Technical training and supervision would be offered in the areas of accounting, management, and marketing strategies. The increased training of nurses and other medical personnel among the local population would focus attention on establishing improved and convenient health care to all Bedford Stuyvesant residents. Members of task force groups overseeing and participating in these programs would come from New York city college students and local community



members according to their particular expertise.<sup>160</sup> Additional projects would concentrate on founding and improving the cultural lives of its residents. Workshop offerings in the fields of art, dance, music and theater would encourage youth to express themselves in constructive ways. Participating entities such as the Brooklyn Museum and the Brooklyn Academy of Music would be sought for assistance and guidance. Lastly, the project hoped to set up a local college in the community to serve all of the area's adult population.

Clearly, a great deal of funding was needed to finance this multifaceted program. Kennedy used his own connections as well as those of the D and S board to attract private and public funding sources. Kennedy turned quickly to former Kennedy administration official McGeorge Bundy, then president of the Ford Foundation, for assistance. After discussions and the assignment of foundation deputy vice-president for urban affairs Louis Winnick, Kennedy was able to secure an initial grant of \$350,000 with an additional \$400,000 to come in matching funds.<sup>161</sup> The New York based Astor Foundation contributed a grant of one million dollars for overall planning and assistance in building the super blocks. Benno Schmidt supervised the receipt and use of these funds. Andre Meyer took primary responsibility for the restoration and rebuilding of the Sheffield Farms project.<sup>162</sup> George Moore, a D and S board member and

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<sup>160</sup> *Ibid.*, 9.

<sup>161</sup> Jacobs, 30.

<sup>162</sup> Benno C. Schmidt, Interview by Roberta Greene, 17 July 1969, page 46, transcript, For the Robert Kennedy Oral History Program of the John F. Kennedy Presidential Library.

President of First National City Bank, later Citibank, led 80 banks, insurance companies, and savings and loans in providing \$65 million in FHA insured dollars for the home mortgage pool. The Restoration Corporation assembled a full time staff to process the applications of local residents to renovate existing homes or to purchase ones that were to be renovated.<sup>163</sup> Kennedy and Senator Javits wrote and lobbied a “special impact” amendment to the 1966 Economic Opportunity Act to obtain federal funds.

The amendment was directed to concentrate on employment and economic development, but funding was also available to programs related to housing, education, and training. The amendment helped to provide incentive for businesses to locate in urban ghettos and to hire local residents.<sup>164</sup> The special impact program allowed the Labor Department to contribute seven million dollars to the Bedford-Stuyvesant project.

The project soon received two different but similarly complementary critiques from the national press. An article in the January 7, 1967, issue of *The New Republic* favorably compared the Bedford-Stuyvesant project to the community action projects run by the Office of Economic Opportunity, OEO, by emphasizing Kennedy’s desire to have the community renovate and revitalize itself using local planning and labor in all projects. OEO projects often provided

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<sup>163</sup> Bedford Stuyvesant Restoration Corporation, *Bedford Stuyvesant Restoration Corporation 1967-1992: 25 Years of Making a Difference* (Fort Lee, N.J.: Reichman Frankle, Inc., 1992), 33.

<sup>164</sup> Robert Kennedy, *To Seek a Newer World* (New York: Bantam Books, 1968), 48.

merely social services with ideas and labor from outside the communities.<sup>165</sup> A later article in *Newsweek* described the sight of young men refurbishing a single house in such a slum as “[s]omething at once stirring and depressing in the sight as if this meager handful of unskilled laborers aimed to rebuild, stone by stone, 640 square blocks riddled with poverty and decay.”<sup>166</sup> It described the effort as “[d]esigned to be the most sweeping and comprehensive rehabilitation effort ever brought to bear on a single American community.”<sup>167</sup> Kennedy appreciated the difficulty of the effort but determined that the project was necessary and timely.

The plan that Kennedy helped create reaped many benefits in the months and years to come. From the initial physical plan, results were clearly visible only two years later in 1968. The plan to renovate or rebuild areas of Bedford-Stuyvesant initially resulted in the refacing of 400 brownstones and tenements. The former Sheffield Bottling plant had been half completed. This work was completed by 272 local residents with about 250 of them gaining full time construction positions.<sup>168</sup> The Super Block project designed by I.M. Pei was completed in 1969, and included a 52 unit housing complex as well as the planned open places such as mini-parks, playgrounds and community

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<sup>165</sup> James Ridgeway, “Rebuilding the Slums,” *New Republic*, 7 January 1967, 24.

