

Clarence M. Mitchell Oral History Interview – JFK#2, 2/23/1967
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Biographical Note

Clarence M. Mitchell (1911-1984) was the director of the Washington bureau of the National Association for the Advancement of Colored People from 1950 to 1978. This interview focuses on the Kennedy administration's relationship with the civil rights movement, particularly the March on Washington and the crafting of the Civil Rights Act of 1964, among other topics

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By CLARENCE MITCHELL

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Clarence M. Mitchell– JFK #2
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Second Oral History Interview

with

CLARENCE MITCHELL

February 23, 1967
Washington, D. C.

By John Stewart

For the John F. Kennedy Library

STEWART: Mr. Mitchell, why don't we begin today by my asking you if you ever discussed with anyone in the Administration or did anyone in the Administration ever express concern to you about the progressive proposals of the Commission on Civil Rights?

MITCHELL: Well, there were a number of discussions about what the Civil Rights Commission was proposing. I think that the general feeling was, at least on the part of the Administration, that it had proposed a package and preferred to stick with that package on the ground that this was the thing which had the best chance of getting through. I must say it turned out that the Administration's estimates were somewhat modest because we were able to get other things in there which they hadn't expected to get. But it merely showed that they didn't think we would get as much support from the Republicans as we ultimately got.

STEWART: Did you generally think that the Commission served a useful function in forcing both legislative and executive action?

MITCHELL: Yes, I do think that, and I have a confession to make in that respect. At the time we were considering the 1957 bill, I am on record as having a kind of a dim view of the idea of a Civil Rights Commission because it had seemed to me that this would be primarily a study group. I am glad to say that I was very wrong in that, and I'm glad to say also that I think the Commission did a tremendous job and continues to do a tremendous job in keeping the sights of the country raised in the direction that we are to go. I might say in my defense for my point of view that I think I was reflecting the view of a lot of colored people who, when you say study, assume this means postponement of performance. I am glad to say that the study approach of this group has done much to move us ahead.

STEWART: Were you satisfied with the two Kennedy appointments to the Commission? That would be Spottswood Robinson and Erwin Griswold.

MITCHELL: Yes, we, of course, had tremendous respect for both of them--Dean Griswold because through the years, or at least for as long as I can remember, he had taken a very constructive legal position on matters that we were interested in, and in the case of Spottswood Robinson, of course, who is now an appellate judge, he had done spadework in getting desegregation started in the state of Virginia.

STEWART: Let's move on. I assume you were quite involved and heavily interested in the Rules Committee fight that took place in early 1961. Were you in favor of dumping Representative [William M.] Colmer from the Committee as a means of getting the Committee to be more responsive?

MITCHELL: Yes, we certainly--I should say I, certainly, was right along with those who thought he ought to be put off the Committee. As a matter of fact, it seemed to me that any additions that would be made to that Committee ought to be made from people who would be very constructive on the broad issues that the Democratic Party stands for. The reason I say that is I think that no matter how many promises a political party may make, if it is caught in a parliamentary trap, it can't perform on those promises. And

Colmer was one of the main obstructionists in that committee, so it would have been wonderful if we could have gotten rid of him, and I certainly was for it.

STEWART: At the same time, when the Administration decided to go the way of expanding the Committee, I assume you went along with that.

MITCHELL: I certainly agreed with that although I was a little disappointed with the persons that they put on, but at least--I can't remember all that they put on, but I recall [B. F.] Sisk. Sisk was one that was to me something of a disappointment primarily because, while he votes for civil rights, he is not quite as open-minded on the subject as he might be, and he is identified with a kind of slightly conservative approach to civil rights matters which makes us always question which way things are going in the Rules Committee when we consider his vote. If the Republicans had or would add to the Committee a group that would reflect both conservative and liberal thinking, it wouldn't be so bad. But when new places are made available, the Republicans have a tendency to put on their conservatives. So that tends to preserve the conservative balance on the Committee.

STEWART: Did you discuss this whole matter of expanding the Committee and who would be appointed, do you recall, with anyone in the Administration?

MITCHELL: I don't think I had any discussions with anybody that I could say would be in a position to do anything about it. I believe I did talk with members of Congress about it. I hesitate to say that I talked with the Speaker. He and I are very good friends, and I do talk with him about a lot of things. That has been so long ago that I can't remember whether I talked with him about that particular thing.

STEWART: Let me ask you a few questions about some local issues. First, were you at all involved in the action which resulted in the desegregation of the Washington Redskins football team?

MITCHELL: I have no clear recollection of being involved in that. I got into a lot of local things, but it was

really collateral if I did. It was not one of my main objectives.

STEWART: In July of 1961 you made a protest to Mr. [Angier Biddle] Duke, the Chief of State Department Protocol regarding the problem of housing for African diplomats. Do you feel any significant progress was made? Were you satisfied with the efforts of the State Department, do you recall?

