RARE COUNSEL: KENNEDY, JOHNSON AND THE CIVIL RIGHTS BILL OF 1963

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It is generally acknowledged by both Kennedy and Johnson partisans that the Vice president's role in the Administration was minimal and that he chafed from neglect and inactivity. Despite Johnson's record as the most successful Senate Majority leader in recent American history, Kennedy rarely sought his advice and apparently was reluctant to discuss Congressional strategy with the Vice President, even with the acknowledged deadlock in executive-legislative relations.[1]

The archival evidence recently available indicates, though, that some Kennedy advisors did seek out Johnson's views on the problems of introducing the 1963 Civil Rights Bill. Quite against the President's wishes, the impetus for equal rights had intensified to the point where Kennedy was faced with a major political problem. As some of Kennedy's closest aides admit, the President, while morally opposed to discrimination, had no real emotional commitment on the issue. Born into a wealthy Boston family, Kennedy had little contact in general with black Americans. When his family talked of the evils of discrimination, they were referring to the treatment of the Irish by Boston Yankees and the problems of going to Harvard or competing in the closed circle of New England finance.

Johnson, on the other hand, had emerged out of the complex, baroque politics of Texas as a New Deal liberal, a young man who had taught Mexican-American children and opened up the National Youth Administration to blacks in a period when that was politically unwise. The only major civil rights bills passed in this century before the turmoil of the 1960s were spearheaded by Johnson when he was Majority Leader, and he was one of the three southern senators who refused to sign the Southern Manifesto against the Supreme Court's decision ending segregation.[2]

When in the early summer of 1963 the civil rights crisis reached a critical point, President Kennedy finally decided to move forcefully on the matter. Both Theodore Sorensen and an aide of Rober Kennedy's, Norbert Schlei, among others, spoke to Johnson on the questions of congressional strategy and in those conversations we not only see Johnson in characteristic style, but also discern the ways the Vice President thought about the issue—certainly a matter of interest to those examining his later leadership on civil rights.

In a long telephone conversation between Johnson and Sorensen, interestingly enough taped and thus preserved, the Vice President in strong and vivid language spelled out his personal position.[3] The Vice President indicated that Kennedy should stress the Golden Rule and also emphasize that "When I order men into battle I order the men without regard to color. . . . I'm going to have to ask the Congress to say that we'll all be treated without regard to our race." This approach, Johnson believed, would make demagogues like Barnett and Wallace "look silly." In addition, the President had to get the "church people" to support him. Johnson admitted that "these risks are great and it might cost us the South, but those sorts of states might be lost anyway."

The Vice President maintained that southern whites and blacks "share one point of view that's identical. They're not certain that the government is on the side of the Negroes." He explained that what "Negroes are really seeking is moral force and be sure that we're on their side and make them all act like Americans. . . ." Johnson recommended that the President

go into the South to speak on the issue and that he court Everett Dirksen, the Republican Minority Leader in the Senate. He did, however, warn that in terms of timing, Kennedy should wait until the tax bill was passed.

The Vice President did take the opportunity to remind Sorensen that he had not been invited to participate in the earlier strategy sessions, although Johnson quickly reassured Sorensen of his loyalty to Kennedy. That having been noted, Johnson returned to the need to cast the President's message in such a way that "it almost make[s] a bigot out of nearly anybody that's against him, a high lofty appeal, trust these people as Americans." He noted then his own experiences during the campaign of 1960 when he and his wife were roughed up in Dallas. He argued for a "Gettysburg speech" that would be delivered in the South and stress the need for equality in America. This suggestion was apparently a reference to a strong address which Johnson himself delivered on May 30, 1963, commemorating the one hundredth anniversary of the Battle of Gettysburg. In it, he concluded, "One hundred years ago, the slave was freed; one hundred years later, the Negro remains in bondage to the color of his skin. The Negro, today, asks justice—we do not answer him—we do not answer those who lie beneath this soil when we reply to the Negro by asking, 'patience'".[4]