<sup>166</sup> Osborn Elliott, “To Save a Slum,” *Newsweek*, 20 November 1967, 48.

<sup>167</sup> *Ibid.*

<sup>168</sup> Newfield, 108.

recreation rooms which still exist today.<sup>169</sup> The housing restoration and rebuilding program developed into the Sheffield Rehabilitation Corporation, SRC, a non-profit company which continued to restore and then sell or rent the dwellings to low and moderate income residents. At its peak, the SRC was second only to the City of New York as the largest real estate owner in Brooklyn.<sup>170</sup>

The restoration of the Sheffield Building grew in size and scope from the Restoration Corporation headquarters, a community center, and few shops in the late 1960s into Restoration Plaza, a physical entity twice the original plan which included the Sheffield Building as well as 75,000 square feet of retail space, a 30,000 square foot grocery store, and an 8500 square foot ice skating rink. Completed in 1975, the Plaza soon attracted businesses such as Chemical Bank, Citibank, Brooklyn Union Gas Company, Baskin-Robbins, and Pathmark.<sup>171</sup> Beyond providing hundreds of construction jobs for local residents, the Plaza served the economic plan by providing retail and office space for businesses that could hire and serve many in the Bedford-Stuyvesant community. The Plaza also served as a place where all in the community could gather and enjoy the benefits of their hard work and effort.

Another product of the economic plan was Kennedy's encouragement of Thomas Watson to locate an IBM computer cable facility in an abandoned warehouse in Bedford Stuyvesant. Opened in April 1968, it grew to employ four

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<sup>169</sup> Bedford Stuyvesant, 34.

<sup>170</sup> Ibid., 35.

<sup>171</sup> Ibid., 44.

hundred local residents. Based on its initial success, IBM built a new plant in 1975 with many local construction workers.<sup>172</sup>

The community development plan initially succeeded in creating two Neighborhood Restoration Centers to focus on the mental and physical well being of Bedford-Stuyvesant residents. First opening in 1968, the Fulton/Verona Center established the Billie Holiday Theater which served as a breeding ground for local talent in art, music, theater and dance as well as the site for professional performances in these areas.<sup>173</sup> Its goal was to encourage local youth to focus their desires and energies in positive and creative ways. The Center went on to found the Center for Art and Culture which continues to serve as a site for local and international paintings and sculpture. In addition it inspired the development of the Restoration Dance Theater. Both entities have attracted local church and social organizations to purchase blocks of tickets for group activities.

The dire need for local and reliable health care assistance encouraged the Albany Avenue Neighborhood Center to focus on creating a community-based health care facility in Bedford-Stuyvesant. Research showed that residents had grossly inadequate access to proper medical care. Using a formula of one doctor for every one thousand residents as a proper ratio, Bedford-

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<sup>172</sup> *Ibid.*, 36.

<sup>173</sup> *Ibid.*, 38.

Stuyvesant had 96 office-based physicians for 400,000 residents.<sup>174</sup> Many residents, therefore, were employing the emergency room for their primary care needs. The Bedford-Stuyvesant Family Health Center opened in Restoration Plaza in 1978 to attempt to remediate these problems. Initially intending to raise the general health status of its patients, the center has expanded to treat those in need of nutrition information, dental care, and most recently AIDS counseling.

To aid residents in securing employment, the Comprehensive Employment Department was created in 1968. Its goal was to provide job placement and referral services for positions in both the public and private sectors along with Restoration Corporation ventures. From 1968-1978, it was successful in placing 11,500 residents in jobs. Its efforts expanded in 1979, when it received a contract through the City of New York to run a Testing, Assessment and Placement Center. It served to counsel prospective workers and to help them determine which skills they possessed as well as which persons required additional training for particular jobs. Today the organization provides a summer job program for local youth with plans for a year-round employment program for young people.<sup>175</sup>

Kennedy's impact on the project and its success was clear. William Paley son-in-law and Kennedy Senate aide Carter Burden answering a question to Kennedy's importance to the total project explained

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<sup>174</sup> Ibid., 42.