MITCHELL: I would have to refresh my memory on that a lot. My general feeling about the State Department and the Department of Defense, as well as other agencies that had to do with foreign visitors and with our relations in foreign countries, is that they have not done all that might be done to make the situation better. With respect to conditions affecting the treatment of foreign diplomats, including Africans, I feel convinced that the State Department would like to have the very best kind of treatment for them. I do not feel that the State Department is at all happy when they have any embarrassment.

I do think the Department is sometimes reluctant to run the risk of antagonizing members of Congress by making a strong effort to end some embarrassing conditions. I felt, for example, that in the matter of African diplomats who were subjected to indignities as they went back and forth between Washington and New York and were denied service in restaurants and things of that sort that the heart of the Department was certainly with us, but the head of the Department--and now I'm not speaking of the Secretary of State, of course, but merely speaking organically--it seemed to me that the head of the Department would say, "We can't go but so far in this type of thing. After all, we can't interfere with local practices."

I'm happy to say that when we got to the point of really trying to do something in Congress, the Department left no doubt about where it stood in these matters and was very helpful.

STEWART: Did you feel that the Administration gave an extremely low priority to the whole matter of D.C. home rule during the Kennedy Administration, and do you recall ever discussing this whole matter with anyone in the Administration or the congressional leadership?

MITCHELL: Again, the matter of home rule is one of the things that I would cooperate with others on and wouldn't take any leadership myself, so I couldn't say whether I remember whether they were pressing on that.

STEWART: In 1961 Congress enacted legislation to implement the Twenty-third Amendment and the Administration lost out both on the eighteen-year-old voting age and the ninety day resident requirement. Again, were you heavily involved in this whole area or. . . .

MITCHELL: No, I would be collaterally involved in that.

STEWART: Okay. The executive order on housing--[Theodore C.] Sorensen in his book cites a number of reasons for the delay in putting out the executive order. He cites the fact of the nomination of Mr. [Robert C.] Weaver, Dr. Weaver, the housing bill action that they hoped to get through, and finally the creation of the Department of Urban Affairs. Do you agree that these were legitimate reasons for delaying the executive order on housing?

MITCHELL: No, I wouldn't think that the things mentioned were good reasons or legitimate reasons for delaying an executive order. I think we were up against what we are usually up against in these things and that is a tendency on the part of an administration to find out, first, which way the wind is blowing before acting. I believe that there was a lot of desire to see whether the proponents of an executive order really felt strongly about it, and also I think there was a desire to see whether this would be acceptable to the country. I can't remember any reason for believing that the delay in issuing the executive order had some connection with the Weaver appointment and the other things mentioned.

STEWART: Well, Sorensen, as I say, did cite them in his book, his reasoning being that once they had nominated Weaver, they felt that they wouldn't do any more, at least for the time, to stir up any problems until they at least got that through, and then they wanted to get action on their housing bill. And finally then the whole Department of Urban Affairs came up which further delayed the thing.

MITCHELL: And it may be that from his vantage point. . . . He had a lot of information which wasn't available to a person like myself. But I think that that's more of a hindsight justification than an actual thing that was occurring at the time. I don't remember that anybody who was working in the civil rights field as a colleague of mine felt that there was any justification for holding up the order because there were a lot of people talking about a campaign to send pens to the White House as a reminder to the President. And most of these people are very sophisticated and knowledgeable. I don't think they would have been inclined to make a fuss about it if they thought that by the President acting this would disturb other important things that we all wanted.

STEWART: What then would you cite as the major reason why you felt they delayed it?

MITCHELL: Well, as I said, I think a tendency of people in politics to try to find out, first, whether the advocates of a given thing really are seriously advocating it, and, second, whether it's going to be something that would cause more trouble than it is worth in the country. This has been my experience with all administrations, and I don't think the Kennedy Administration was any exception to that.

STEWART: The 1962 School Aid Bill, there was a controversy over the inclusion of an anti-discrimination rider. Were you fearful at that time that you would be put in the same position as the Catholic Church eventually was, of forcing one issue and thus killing the whole bill?

MITCHELL: No, I was never fearful that we would be in that position. I felt so strongly that we were right, and I had ridden out that storm so many times before. Again, it really would get down to the question of counting the votes. It had been my experience that if we just got down to a cold count of the votes, it could be seen that there would be enough votes to pass the bill with an anti-discrimination amendment in it. But that view wasn't shared by some people who I'm sure believed in civil rights as strongly as I did and do. They felt that urging the addition of this amendment was tantamount to killing the bill. I must say that I had some pretty difficult times with some of my friends in

those days, but I never felt that our NAACP position was an unreasonable position or would kill the bill.

STEWART: Where does this discrepancy in counting the votes come in? How could there be such a difference between your count of the vote and, for example, Larry O'Brien's count of the vote?