Johnson insisted that the President get the Congressional leadership in line and that he work on western senators. He noted that Kennedy "got Humphrey; what the hell is Humphrey? He's a wonderful man but we know he's like Bob Taylor's goat, he's done voted. We've got to get some other folks in this thing to get that cloture." He recalled how in the 1960 session "this Javits group" forced him to take up the civil rights bill first and that resulted in killing medical care legislation and a new wages and hours bill. The Vice President advised, "I'd pass my program and let Mr. Javits go straight to Hell." He then digressed and criticized the Attorney General for humiliating him in front of the Equal Employment Committee when Robert Kennedy criticized the pace of federal efforts in Birmingham. Johnson argued that many of the blacks who failed the federal examination were unqualified because of the school systems from which they came. He urged that the President force labor unions to accept more blacks, and use federal contracts as a lever to move large industries into compliance. Johnson then went back to stressing how the President had to go to the South and deal with the issue publicly. He added, "they'll probably boo me off the platform, but I'll be right there with him. I'll be saying it myself if he wants me to. . . ." He warned Sorensen that the President had to be aware of the timing issue and that Kennedy had to realize that "Rockefeller was going to out-Negro our administration just like he out-Negroed Averill Harriman. He's going to lay it onto us and they are going to try to make them take a position between the Negro and the South."

Johnson urged that Kennedy wait until September and then apply pressure on Congress. He would say to the Baldwins and the Kings and the rest, "we give you a moral commitment. The government is behind you. You're not going to have to do it in the streets. . . ." In regard to the Congress, the Vice President argued that the bill be committed to the Judiciary Committee with instructions to bring it back within a month for a vote. He had considered reporting it to the Interstate Commerce Committee but now felt this could not be done. Once again, he reemphasized the need to have Everett Dirksen's support rather than waiting for Richard Russell to win him over. Johnson then went on to talk about the supersonic bomber and some bureaucratic infighting that was developing over the issue.

On the same day, Norbert A. Schlei, Assistant Attorney General, visited the Capitol to discuss the proposed Civil Rights Bill with the Vice President.[5] Upon arriving, Schlei first met with Johnson's aide, George Reedy, who mentioned some of the Vice President's comments on the draft of Kennedy's forthcoming message. The only ground that Reedy covered was the fact that racial discrimination prevented some

skilled workers from accepting employment in the South and this would lend support to the public accommodations section.

By then the Vice President arrived and began his conversation with Schlei. He indicated that he was a "teamplayer" and would be as helpful as he could. However, he thought that the civil rights proposal should not be submitted immediately because it would be disastrous for the President's program and would not be enacted if submitted now. Schlei summarized later to Robert Kennedy seven strategic steps that the Vice President felt were necessary for passage of the Civil Rights Bill:

1. He would get commitments from Republican leaders and would indicate publicly their support or their failure to agree. Johnson calculated that Kennedy needed 27 out of the 33 Republican votes in the Senate for closure and that the Minority Leader, Everett Dirksen, was the key.

2. He suggested that the black leadership be informed of the Administration's strong support and told that the civil rights bill would be introduced as soon as the President's tax plan was disposed of, one way or another, in Congress. Johnson would urge the leaders to work on the Republican Senators and strongly emphasized that the President should stress that he meant business and would keep Congress in session "until Hell freezes over, if necessary, to get the legislation passed."

3. He urged Kennedy to get a joint declaration of support from three living former Presidents, Hoover, Truman and Eisenhower.

4. He strongly suggested that the President make a major speech in each of the main Southern states, stressing the moral theme of equality and reminding Americans of the Golden Rule and the precepts of Christianity. Johnson urged that the President note the injustice of ordering, without regard to race, "citizens of his nation to die in a foxhole in some foreign jungle for the flag," while blacks were unable to buy a cup of coffee in a public lunchroom in Mississippi.

5. He offered to call Senator Russell and ask him to support the proposed law or to state his objections. Then Johnson would either answer their objections or make changes in the law so that Russell would not "make us look silly."

6. He wanted to show a copy of the bill to the House of Representatives' parliamentarian to be certain that the bill would go to the Judiciary Committee, rather than the Interstate Commerce Committee, or to see if it would end up being reviewed by both groups.