<sup>175</sup> Ibid., 72.

it wouldn't have happened without him, clearly. I mean, he was the glue that put all the elements together. If it hadn't been for his initiative and what he represented and his commitment to it and the enormous amount of work that Tom [Johnston] and the other people in the office did, it certainly wouldn't have happened. It needed that vehicle, and if that vehicle hadn't been Robert Kennedy's office it wouldn't have worked either.<sup>176</sup>

Benno Schmidt concurred in his opinion that Kennedy's standing with the people of Bedford-Stuyvesant was vital to the success of the project. He explained that

he was an asset in so many ways, but to take the most evident ones, we had a standing in Bedford-Stuyvesant because of Bob that we could never have had without him. Bob's involvement meant to the people of Bedford-Stuyvesant that this thing was on the level, that this was a group that was really trying, and whatever mistakes they might make, however well or badly they might do, if this was Bob Kennedy's program they had faith in it. . . [a]nd nobody in my experience had the standing in the Negro community, in the ghetto community, and among the poor that Bob Kennedy had.<sup>177</sup>

After the project commenced and expanded, Kennedy sought to pass legislation to encourage similar programs in other urban ghettos across the nation.

Kennedy knew that there were many Bedford-Stuyvesants in the United States that could use the aid of public and private partnerships to solve some of the problems of poverty associated with urban ghettos. As a senator from New York and a Kennedy, he believed that he could propose and pass legislation that could attempt to create jobs and decent housing for poor Americans. Based on his experience with the Bedford-Stuyvesant project, however, Kennedy soon

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<sup>176</sup> Carter Burden, Interview by Roberta Greene, 13 February 1974, page 30, transcript, For the Robert Kennedy Oral History Program of the John F. Kennedy Presidential Library.

<sup>177</sup> Schmidt, 52.

discovered that funding and organization in other urban areas could not be created by a few well placed phone calls as he had done in Brooklyn. He lamented that, "I've learned that you can't rely on altruism and morality. People just aren't built that way."<sup>178</sup> Instead, he based his employment and housing legislation on the granting of tax exemptions to lure private enterprise into the urban slums.

His employment legislation, cosponsored by Kansas Senator James Pearson, was S. 2088 "The Urban Employment Opportunities Development Act of 1967," which was presented to the Senate on July 12, 1967. Basically, the bill would provide tax incentives to businesses who built new facilities or expanded existing ones in urban poverty areas. Limited to areas with over 250,000 residents which were deemed eligible by the Office of Economic Opportunity, OEO, the interested company was required to follow certain guidelines. It had to maintain certain building standards, pay wages comparable to others in the area, and most importantly, assure that two-thirds of the new site's workers be residents of the local area or other low-income unemployed persons.<sup>179</sup> The prospective workers would be required to be trained by the employer or local agencies for specific positions with the company, with all training costs covered by the Department of Labor. In return, the prospective company would be granted a number of incentives. It would be given a ten percent tax

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<sup>178</sup> Newfield, 104.

<sup>179</sup> Congress, Senate, Senator Kennedy of New York Speaking for the Urban Employment Opportunities Development Act of 1967, S. 2088, 90th Cong., 1st sess., *Congressional Record* 113, pt. 14 (12 July 1967) : 18446.



credit on machinery and equipment for the new plant. It would receive a seven percent credit on expenditures for the construction of a facility or for leasing space to a qualifying business and a net operating loss carryover of ten taxable years. Lastly, it would be given a special deduction of an additional twenty-five percent of their salaries paid to all workers hired.<sup>180</sup> To ensure the sincerity of the prospective companies, each new business was required to remain in place for ten years or the tax incentives would be revoked.

Kennedy explained the necessity in urban slums for such legislation by referring to Labor Department statistics that reported that of 56,000 adult men in the typical urban ghetto of 230,000 people, only 32,900 men have jobs, while only 24,500, 43.6 percent, have full time work that pays more the poverty level.<sup>181</sup> He also explained that Labor Department statistics report that from June 1965 to June of 1966, although 950,000 new jobs were created for young men, only 33,000 or 3.7 percent went to young men in urban ghettos.<sup>182</sup> He justified the actual placement of businesses in ghetto areas by referring to Labor Department studies that show that the urban poor lack the confidence, or even the transportation to travel outside their area to employment opportunities. In addition, such placement of businesses would create a sense of pride as well as spark other business ventures such as restaurants and clothing stores to

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180 Ibid.