MITCHELL: Well, in fairness to Larry I wouldn't want to say that I had, on the education thing, that I had talked with him about it, but I would say that there is a tendency, when a given political party is in power, to count its own side and estimate what it can get from the other side rather than make a hard count. Also, not everyone, even a person trying to get a given bill through, will make individual counts. Sometimes they will take the word of the Speaker or the party whip or a committee chairman or something of that sort. I have found that the only way you can really be sure is the way of knowing exactly what each individual congressman will do. I've found that when you do that, you find you get votes from sources that you wouldn't expect to get them. For example, many times people would be surprised when I would count Congressman Clarence Brown, Sr., on our side in some of these issues. Well, it just happened that I took the trouble to talk with him very carefully and to know what he would and wouldn't do so that I would be able to count him when some people would say, "Oh, there's no use trying him. He's conservative. He wouldn't go along with it."

STEWART: Was there any relationship or did you have any contact with members of the Catholic Church who were interested in this bill from a somewhat different angle?

MITCHELL: This is on the aid to education.

STEWART: Aid to education.

MITCHELL: I may have had discussions with representatives of the Catholic Church because I always talk with everybody who has any interest in things. I can't say

offhand who they were or anything of that sort. But I am sure I talked with anybody who was willing to talk with me in that period.

STEWART: Again, Ted Sorensen in his book emphasizes the lack of public interest in civil rights legislation during 1961 and '62. He says that the White House didn't want to "provoke a national controversy that had little chance of achieving any gains and would divide the country when the international scene required unity." Let me ask you first, were these arguments frequently put forth to you by members of the Administration, and, secondly, what was your usual counter-argument as far as the international scene and the need for achieving unity in the country?

MITCHELL: I don't recall that anybody in the Administration ever suggested to me that there was a lack of interest because I think they would have known that would be the wrong thing to suggest to me. Usually in my conversations I was citing the things which were crying out for handling and action so that it would be impossible for, let us say, the Attorney General to have said that there wasn't any national interest in civil rights when we'd be in his office talking about the Negroes who were being shot for trying to exercise the right to vote and the great amount of public indignation flowing from that.

Now it is true that the Administration itself tried to promote a point of view that these domestic matters could best be handled by various types of presidential action short of passing laws, and we had expected--at least some of us had expected--that President Kennedy would be personally more concerned with foreign affairs because that had been his strong position in the Senate. His interest in civil rights in the Senate was sort of collateral. So I would say that my recollection and appraisal of the situation would be that the Administration itself tried to soft pedal the idea of doing anything on legislation. It was not that the country wasn't ready for it or wasn't interested to the extent that the Administration thought it ought to be interested.

It may be that when you weigh the foreign problems against the domestic problems, you couldn't quarrel with the President's judgment because he had, of course, all the facts, and being

president, he had the duty to act in the way that he thought would be in the best interests of the country. But I feel that the decision was more in the nature of a political decision stemming from the fact that the vote by which he had been elected was close and also from the fact that the Democratic Party is a kind of a loose confederation of warring tribes, some of whom are ready to fight and die about the race question. So I think that really it was more a political decision in the interest of party harmony than it was the question of whether the country was interested or whether the foreign policy was more important.

STEWART: But this whole matter of supposedly achieving a unity to help in international relations was never specifically discussed with you by members of the Administration?

MITCHELL: It was never discussed with me, that I can recall, by any member of the Administration. I can remember many heated discussions with various people in the Administration about the urgency of doing something on the domestic front in civil rights, but I can't remember that anybody said, "Well, we can't act in Mississippi because we've got to make sure we don't have any embarrassment at the Berlin Wall."

STEWART: Finally, Sorensen also says that relations between the President and Mr. Wilkins remained close and cordial throughout the Administration. Do you agree with this?

MITCHELL: Yes, there is no doubt that the President and Mr. Wilkins had a very close relationship and a very friendly relationship which started shortly after the President was nominated. I remember it very well. I'm sorry, I may be wrong about whether it started before or after the nomination.

But I remember the President had some--he was still a senator then, of course--he and I had some differences which I guess might be interpreted by some people as promoting a coolness between us. There were many people who thought because I advocated some of things that I advocated and because I was as critical of the Democratic Party as I was, they thought I was a

Republican. Well, as a matter of fact, I was not then a Republican and am not now a Republican. But the President, who was then a senator, somehow or other thought that I was a Republican.

I remember that in the course of becoming more acquainted with colored people the President, who was then, of course, still Senator Kennedy, had a very long lunch with Mr. Wilkins. I think it was at the Georgetown home of the Senator. Apparently, they hit it off very well at that luncheon. So far as I know, they continued to have a very warm relationship right through the whole period of the Kennedy Administration.

STEWART: You took the position in May of 1963 that from a strategic standpoint it was unwise for the Administration to center their legislative effort on voting because the Department of Justice wasn't really using all the power that was already available to them. This, of course, was before the revised, or the additional Administration proposals were presented. Do you recall ever discussing this whole matter of the Justice Department using all their powers with the Attorney General?

