

[REDACTED]
FREEPORT, N.Y. 11520

M E M O R A N D U M

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FROM: [REDACTED]

Enclosed, please find the proof of an article [REDACTED] entitled "Assessing the Role of the NAACP in the Civil Rights Movement" that is being published by The Historian in its spring issue that is scheduled to come in about early May.

One of the things that bothered me when I was writing LION IN THE LOBBY, my biography of Clarence Mitchell, Jr., and his struggle for the passage of civil rights laws, was how little was understood about the NAACP's philosophy and the basic differences between its strategies and that of others like the Rev. King. The problem, of course, was that never in the NAACP's history was its philosophy articulated succinctly in a manner similar to the Rev. King's nonviolent philosophy. The common practice was to say that the NAACP is for integration, etc., and, of course, everyone knows that its legal work is the backbone of the organization. But why so?

The answer is that the NAACP's is an egalitarian philosophy with its roots in the Declaration of Independence. The NAACP's philosophy draws on those concepts of equality as well as on the same humanitarian foundations on which the U.S. Constitution is built.

I trust that you will find the piece helpful in your assessments of developments within the NAACP as it undergoes change in its leadership.

ASSESSING THE ROLE OF THE NAACP IN THE CIVIL RIGHTS MOVEMENT

BECAUSE of the attention focused on Martin Luther King, Jr., and his nonviolent strategy, the role of the National Association for the Advancement of Colored People (NAACP) has been overshadowed and its major contributions to modern civil rights overlooked. King's ability to arouse the spirit of African Americans and give them a sense of involvement in their own liberation was unparalleled. From the Montgomery bus boycott in 1954 to the Birmingham demonstrations in 1963, as well as in other activities, King sought to awaken the United States to the egregious wrongs done to African Americans. The NAACP's early leaders anticipated competition from King and the Southern Christian Leadership Conference (SCLC), which he headed, but NAACP leaders never had an effective public relations strategy to counter the overwhelming emotional appeal of King's oratory and the civil rights demonstrations in the South, which were tailored for the news media, especially television. Martyred in 1968, King has become so popular that the NAACP's influence and visibility have suffered. Yet, no other organization contributed more to making the U.S. Constitution responsive to the needs of all citizens.¹

The NAACP was organized in 1909 owing to the need for an effective civil rights organization amidst an explosion of racial prejudice in Springfield, Illinois. William English Walling, a white Kentuckian who was visiting nearby Chicago with his wife, voiced alarm that such violence was spreading from the South to the North. He saw an urgent "need for a nation-wide effort to combat the evil." Walling and several others joined in issuing "The Call" on 12 February 1909, which marked the founding of the

[REDACTED] a journalist and former official in the NAACP, is author of *Lion in the Lobby*, a biography of Clarence Mitchell, Jr.

¹ Interviews with Clarence Mitchell, Jr., and other NAACP leaders over a period of several years, beginning in 1971; "Integration Leaders Examine Lessons of Birmingham," *Liberation* (June 1963): 4-5; Bayard Rustin, "The Meaning of Birmingham," *ibid.*, 9-16, 221.

NAACP. Their goal was to achieve absolute political and social equality for African Americans.²

The NAACP's philosophy was linked to the same currents of eighteenth-century liberalism that had given birth to the Declaration of Independence and the Constitution. The NAACP's founders were concerned that the "republican experiment is at stake, every tolerated wrong to the Negro reacting with double force upon white citizens guilty of faithlessness to their brothers." The founders agreed to use every available means to publicize the neglected issues of civil and political equality for African Americans. By 1929 these rudimentary beginnings had become a full-scale attack on all forms of racial discrimination.³

As editor of *The Crisis*, the NAACP's journal, W. E. B. Du Bois, one of the signers of the NAACP's "Call," broadened the focus of the struggle and set its tone with what he called his "stinging hammer blows" against racial injustices. In his books, pamphlets, and articles, DuBois exposed the abysmal state of race relations in the country and defined the philosophy for the struggle.⁴

James Weldon Johnson, who succeeded several whites to become NAACP executive secretary in 1920, is better known for creating "Lift Ev'ry Voice and Sing"—the "black national hymn"—and for his other literary accomplishments than for his effectiveness as a civil rights leader. Yet, he expanded the NAACP's membership—the base of the organization's strength—tenfold between 1916 and 1920. Johnson molded the NAACP into an effective organization by consolidating its early initiatives into full-fledged programs against disenfranchisement, peonage in the South, and U.S. atrocities in Haiti. Moreover, he expanded the NAACP's attack on lynching into a crusade that, more than any other program, defined the organization as a formidable political machine.⁵

Johnson's indefatigable assistant, Walter White, headed one branch of the antilynching program—investigating the crime and arousing public opinion against it. In 1919, the NAACP initiated a drive in Congress for an

² Charles Flint Kellogg, *NAACP* (Baltimore, 1967), 1:9–26; *The Crisis* (July 1929), 26; *Proceedings of the National Negro Conference*, 31 May 31 and 1 June 1909 (New York, 1909), 227.