181 Ibid., 18444.

182 Ibid.

cater to its employees.<sup>183</sup> Anticipating opposition to an alteration to the tax laws, Kennedy argued that government incentives to attract private business ventures was inherent in American history ranging from financial incentives to build the transcontinental railroad, to incentives to invest capital in developing nations, to a specific program of tax exemptions, starting in 1948, to develop manufacturing plants in Puerto Rico. Kennedy truly believed that this legislation would go far in helping the urban poor to improve their lives and their communities for the long term.

Hoping to replicate the efforts in Bedford Stuyvesant towards housing construction and renovation, the very next day, Kennedy cosponsored S. 2100, the "Urban Housing Development Act of 1967." Much like the preceding employment bill, this legislation made use of tax incentives to attract housing construction and restoration in urban slums. Kennedy explained that the federal government had done much since the end of World War II to provide mortgage insurance and tax advantages to those who chose to build vast expanses of housing developments in American suburbs but little to aid those trapped in crumbling urban tenements.<sup>184</sup> He again cited government statistics from the 1960 census that stated that over four million urban housing units were classed as substandard, that three million more were so deteriorated that they needed constant major repair, and that in poverty areas over forty percent of housing

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<sup>183</sup> Ibid., 18445.

<sup>184</sup> Congress, Senate, Senator Kennedy of New York Speaking for the Urban Housing Development Act of 1967, S. 2100, 90th Cong., 1st. sess., *Congressional Record* 113, pt. 14 (13 July 1967) : 18823.

was substandard.<sup>185</sup> Kennedy admitted that suburban construction was certainly more lucrative, but that it was necessary still to convince private construction firms to aid in improving housing in the ghettos of America's cities.

The bill set out several provisions to help it achieve its goals. Firstly, it sought to bring government aid together with private business expertise. It sought to restore those structures that could be saved along with erecting new housing units. It gave cities primary control over the housing programs. The bill established a new Low-Income Housing Administration within the Department of Housing and Urban Development that would focus on low income housing and have the power to approve projects quickly so that work could begin. The bill contained the following details regarding business participation. Prospective companies could obtain mortgage insurance for a loan for up to eighty percent of the entire project cost. Minimum equity standards would be set at twenty percent of cost to ensure competent business participation. A qualifying business must agree to build or restore a minimum of one hundred units and follow a set standard of construction and maintenance. It must rent only to low-income persons and must maintain ownership of the project for a minimum of ten years.<sup>186</sup> Inherent in each project was a home management fund which served to organize tenants into management corporations that could work with the building owners to provide management and maintenance functions. An ultimate goal would be to persuade owners to sell the building to the tenants

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<sup>185</sup> Ibid.

<sup>186</sup> Ibid., 18825.

when the minimum ownership requirements expire. Incentives to qualifying companies were determined according to equity investment. A three percent credit would be given for an equity investment of twenty percent, while a twenty-two percent credit would be granted for a one hundred percent investment. In addition, any owner who decides to reinvest his money from a sale of property into other low income housing would have no taxable gain recognized on the reinvested proceeds. Lastly, an insurance fund with an initial appropriation of ten million dollars would reimburse participating owners for amounts that fell below the maximum yearly investment return of three percent.<sup>187</sup> Again, Kennedy believed that public and private entities should be persuaded to aid the underclass as it had traditionally helped the middle class to obtain adequate housing with reasonable support and funding.

Kennedy's bills received acclaim from such wide ranging personalities as family friend and former Treasury Secretary Douglas Dillon, former I.R.S. Commissioner Mortimer Caplin, and Urban League Executive Director Whitney Young. In addition, Republican New York Governor Nelson Rockefeller proposed a tax incentive program for his state urban areas, and Detroit Black Power leader, the Reverend Albert Cleague stated that "we should teach the white establishment to invest in the ghetto just as he would in any other foreign nation."<sup>188</sup> Despite this eclectic support for Kennedy's ideas, the legislation received a chilly response from the Lyndon Johnson White House. Considering

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<sup>187</sup> Ibid.