MITCHELL: Yes, I discussed it not only with Attorney General Kennedy but also with his predecessors. This has been a long-term battle with me. For example, it had always been my contention that--I shouldn't say always, but as long as I've had an opportunity to talk with people in the Justice Department, I have argued that we had to do something to show to the public that the government of the United States really was trying to correct the discrimination that existed, that even if we couldn't get indictments from grand juries, or if we got indictments, if we couldn't get convictions, it was necessary to seek indictments, necessary to prosecute, because if we did not, the country would never know just how terrible the situation was.

What is equally bad, when a representative of the Department of Justice or any other department would go before a committee of the Congress to testify, inevitably the question would be asked, "Well, how many complaints have you received and how many have you acted on?" Because there was always a discrepancy between complaints received and the complaints acted upon, the opposition would say, "Well, this shows there's no need for a

law because the Department of Justice didn't consider these complaints serious enough to warrant action." Well, the fact was the Department did consider them serious but felt they couldn't get indictments, couldn't get convictions, so why act?

There was another little policy thing which I had suggested not only to this administration but to others, and that was that it would be possible for the Department to proceed on an information rather than an indictment in the part of the law which was a misdemeanor rather than a felony, and that this in itself would help to focus attention on the problems even if they didn't get convictions. The fact that the persons would be brought into court and there would be an airing of the dispute it seemed to me would help to get the public aware of how terrible things were. We were unable to get the Attorney General under the Eisenhower Administration to make this important policy change of proceeding under an information in certain cases. But the Administration under Attorney General Kennedy did undertake in some cases to proceed by information rather than indictment. I can't say that they did this because I asked them to although I certainly did ask them enough. It's entirely possible that independently they decided they were going to do it, but I would say I was an advocate of that.

STEWART: Maybe this would be a good time to ask you. How in general would you describe your relationship with the Attorney General during the Kennedy Administration?

MITCHELL: Well, it was very informal and, so far as I was concerned, friendly although heated. The Attorney General was always very cordial, always happy to see me or anybody else who came in. It was wonderfully informal. But almost invariably we got into some kind of very heated disagreement before I left because he would not be willing to veer away from the standard procedures of the Department, and those procedures, of course, included things like not seeking indictments if you didn't think you could get one.

I might backtrack just a little bit, too, to say that with regard to the voting proposal, I had a view, which I think subsequently has been vindicated, that if you started with a voting bill and made that the major emphasis, people who didn't want to get involved in a controversy would be all for that

and it would be passed. But the other things would be thrown on the junk pile, which would mean that persons who voted for the voting part would claim a great victory for civil rights whereas the other part of the bill would have been thought of as something that was just so impossible that it couldn't get through.

It seemed to me from a tactical standpoint it was terribly important not to get caught in a spot where we were going to say that we thought voting was the be all and end all of things. I must say that I think any careful review of the picture in this country at this time will show that even when you have a very strong federal voting rights law, there is still a need for many other things in order to protect the rights of individuals, and the people who thought or said that if we pass a voting law and give the Negroes the vote, we can forget about anything else just didn't know what they--well, I shouldn't say that. I started to say didn't know what they were talking about, but I would say, certainly, as you look at the present picture, I think it would be pretty clear they were not right.

STEWART: At the 1963 NAACP convention you urged that party ties not be considered in assessing candidates in the 1964 election. Did you have anything specific in mind as to strategy that could possibly be employed to insure that the leadership of both parties didn't support anti-civil rights people?

MITCHELL: Yes, well, it seemed to me that everywhere that we could exert any influence at all, we ought to try to be sure that the parties gave support to the pro-civil rights people and that we gave support to the pro-civil rights people within the framework of our NAACP policy. It seemed to me that it would be a tragedy, and still I feel that way, if a good Republican senator would go down in defeat simply because there was an attractive Democrat running for the top office as was the case with President Kennedy. By the same token, I would feel and do feel that it's a tragedy if a good Democrat would go down in defeat if there is a good Republican running, and the coattail vote, so to speak, would be in favor of a Republican as against the good Democrat.

I have found in Congress that there's just no way to get progress on legislation unless you have bipartisan support. To

me the only way you can be sure of keeping bipartisan support is to try to help in every way your friends at election time. Unfortunately, the lines get a little blurred at election time, and I have had the unhappy experience of seeing some good Republicans under attack simply because the head of their ticket was a lackluster or hostile candidate. This would have benefited some Democrats who wouldn't have helped us particularly in Congress. So in whatever way that I've been able to do it, I've tried to keep the story before the people of individual services of the various persons who helped on civil rights.

STEWART: Let me ask you a few questions about the Leadership Conference. One, were there any real problems in developing the strategy, the overall strategy that was to be employed in the 1963 civil rights measures?