³ "The Call," in *Proceedings*; Mary White Ovington, "How the NAACP Began," pamphlet (New York, 1914).

⁴ Kellogg, *NAACP*, 19–16, 23; W. E. B. Du Bois, *Dusk of Dawn* (New York, 1968), 303.

⁵ James Weldon Johnson, *Along This Way: An Autobiography* (New York, 1933), 154–155, 362; Eugene Levy, "James Weldon Johnson and the Development of the NAACP," in *Black Leaders of the Twentieth Century*, ed. John Hope Franklin and August Meier (Chicago, 1982), 85–103.



antilynching bill, which only the House of Representatives passed in 1922. In 1930, White, who became executive secretary that year, increased respect for the organization as a political force when he teamed up with the American Federation of Labor to defeat President Herbert Hoover's appointment of Judge John J. Parker, a North Carolina racist, to the Supreme Court.⁶

The NAACP continued to develop its humanitarian and constitutional (egalitarian) philosophy by seeking the support of the federal courts to challenge the legality of segregation laws. It sought legal redress for individual cases of injustice based on race and attacked the disenfranchisement of African Americans in the South. From its first victory in 1915 in *Guinn v. U.S.*, in which the Supreme Court ruled that the grandfather clause, which barred blacks in the South from voting, violated the Fifteenth Amendment, to others like *Nixon v. Herndon* in 1927, in which the Texas white primary was ruled unconstitutional, the NAACP began building a comprehensive legal program.⁷

In 1935 the NAACP formalized that program when highly respected Charles Hamilton Houston, dean of Howard University Law School, joined its staff as special counsel in its newly created legal department. The same year, Houston and Thurgood Marshall, his protégé working with the Baltimore branch of the NAACP and later justice of the Supreme Court, won a case in the Baltimore City Court in which the University of Maryland Law School was ordered to admit Donald Gaines Murray, an Amherst College graduate, as its first African-American student.

The Baltimore case began the constitutional battle in which the NAACP directly challenged the practice of segregation. This resulted in the 1954 *Brown v. Board of Education* decision in which the Supreme Court reaffirmed the original purpose of the equal protection clause of the Fourteenth Amendment. In doing so, the court overturned its 1896 *Plessy v. Ferguson* decision that established the "separate but equal" doctrine. The *Brown* decision was a ringing vindication of the strategy of sociological jurisprudence that Marshall had developed and raised the civil rights struggle to a new plateau by giving it constitutional backing.

Constance Baker Motley, a U.S. District Court judge in New York who was on Marshall's NAACP staff, recalled that Roy Wilkins, NAACP executive director from 1955-1976, had complained in the 1940s that no matter how hard he tried, he could not get African Americans to join the struggle.

⁶ NAACP *Annual Report*, 1919, 28-29, and *Annual Report*, 1930, 7-16; Walter White, *A Man Called White* (Bloomington, 1948), 111, 171, 262-270; Richard L. Watson, Jr., "The Defeat of Judge Parker: A Study in Pressure Group and Politics," *The Mississippi Valley Historical Review* 50, no. 2 (Sept. 1963): 213-234.

⁷ Kellogg, *NAACP*, 17; "Biographical Sketch of Charles Hamilton Houston," Reel 2, NAACP General Office Files, Library of Congress.



But "they knew that something had happened when the Brown decision came down, that the world would be changing, and they felt that they could then do something." After 1954, the speeches Wilkins and other NAACP leaders had been making and the organization's other actions began to make more sense to African Americans. In 1956, an NAACP official told the *New York Times*: "We've had a long way to go. We've had to overcome a lot of apathy built among the colored over the years." In 1961, King said that the new wave of African-American militancy had developed because "the Negro has seen the exit sign to freedom" in the school desegregation decision, adding: "The whole nation put itself on record then as saying that segregation is wrong."⁸

Brown also undergirded the NAACP's political program. Although the NAACP was unable to get Congress to pass an antilynching law, it did attempt through a relentless publicity campaign to pressure the southern states to end the crime themselves. The campaign against lynching built on the 1929 defeat of the Judge Parker nomination and further shaped the NAACP's political program.⁹

The New Deal was a political watershed in the civil rights struggle, since it led to the launching of a comprehensive movement by African Americans for social and economic equality. In 1937 their expectations of the federal government rose as the result of the three-day "National Conference on the Problems of the Negro and Negro Youth" in Washington. The conference was sponsored by the government to improve federal programs for African Americans. Mary McLeod Bethune, the spiritual force of the New Deal's "Black Brain Trust," noted its importance: "This is the first time in the history of our race that the Negroes of America have felt free to reduce to writing their problems and plans for meeting them with the expectancy of sympathetic understanding and interpretation." Ralph Bunche, a prominent African-American Howard University political scientist, explained that the New Deal was unprecedented because the federal government gave "broad recognition to the existence of the Negro as a national problem and undertook to give specific consideration to this fact in many ways."¹⁰

⁸ NAACP *Annual Report*, 1935, 16; interview with Judge Constance Baker Motley, New York, 17 Sept. 1991; *New York Times*, 18 March 1956, E1 and 14 May 1961, 76.