<sup>188</sup> Newfield, 107.

the antagonistic relationship between Johnson and Robert Kennedy, dating to the start of John F. Kennedy's presidency, and the criticism Johnson was getting from Kennedy on Vietnam, Johnson was not going to let Robert Kennedy pass independently an innovative plan for urban slums. After the Secretary of Housing and Urban Development Robert Weaver and Undersecretary of the Treasury Joseph Barr criticized the legislation as "superfluous,"<sup>189</sup> and "a threat to the tax code,"<sup>190</sup> respectively, the Johnson Administration eventually released its own public/private plan for the ghettos. Kennedy was furious, arguing, "How can they be so petty? I worked on my plan for six months, and we talked to everyone in the Administration in all the relevant agencies. We accepted many of their ideas and put them in our bill. Now they came out with this thing, and the first I hear about it is on television."<sup>191</sup> Despite a small number of talks in January 1968, to compose compromise bills, potential Presidential opposition by Kennedy prevented Johnson from allowing such a result. Kennedy continued to fight for the bills until his Presidential campaign heated up in early 1968, and then in a minor way until his death in June 1968.

Remaining focused on poverty, Kennedy returned to the rural Deep South in Mississippi in April 1967, to examine the problems of hunger and racial injustice. In the midst of his efforts to help lessen urban poverty, Kennedy found himself joining Senator Joseph Clark of Pennsylvania, chairman of the

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<sup>189</sup> *New York Times*, 15 September 1967, p. 1.

<sup>190</sup> *Ibid.*

<sup>191</sup> Newfield, 106.

Subcommittee on Employment, Manpower, and Poverty, in going to Mississippi for hearings on poverty. He went in part to help increase support for the re-enactment of War on Poverty legislation which he helped enact, and in part in response to reports of massive unemployment and hunger in the Mississippi Delta due to institutionalized discrimination against poor Black families. He was going to hear testimony about the problems in the area but would see more than enough for himself to understand the need for government assistance.

During the hearings on April 10, 1967, in Jackson, Kennedy questioned Marion Wright, a Black female attorney from Yale, who was involved in civil rights law and NAACP legal defense as well as legal counsel for the Child Development Group of Mississippi, a group responsible for Head Start programs in the state.<sup>192</sup> Wright clearly explained the problems of hunger and unemployment and the obvious causes of these problems. She spoke of the fact that in the Mississippi delta region, seventy-five percent of Black and Whites fall below the poverty level. In addition, while poor families previously received free surplus items for food, many Mississippi counties were switching over to a food stamp program whereby families had to pay for the stamps. Many of these families had no actual income to purchase food stamps and were thus starving. She explained that in Jones County, Mississippi in 1965, 17,500 people were receiving free food surpluses. Only two years later, after a conversion to a food stamps program, only 4700 of these people were able to purchase food

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<sup>192</sup> Congress, Senate, Committee on Labor and Public Welfare, Subcommittee on Employment, Manpower, and Poverty, *Examination of the War on Poverty*, 90th Cong., 1st sess., 10 April 1967, 656.

stamps.<sup>193</sup> In regard to possible discrimination, Wright stated that “[p]eople who have participated in civil rights have been cut off from welfare.”<sup>194</sup> In addition, Mississippi had refused to put up matching funds necessary to receive federal welfare funds that were vital to the lives of many.

The problem of hunger and unemployment in the Mississippi delta resulted in part from the technological advances in agriculture and the gains made through the civil rights movement. While the large Mississippi plantations were increasing the use of automatic cotton picking machines and the increased use of labor saving pesticides, the minimum wage law was extended to farm workers. Rich, white owners were increasingly willing to replace politically enriched Black farm workers with cheaper machines, thus leaving thousands with no form of income.<sup>195</sup> Another factor that came into play in 1964, was the federal food stamp program. At the same time that increasing numbers of people required food aid, counties soon began switching from the free food surplus program to one in which the poor had to pay for the stamps in order to eat. Not surprisingly, these combined issues encouraged many of the recently legally empowered Black families to attempt to migrate to the northern cities. Speculation was rampant that the trend was welcomed by Mississippi’s white elite.