MITCHELL: I didn't think that we had any problems. All of us wanted action. The basic difficulty that we had would be the difficulty that any organization as large as the Leadership Conference would have, and that is trying to get everybody who was on our side doing everything that might be done to get the bill passed. You see, working on legislation isn't very glamorous, and there do come times when there are very dull things to be done. A great many of those associated with us liked things that were a little more dramatic so at times some of the basic things that had to be done were being done by a few people. But I would have no quarrel on that. I think on the whole we got very good support.

STEWART: Where did the idea originate of having such a heavy involvement of church groups, religious leaders and so forth? This was cited in the summary of the whole legislative effort as a somewhat historic and new approach, to involve these people in this whole legislative effort. Where did this idea originate and were there any real problems in getting this type of involvement?

MITCHELL: I can't say for sure where it originated. I know that I have always personally felt that we had to have heavy church involvement. My reasoning might have been a little different from some of the others. I feel and have always felt that there are some states where the

combination of Negroes and liberal whites, labor-oriented people is sufficient to give you the kind of political leverage that you need in order to get votes in Congress. On the other hand, there are some areas of states where neither Negroes nor labor would have much political strength. And then there are states in which neither group has much strength. It always seemed to me that the one force that could supply that strength was the church. I always advocated trying to develop church support in the areas where our ranks were thin. I think that the idea is so obvious that I am sure a great many people must have thought of it, and it probably was one of those things which came about somewhat spontaneously once a decision had been made to make an effort in legislation.

STEWART: Was this a major factor, do you think, in the whole effort, the involvement of these church people?

MITCHELL: I think there's no doubt that the church's role was a major factor. I don't agree with those who make it appear that the church was the decisive factor. I think that we needed everybody we had. For example, if we had all the church people that we had and had not gotten Walter Reuther, I think we would have been in considerable difficulty. By the same token, I think if we had Walter Reuther and the church people but didn't have the kind of support that we got from Meany and the A.F. of L., we would have been in difficulty.

For example, when you get right down to the question of approaching individual congressmen, the labor groups have a great deal of know-how in that area. A man like Andrew Biemiller for example of the A.F. of L.-CIO [American Federation of Labor-Congress of Industrial Organization] is just indispensable. If we'd had, let's say, a leading archbishop or the head of the National Council of Churches but had not had Andy Biemiller, I don't think we could have won. By the same token, I think if we'd had Andy without them, we couldn't have won. So they were all important in my judgment.

STEWART: What was your role in the March on Washington? First, did you take any effort to dissuade those who wanted to originally make it a march on the Capitol? What was your view on that?

MITCHELL: Well, the March on Washington originated as an economic thing with those who were suggesting it planning to stage it at a time when the Congress was not in session. Their objective was not a civil rights objective. My reaction was, if you're going to have any mass effort to get people into Washington, it certainly ought to be related to civil rights legislation because there were a lot of other people interested in these other things and it seemed to me that civil rights legislation needed some support from people who were going to bring forces to Washington.

I did not think that it ought to be a mass descent on the Capitol primarily because I know that you do not get a constructive reaction from Congress when you have just a mass descent of people who are not identifiable as the constituents of the members that they are visiting. I think it's all right to bring a thousand people, as happened a couple of times, provided that thousand come from a congressional district or a state. This march, as everyone knows, turned out to be over a quarter of a million people, and it was possible to take interested members of the Congress over to the place where the marchers were sitting or standing. This, it seemed to me, turned out to be very constructive.

There was a great deal of alarm on the Hill about what would happen if this large group of people came in without any discipline, without any control. Some offices sent personnel home. Some people weren't available and things of that sort. I think a lot of that fear was foolish and groundless, but I do know that it would have been very difficult to handle a quarter of a million people in the Capitol, and I think we might have lost some friends. We might have had a few bad public relations incidents if this had been at the Capitol rather than at the Lincoln Memorial as it was.

STEWART: Do you recall, did you attend the White House meeting on June 22nd with other civil rights leaders at which time the President urged them not to have a demonstration at the Capitol but instead to have it at the Lincoln Memorial?

MITCHELL: No, I don't remember that. I'm sure I wasn't there. My feelings about the Capitol were not based on anything that the President had said or anybody else

had said. I was thinking of it purely in terms of my personal knowledge of how difficult it is to keep a crowd working constructively at the Capitol because of the many rules and regulations. For example, when you go into a committee hearing, if you're in the Senate, photographers are permitted to take pictures; if you're in the House, photographers are not permitted to take pictures when the hearing is in session. It had been my experience that we'd had a lot of disputes about just a little thing like that when we had only hundreds of people. I could see that if it were thousands, those disputes would very likely multiply and be diversionary really.

STEWART: As far as your activities on the day of the march, is there anything that you can recall of significance that is not a part of the public record now? I assume you were involved in some of the meetings with the congressional leadership on the Hill.