7. He expressed concern that the Majority Leader, Mike Mansfield, was campaigning in Montana and stressed that the Congressional leadership needed to work full time on the bill. Johnson indicated that he was reluctant to state his views at a previous general meeting with the President for fear that his reservations might be misconstrued as opposition to the legislation.

There are few differences between the Sorensen and Schlei conversations and the general recommendations of the Vice President were clear enough. After an initial delay, he favored the President addressing the moral implications of segregation and the military sacrifices being made by nonwhites in defending our common homeland. He wanted a clear commitment to black leaders, a strong presentation in the South, and a forceful appeal to Republican Senators to support the President of the United States.

Kennedy finally did choose to emphasize the moral aspects of segregation, saying at one point in his address to the nation, that the issue "was as old as the scriptures . . . as clear as the Constitution." He courted Dirksen and emphasized the need for conciliation and cooperation. Whether Kennedy took Johnson's counsel or whether the President and his aides had reached the same view that this strategy was necessary, is unclear. Looking back, Norbert Schlei maintains that Kennedy's passionate extemporaneous remarks at the close of his speech were due in part to Johnson's forceful advice.[6]

As for Johnson, himself, the civil rights controversy offered him the opportunity to render some detailed, rare advice on an important issue. At least part of that ad-

vice, though crucial in his view, was not heeded. Kennedy did not wait until September to seize the issue and instead, spoke to the nation in June.

Johnson, however, was to fall back again and again on his own basic advice as he dealt with the question of civil rights in the 1960s. He clearly recognized the controversy for what it was—a moral issue with explosive implications. Like Dr. King, whose "We Shall Overcome," he appropriated, Johnson realized that success required a political coalition that could only be built on religion, patriotism, and Christian guilt. Although today the civil rights effort is often put into a more limited and critical perspective, it cannot be denied that in a ten year span the Federal Government eliminated the last vestiges of legal discrimination. And, despite the popular stereotype that it was ineffective, the Great Society was beginning to deal with the social legacy of racism and was closing the income gap between white and black—a gap that has since increased. Johnson, the larger than life political operator, and the reluctant but stubborn war leader, played a central role in the passage of every major civil rights bill in this century. He followed the rare advice he gave to Kennedy in 1963, and in the process, became the first abolitionist president in American history. Johnson, as President, sought visibly and systematically to lay the groundwork for economic and social change as a way of lessening the impact of race discrimination. As he said to Sorensen, ". . . the President has to go in there without cursing anybody or fussing at anybody . . . and be the leader of the nation and make a moral commitment to them."

Notes

1. At the U.S.C. Conference on the Presidency of John F. Kennedy, November 14, 1980, Richard Donahue has argued that Johnson was not used much in Congressional liaison because of his unpopularity with the Congress and because of the Democratic Senators' resistence to Johnson's early attempts to retain influence in their caucus after the 1960 election.
2. Harris Wofford, *Of Kennedy's and Kings* (New York: Farrar, Strauss, Giroux, 1980): Arthur Schlesinger, *A Thousand Days* (Boston: Houghton Mifflin Company, 1965) chapter 36; Theodore Sorensen, *Kennedy* (New York: Bantam Book, 1966) chapter 18.
3. LBJ—Sorensen, June 3, 1963, Edison Dictaphone Recording, two tapes transcribed at Lyndon Baines Johnson Library. My appreciation to Mr. Gary Gallagher, Archivist, for his assistance. The quotes are as written in the transcript.
4. See Lyndon Johnson, *The Vantage Point* (New York: Holt, Rinehart and Winston, 1971), pp. 156-157. I appreciate Walter Rostow calling this specific address to my attention.
5. The Johnson-Schlei meeting took place on June 3, 1963 and Schlei's summary dated the next day is in "Memorandum for the Attorney General, Re: Comments of the Vice President on the Civil Rights Legislative Proposals," in the RFK files, Civil Rights 6/3—615, John F. Kennedy Presidential Library. The quotes cited here are Schlei's paraphrasing of his conversation.
6. Schlei conversation with the author at the U.S.C. Conference, November 13, 1980.