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<sup>193</sup> *Ibid.*, 653.

<sup>194</sup> *Ibid.*, 654.

<sup>195</sup> Peter Edelman, 13 March 1974, 11.

Following the hearings, Senators Kennedy and Clark stayed in Mississippi for an extra day to see the extent of poverty for themselves. After a day of travel along muddy roads from shack to dilapidated shack, both men confirmed the truth of Marion Wright's testimony. A description by a journalist present on the trip depicts hauntingly the faces of poverty that Kennedy encountered.

The United States senator from New York felt his way through a dark, windowless shack, fighting nausea at the strong smell of aging mildew, sickness, and urine. In the early afternoon shadows, he saw a child sitting on the floor of a tiny back room. Barely two years old, wearing only a filthy undershirt, she sat rubbing several grains of rice round and round on the floor. The senator knelt beside her. . . . As he sat on the dirty floor, he placed his hand gently on the child's swollen stomach. But the little girl sat as if in a trance, her sad eyes turned downward, and rubbed the gritty rice. For five minutes he tried: talking, caressing, tickling, poking, demanding that the child respond. The baby never looked up.<sup>196</sup>

This experience, coupled with the testimony a day earlier, energized Kennedy and Clark to return immediately to Washington to meet with the Secretary of Agriculture Orville Freeman the next day. Entering the meeting with Freeman on April 13th, Kennedy and Clark were delivering the unanimous opinion of the subcommittee that the extreme poor of the Mississippi delta needed free food stamps immediately in order to survive. What they did not yet realize was that the food commodity and food stamps actually served to benefit the farmer who provided the food rather than the poor who tried to receive it. The programs began to make use of surplus wheat and corn to prop up crop prices.<sup>197</sup> They were also soon to realize that Freeman was nearly at the mercy

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<sup>196</sup> Nick Kotz, *Let Them Eat Promises: The Politics of Hunger in America* (Garden City, N.Y.: Anchor Books, 1971), 1.

<sup>197</sup> *Ibid.*, 42.



of the chairmen of the Senate and House Agriculture and Agriculture appropriations subcommittees which were headed by Southerners who greatly favored business success over the well being of poor Blacks. Following reports of the dire situation in Mississippi by Kennedy and Clark, Freeman believed that problems existed but could not believe that there were people in the Mississippi delta without any income, and who required free food stamps. He stated, "There aren't people with no income in this country. That couldn't be. How would they exist?"<sup>198</sup> He ultimately decided to send Agriculture department workers, along with Kennedy legislative assistant Peter Edelman, to the same areas just visited by Kennedy and Clark. The officials reluctantly admitted that there were people without any income and others with some income who were having difficulty meeting the food stamp payment requirements. In a letter to Clark's subcommittee, Freeman explained that the food stamp program was not intended as a welfare program but merely to supplement the amount of money the poor paid for food. Thus ignoring the needs of those with no income, and avoiding the potential political backlash from Southerners in Congress, Freeman simply proposed a reduction in the minimum price of food stamps from two dollars to fifty cents.<sup>199</sup>

Frustrated with Freeman's unsatisfactory proposal, the subcommittee fired off a letter to President Johnson, explaining the widespread hunger in Mississippi, and imploring him to authorize Freeman to provide free food

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<sup>198</sup> Edelman, 13 March 1974, 23.

<sup>199</sup> *Examination of the War on Poverty*, 728.

stamps to people without income and immediately distribute food surpluses to help alleviate starvation.<sup>200</sup> Kennedy and the rest of the subcommittee were further angered and frustrated when the White House refused to accept the letter, instructing that it be sent instead to OEO director and Kennedy brother-in-law Sargent Shriver. Kennedy's first response to the diversion was to "send it to the White House anyway."<sup>201</sup> Following a response to the subcommittee letter from Shriver which claimed that Mississippi was receiving aid, and that Congress had failed to properly fund OEO poverty efforts, Kennedy and Clark met personally with Shriver and were able to elicit a paltry one million dollar food stamp loan program which would cover twenty counties in seven states including four in Mississippi, over a four month period.<sup>202</sup> Despite the fact that the program involved loans instead of grants, it represented an admission by the government that some people could not afford food stamps.