MITCHELL: I arranged the meetings with the leaders in the House and Senate. I don't know really what's in the public record because I've not read it carefully, but I've seen pictures indicating that they were up there meeting with the leaders, [Begin Side II, Tape II] and I did arrange those meetings. Also, I was asked to make arrangements for getting congressmen and senators to the Lincoln Memorial which seemed to be a kind of a dirty job at the beginning because it did involve a lot of detail work, but when the possibilities of it became a little more apparent, there seemed to be a great many people in the act, including some members of Congress.

I remember that at some point when I was negotiating with the Capital Transit Company, they told me that they'd heard from Congressman [Adam Clayton] Powell, and he was giving them some directions on what should be done. Then when the congressman got on the bus, it was very amusing. All of them got on, and I couldn't. I was somehow or other left out and wound up having to get a police escort in order to get even to the scene of the march or demonstration.

Also, there are a lot of pictures showing the leaders of the march up in front. In fact, there's a record of the day they marched which has a very beautiful picture of a lot of people. Well, I was with those people at the Capitol, and the reason I was not in that picture was I had arranged the meetings with the

House and Senate leaders. The meetings were running a little longer than we thought they would run, and word came back that the marchers were getting impatient and getting ready to march without their leaders in front of them. So all of the leaders made a dash for taxicabs and other transportation, got there in a nick of time to be at the head of the parade. But I felt, as a matter of making sure the loose ends were held together at the Capitol, that I had better stick around and make sure we had an orderly closing out of what relationships we had up there, so I was still at the Capitol when the march was getting under way.

STEWART: Were there any surprises as far as the congressmen who actually went down there?

MITCHELL: I guess so. I guess there were some surprises. But I can't remember who they might be. I didn't have much of a way of estimating just how many would come because congressmen are reluctant to go to anything en masse. But evidently everyone got fascinated with the idea, and here was this free transportation. I don't say that derogatorily. Certainly if we were inviting them, we should have had free transportation. But anyway it was convenient and very easy to step out of an office and step on the bus. So we had quite a good group out. And another thing happened, just by coincidence, which was good.

There were some people who were wondering whether the congressmen would understand that these assembled hosts wanted action on a civil rights bill or whether the congressmen would think this was just another outpouring of people with no particularly fixed intentions. When the congressmen came in, there were no places for them to sit. The places that we had hoped to put them in had been long ago taken by other individuals. It was necessary to bring them in by a special entrance and also to march them down the steps of the Memorial, and somebody struck up the chant, "Pass the bill. Pass the bill." And this was taken up by the whole crowd, so this became very impressive.

STEWART: Do you, in summary, feel that the march had any significant impact on the eventual passage of the bill?

MITCHELL: I'm sure it had a significant impact. There's always the question, of course, of whether the bill would have passed if there had not been a march. I would think on the basis of the commitments that we had prior to the march, and in view of the temper of the country and all that sort of thing, I think it would have passed: the bill would have passed even without the march. Of course, there were a number of civil rights proponents in Congress who were very upset about the possibility of having the march, who thought it would do a lot of harm.

On balance, I think that the biggest thing that came from the march was that so many people felt a sense of involvement personally who hadn't felt it before. I'm not sure that they did much when they got back home, but I still run into people who say with almost awe, "Well, I was at the march in Washington." I think in that sense it was good for the country, and good for the people. I'm not so sure that it was an absolutely essential element for passage of the bill.

STEWART: At a three day strategy conference in August of 1963 you criticized Senator [Everett McK.] Dirksen for not supporting the public accommodations section of the civil rights bill. Did you feel generally that the Administration was correct in its dealings with Senator Dirksen?

MITCHELL: I thought that they were correct in trying to get him to see the light. From the standpoint of overall strategy, of course, it's important to try to get every vote that you can get. I was not sure that they were as tough in adhering to their position in their negotiations with him as they could have been. I think that at times Dirksen pushed them around a little.

But there was a fundamental difference between the Administration and the Republicans on the justification for, that is, the constitutional basis for, the public accommodations title. The Republicans argued that it should be based on the Fourteenth Amendment, and the Administration, of course, was basing it on the Commerce Clause. That did require a lot of negotiation and a lot of discussion. I felt that at times the Administration seemed to be giving away things unnecessarily, but there again it's the advantage of hindsight.

STEWART: Do you recall having any discussions with the Attorney General after he testified before the House Judiciary Committee and, in effect, went against the proposal of the subcommittee which was contrary to the Administration's proposal?

MITCHELL: Well, that day I was present and very angry. I guess I talked to everybody who was available. I can't remember whether the Attorney General was, but I have a distinct recollection of voicing a lot of annoyance in a conversation with [Nicholas deB.] Katzenbach, who was then, of course, the Deputy Attorney General. I can't remember whether I was able to get to the Attorney General.

As always happens, you know, when you lose your temper, your recollection isn't as clear as it might be. But I was a little dismayed when I talked with one of the staff people over at House Judiciary who had known me a long time and who sort of regarded me as a person with an even temper. He said his wife had seen me on television and had indicated that I must have been pretty worked up, and she wondered what kind of a person is this. So I don't know what my image was at that time, but I know that I was pretty upset.

STEWART: Here again, was this basically a matter of a difference of opinion in counting the votes?

MITCHELL: I was never sure of why the Administration was willing to give away as much as it did give away. Its public argument was that all that the Republicans intended to do was report the bill out in a strong form so that it would never be able to get through on the House floor. And, of course, we were dealing with some members of Congress who are not dependable, who would vote one way in committee and vote--will vote for you in committee and then maybe vote against you on the floor. So that was a risk, as it always is a risk. But I don't think it was necessary to give away as much as was given away in order to meet those demands.

Then there were some things that the Department wanted to give away because the Department of Justice itself did not want that kind of thing. For example, I can't recall whether the so-called Part III was in the bill in the form that it was reported out of committee, but that is an example of the kind of

thing that the Justice Department traditionally doesn't want even if it's got the votes to get it because it gives the Attorney General a lot of duties in trying to protect constitutional rights. We have got most of what we would have gotten in 1957 if we'd passed Part III of the 1957 bill in that, as of now, the Attorney General can institute suits to protect people who are denied access to public accommodations, fair employment, and things of that sort.

So that we've got a great deal of what we were seeking in Part III, but we haven't got some fundamental things like the protection of individuals who assert First Amendment rights such as picketing or demonstrating and things of that sort. The Justice Department has not wanted that, and I'm reasonably certain that that would be the kind of thing that they would want out of the bill without regard to whether there were enough votes to pass it.

STEWART: Again, in this whole time period did you have any discussions with either Larry O'Brien or people on his staff regarding the Administration's actions?

MITCHELL: Yes, we had a very good relationship with the White House people, Larry O'Brien and his staff people. I thought we got along very well myself. I'm sure that there must have been times when the White House staff people thought I didn't know what I was talking about on votes. But once they found out that I did know, I got along with them very well.

STEWART: At what point in this whole period did you become convinced that a major civil rights bill would pass?

MITCHELL: Well, it would be hard for me to recall. I would say that at the point where I could see the votes, I felt that it would get through. I don't think that I ever had many doubts about the House. I, of course, always--in the Senate there's the background question of whether you can get enough votes to beat a filibuster. I did feel, though, that the things that were happening in the country were so terrible that it would be difficult to believe that filibusterers could pull their old tricks and get away with it.

I guess it would be fair to say that neither I nor anyone else could say that he was absolutely certain it would pass until we had overcome that cloture hurdle in the Senate. I certainly felt, though, as we were leading up to that, that everything that could be done was being done on the part of the generals. By that I mean then Senator Humphrey and Senator [Thomas H.] Kuchel and their colleagues who were at it. I also felt that the White House was making a very important contribution in getting things arranged so that we could win. Even if some votes might not be available for us, I had a feeling they wouldn't be there against us. And that, of course, was important.

STEWART: Were you aware of the assurances that the White House was giving to liberals on the Judiciary Committee that a compromise was essential as far as they were concerned?

MITCHELL: Well, I think I was. I hate to say positively that I was because the years have a way of playing tricks with your memory. But most of the liberals are people that I have more or less grown up with around here. We came to Washington roughly about the same time. We exchange views on things. I would assume that I must have known this kind of thing was being said.

I have a distinct recollection of the statement that department stores need not be covered in this and some of the members of the House Judiciary Committee asking me why department stores should be left out. I certainly could see no justification for it. There was also an intention to leave out filling stations, and I remember making quite an argument about filling stations, telling the story of a colored lady down in Mississippi who was beaten and arrested simply because she tried to use a restroom in a filling station. I think that story made quite an impression on some of the Committee members, and the filling stations were kept in. I guess I wasn't able to produce a similarly effective story on department stores because they were left out.

STEWART: One final question on the 1963 act unless you have something else, or the 1964 act. Are you convinced that it would have passed if the assassination hadn't

taken place? Did the assassination have any real effect on the passage of the bill?

MITCHELL: I guess that would be just be speculative on my part. There is an objective thing that I can say. That is, I think that when we got into some of the tight places in the Senate, President Johnson was in a position to do more than President Kennedy would have been in a position to do which would be helpful to us in getting the legislation passed. For example, it did seem to me that the Vice President, when it was Vice President Johnson, was in a kind of neutral role on legislative matters, and I don't know that he was disposed to do much or was in a position to do much. When he became President, Mr. Johnson, he immediately got into this thing personally.

There was a very important Southern senator who had a long conversation with me during the closing days of the Senate fight. This Southern senator said, "Well, the bill is going to pass, and we're going to live with it." You just can't resist the pressures that Johnson puts on you to do these things." Because that senator was who he is, I think that this was an important factor. I don't think that President Kennedy would have been in the same kind of position to influence him that President Johnson was. So in that sense, the assassination probably meant that we got a stronger bill than we would have gotten otherwise.