Meanwhile Kennedy and Clark continued to pressure Freeman with letters and phone calls asking for emergency aid. Freeman finally admitted the power to issue emergency food and food stamp aid but was at the mercy of Mississippi Congressman Jamie Whitten, the chairman of the House Appropriations Subcommittee on Agriculture, the person who determined Freeman's department budget. Further pressure was placed on the government to act by hearings on hunger that were held by the Clark and Kennedy subcommittee on

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200 Ibid., 730.

201 Kotz, 64.

202 *Examination of the War on Poverty*, 734.

July 11th and 12th. During testimony several doctors presented statements reconfirming the horrible living conditions and blatant discrimination of the Black poor in the Mississippi delta. A statement presented by doctors sent with subcommittee encouragement to examine the conditions of delta residents, described children with severe malnutrition who

don't get to drink milk, don't get to eat, fruit, green vegetables, or meat. They live on starches: grits, bread, Kool-Aid. Their parents may be declared ineligible for commodities, ineligible for the food stamp program, even though they have literally nothing.<sup>203</sup>

The statement explained that this severe malnutrition resulted in children suffering from "a state of negative nitrogen balance; that is, a marked inadequacy of diet has led the body to consume its own protein tissue,"<sup>204</sup> in addition to, "spontaneous bleeding of the mouth, or nose or evidence of internal hemorrhage, fractures unrelated to injury or accident and therefore quite possibly the result of osteoporosis."<sup>205</sup> A second statement described the almost total lack of access to medical care. A doctor explained that he was told that most county health departments still segregated Black patients and consistently discouraged them from using the facilities. He told that he

saw a little girl who had a nasty partially healed laceration of her hand. She had been taken to the health department for a tetanus booster. The child was given the necessary injection but the nurse, I was informed to

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<sup>203</sup> Congress, Senate, Committee on Labor and Public Welfare, Subcommittee on Employment, Manpower, and Poverty, *Hunger and Malnutrition in America*, 90th Cong., 1st sess., 11 and 12 July 1967, 46.

<sup>204</sup> *Ibid.*, 47.

<sup>205</sup> *Ibid.*

my dismay, not only failed to dress the cut , but refused to even look at it.<sup>206</sup>

These doctors were invited to testify after they were practically ignored by the Agriculture Department when they attempted to describe their bleak findings. The testimony came just after Mississippi Senators James Eastland and John Stennis testified that there were no hunger problems in their state.

The initial result of the hearings was a ten million dollar emergency food bill by Senator Stennis, apparently an attempt to save face by admitting a problem in his state. Although the amount was ridiculously low, Clark and Kennedy jumped at it and soon had the bill increased to twenty-five million dollars and reported quickly to the Senate floor.<sup>207</sup> Reluctant cooperation from Stennis and Eastland got the bill passed in the Senate. Despite the coolness of President Johnson on the bill and the hunger issue, Freeman and Shriver agreed finally to push for a solution to the food stamp problem. After interdepartmental squabbling between the Agriculture Department and the OEO over jurisdiction over the issue, and strong opposition by the House Agriculture Committee, a meager two-and-a-half million dollars was authorized for the existing food stamp program. In addition a national nutrition survey was assigned to the Department of Health, Education, and Welfare to determine the actual number of Americans needing food assistance.<sup>208</sup>

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<sup>206</sup> Ibid., 49.

<sup>207</sup> Edelman, 13 March 1974, 33-34.

<sup>208</sup> Kotz, 78.

It would take further pressure from members of Congress and a massive Poor People's Campaign march on Washington in April, for Congress to approve an additional fifty-five million dollars for the food stamp program late in 1968. By this time, both Martin Luther King, Jr. and Robert Kennedy had been assassinated and the advancement of African-American rights and living conditions had been buried by the Vietnam War and the election of Richard Nixon as President. Kennedy's efforts at publicizing and combating hunger and discrimination in the Mississippi delta energized many and showcased his commitment to the rights of African-Americans, but these efforts were enough only to result in small changes in government assistance to the poor minorities in America.