It's hard for me to believe, though, that with all of the effort that President Kennedy was making that we wouldn't have gotten some kind of a bill. I think his bringing in these groups around the country and his almost magic appeal to people, as such, undoubtedly fired up the country tremendously so that we would have gotten, I think we would have gotten, a bill even if he had not been assassinated. I don't think it would have been as inclusive as the bill that we got.

STEWART: I just have a few other miscellaneous questions. Is there anything more on the 1964 civil rights act that you'd like to add before we move on?

MITCHELL: Nothing I'd like to add.

STEWART: At the 1962 NAACP convention you criticized or even ridiculed the small number of appointments of Negroes the Administration had made to top jobs. Can you

recall any specific appointments that were pressed but not accepted?

MITCHELL: Well, I don't recall at this time any that were pressed but not accepted. I do remember why I made that speech. I was smarting because of the attitude of so many people who had been great fighters for legislation. They had been all for legislation, but when President Kennedy came into office, they immediately began shifting ground and saying, "We ought to do these things by executive order rather than by passing laws."

I guess the straw that broke the camel's back was, as I believe I said in the other interview, Carl Rowan made a speech before one of the national Negro fraternities in which he said that he hated to see these people shedding crocodile tears about the jobs--no, about not having legislation when tremendous progress was being made by executive order and numerous appointments to jobs. My recollection is that was the thing that made me decide that I'd better try to put this job thing in some perspective so people could see how little they really did have, even in Carl's case, at that time. My recollection is he was a deputy Assistant Secretary of State which is a very impressive sounding title but which really was--deputy assistants are not very prestigious in government. I was trying to get the Negroes to see that there's no point in settling for peanuts in this situation and that if we really were going to make headway, we needed to get into policy positions.

STEWART: Could you describe your activities in relation to the confirmation of Thurgood Marshall which dragged on for some time?

MITCHELL: Well, I was active. I think it was pretty much a thing which carried itself along. I undertook to try to find out what troubles might be expected from some of the Southern members of the Judiciary Committee, and I was satisfied on the basis of that canvass that some of them were going to try to delay things until they could abstain, or at least not obstruct, with very little chance of being hurt politically which made me feel that the appointment eventually was going to go through. I also attempted to explore the situation a little with the Republican members, and I felt on

the basis of that exploration that they would be very helpful.

STEWART: One final question. Do you recall ever discussing with the Attorney General the appointments that they were making of judges, especially in the South? There were a number of, of course, very conservative people who were given judgeships in the South.

MITCHELL: Well, starting really with Attorney General [Herbert, Jr.] Brownell, I undertook to try to present to the Justice Department information about possible candidates who were so biased that nobody could expect them to be fair if they were judges. I am reasonably certain that at some time or other I must have said the same things to Attorney General Kennedy. I know I have tried to continue to do that with various people in the Justice Department, and I just assume that at some point or another I must have said something to Attorney General Kennedy about aspirants who might be very biased. I can't recall being in the position of an advocate for anyone. I don't remember asking them to appoint anybody.

STEWART: Okay, is there anything else you want to add either in conclusion or as a summary about President Kennedy or the Administration? That's all the questions I have.

MITCHELL: Well, I would like to say about President Kennedy that I guess I was as much of a Kennedy admirer as anyone else, that in spite of my strong differences with him and with the Attorney General on some of the things that they either did or didn't do, I, nevertheless, liked them very much. The whole Kennedy family seems to have a kind of an attitude of decency which means a lot to people, and they brought into government a kind of spirit that makes you glad they're there even though at times you might disagree with them. For example, I felt that it was most unfortunate that Senator Robert Kennedy ran at the time he did in New York primarily because I was a very good friend of Senator [Kenneth B.] Keating and felt that Senator Keating was a tremendous asset to us in the Senate on civil rights. It did seem to me that this was a pretty terrible thing that a good civil rights person would be displaced by another individual who, while he was committed to civil rights,

could not bring to it the same kind of thing that Senator Keating could bring.

STEWART: That's interesting because you mentioned in the last interview that you had thought the same thing about President Kennedy's fight with Henry Cabot Lodge in 1952.

MITCHELL: That's true. It is an interesting coincidence that in both of these cases this would be a kind of a matter of history repeating itself, because in the case of Lodge I had no particular reason for thinking that the new senator would be any better, and indeed he wasn't, on civil rights. He took about the same general position and even a little less aggressive on some things because he was more interested in foreign policy.

By the same token, in the case of Senator Robert Kennedy he is not the same kind of asset in the Senate on civil rights that Senator Keating would have been, and was. You see, by now Senator Keating's position in the Senate would have been such that it would be very difficult for somebody like Senator Dirksen to challenge him on the Judiciary Committee. If he had been inside when we were working on the '66 act, I think that he would have been much more effective in trying to hold things together than Senator Kennedy could be because after all Senator Kennedy is only a junior senator in New York.

STEWART: Well, is there anything else?

MITCHELL: No.

STEWART: Okay.

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