## **CHAPTER 5**

### **CONCLUSIONS**

Robert Kennedy admits no early consciousness about the problems of discrimination faced by Blacks. He did, however face two instances of conflict in terms of segregation which he confronted directly on the side of inclusion. During his brother's 1960 Presidential campaign, he faced the jailing of Martin Luther King by making a phone call to Georgia's governor to secure King's release. He was greatly angered by the incident of unlawfulness but declined to make a major issue about the larger issue of racial injustice.

During the early years of Kennedy's role as Attorney General, his beliefs about civil rights revolved around efforts to enforce existing laws rather than propose new laws which might cause political turmoil. His attempts to protect the Freedom Riders who were trying to integrate interstate transportation occurred after his pleas for them not to ride were ignored. He acted when he realized that the rides were legal, but that state and local law enforcement shirked their duties to protect the riders. Kennedy's efforts to secure and defend Black voting rights in 1961 and 1962 followed legal precedent for the Justice Department to act. His famous battles with Governors Barnett of Mississippi and Wallace of Alabama followed their refusal to follow federal court rulings ordering them to comply with Black student entry into their respective public universities.

**Kennedy's feelings about promoting civil rights began to change following his viewing of violent television pictures of King leading Blacks to attempt to integrate Birmingham lunch counters. Realizing that no federal law prevented such discrimination in private business, Kennedy employed federal muscle to help settle the problem. He began to realize that federal legislation would help to ease integration in other parts of the South. The violence that he saw caused moral outrage that spurred him to convince his brother, the President, that federal legislation to ban discrimination in restaurants, theaters, and other forms of public accommodations was proper and necessary. His brother's assassination in November 1963, pushed Kennedy even further to correct wrongs and preserve his brother's legacy.**

**Although Kennedy did not begin consciously to formulate ideas about increasing African-American economic rights until late 1963, the framework for ideas began with his interest in combating juvenile delinquency in the North. By employing experts in the field to investigate the causes of and solutions to juvenile delinquency, he began the research that led to early efforts to combat poverty in America. As Kennedy began to discover that public accommodations laws would not solve economic deficiencies, he began to focus more on the juvenile delinquency research and started to seek opportunities to view urban problems up close. Kennedy's enthusiasm and actions grew exponentially as he became more aware of the problems of Blacks in urban ghettos. As the violence in Birmingham awakened him to the need for legislation to combat discrimination, events such as the Watts riots convinced him that steps must be taken to alleviate tensions in urban areas through helping the Black poor to**

help themselves improve their lives with better employment opportunities, housing and local autonomy.

The Bedford-Stuyvesant program and subsequent national legislation rose from his ideas on ghetto improvement. Kennedy's efforts to combat hunger in Mississippi were pulled from his realization that although the Civil Rights Act of 1964 may have increased legal power for African-Americans in the South, it had failed to ensure that their needs for employment, food, and shelter would be met appropriately. In both of these cases, Kennedy was becoming more aware of and concerned with the rights and well being of Blacks while many including the Johnson Administration were retreating from action or concern. While many moderate politicians were turning away from support for African-American rights after the Civil Rights Act of 1964 and the start of urban rioting, Kennedy delved into the core problems behind the riots and attempted to alleviate these problems. These efforts were appreciated in the Black community, evident in a 1968 poll following his death which reported that fifty-two percent of New York City Blacks interviewed said that they viewed Kennedy's body at New York's St. Patrick's Cathedral. It also reported that in California's 1968 Presidential primary, many African-American districts tallied ninety percent voter turnout and that Kennedy received ninety percent of the vote in each of them.<sup>209</sup>

Regarding Kennedy's transformation in thoughts and feelings about Civil Rights from strictly following the law to proposing ideas and consulting affected groups, Peter Edelman, who began working for Kennedy during his 1964 New

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<sup>209</sup> Newfield, 74-75.



York Senate campaign noticed a definite change in views and attitude. "The Kennedy of 1964 could get into a big shouting match with James Baldwin, but the Kennedy of 1968 was a much, much different customer about those kinds of things. He had been, he had seen, he had felt, and he had touched."<sup>210</sup>

Kennedy began his life as a relatively sheltered member of the American upper class in thought and action but ended it as one of the primary White supporters of Black legal and economic rights.

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<sup>210</sup> Edelman, 13 March 1974, 29.

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