⁹ Based on author's continuing discussions with Mitchell between 1971 and 1984.

¹⁰ Harvard Sitkoff, *A New Deal for Blacks, The Emergence of Civil Rights as a National Issue: The Depression Decade* (New York, 1978), ix, 82; William A. Birnie, "Black Brain Trust," *The American Magazine* (January 1943): 36-37, 94.

World War II crystalized the political shape of those expectations. Franklin D. Roosevelt responded to the demands of A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters, for an end to racial discrimination in the defense program. The president issued Executive Order 8802, which created the Fair Employment Practice Committee (FEPC). The establishment of the FEPC marked the birth of the modern civil rights movement in that it was the first time a president took action to end racial discrimination. This opened a new and critical phase in the struggle against racial oppression. From that point, the NAACP was able to convince every president through Lyndon Johnson to take decisive action against discrimination.¹¹

The creation of the NAACP's Washington bureau in 1942 was another important step. In 1946 White convinced the Senate to uphold the association's charge that Theodore "the Man" Gilmore Bilbo, an arch segregationist from Mississippi, had won renomination in a primary election by intimidating African-American voters in Jackson. The Senate barred the seating of Bilbo.¹²

Presidential backing of the NAACP and full citizenship for African Americans continued into the administration of President Harry S. Truman, when he sanctioned the formation of the Committee on Civil Rights in response to White's complaints about the resurgence of racial violence. The committee's landmark report, *To Secure These Rights*, clearly defined civil rights: "We can tolerate no restrictions upon the individual which depend upon irrelevant factors such as his race, his color, his religion or the social position to which he is born." Economic issues began to overshadow such earlier civil rights concerns as lynchings during and after World War II. By 1955 the United States was better positioned to match the post-World War II spirit of freedom that was rapidly spreading throughout former colonial territories. This was the time that African Americans launched the bus boycott under King's direction in Montgomery, Alabama.¹³

¹¹ Herbert Garfinkel, *When Negroes March* (Glencoe, Ill., 1957); Robert C. Weaver, *Negro Labor: A National Problem* (New York, 1946).

¹² NAACP *Annual Report, 1921 and Annual Report, 1922*; Walter White memorandum to NAACP Committee on Administration, meeting minutes, 26 Feb. 1942; report of secretary, NAACP Board minutes, June, Sept., and 13 Oct. 1942; Clarence Mitchell Oral History, Civil Rights Documentation Project, Howard University; NAACP Board minutes, 25 Nov. 1946; *The Crisis* (Feb. 1947): 51; "Today It Is the Senate," *The Crisis* (March 1947): 80, 94.

¹³ *To Secure These Rights: The Report of the President's Committee on Civil Rights* (New York, 1947); White, *A Man Called White*, 330-331; Peter J. Kellogg, "Civil Rights Consciousness in the 1940s," *The Historian* 42, no. 1 (Nov. 1979): 18-41.

Fresh from Boston University, where he had completed his doctorate, King arrived at an unprecedented moment of history when he became pastor of Montgomery's Dexter Avenue Baptist Church. As he wrote: "I had not the slightest idea that I would later become involved in a crisis in which nonviolent resistance would be applicable. I neither started the protest nor suggested it. I simply responded to the call of the people for a spokesman." In retrospect, King recognized that he had begun a "serious intellectual quest for a method to eliminate social evil" at Crozier Theological Seminary. His study of Walter Rauschenbusch's Christianity and the Social Crisis had indelibly influenced his thinking by giving him "a theological basis for the social concern" that he had developed from early childhood experiences in Atlanta.¹⁴

Roy Wilkins and Clarence Mitchell, Jr., who was the NAACP's chief strategist in the 1960s, took a more practical approach to civil rights. When White died in 1955, Wilkins became head of the NAACP, having been groomed for the job for twenty-four years. Wilkins and Mitchell were political realists; King was a political moralist. Mitchell was a constitutional humanist; King was a moral humanist. Mitchell, like Wilkins, White, and Johnson, appealed to reason and the intellect; King appealed to the conscience. Mitchell's philosophy and training blended his strong belief in Christianity and the Constitution and the practical imperatives of the legislative process. Wilkins' philosophy was also based on the Constitution, but he encompassed a broader political scope that included intergroup relations much more than Mitchell did.¹⁵

The 1955 bus boycott by King's SCLC had a wide emotional appeal that the NAACP's carefully managed programs lacked. Despite King's popularity, the NAACP was highly revered by most older African Americans in the South as a beacon of hope in abysmal racial darkness—so much so that several states in the region attempted to put the NAACP out of business.¹⁶

¹⁴ Martin Luther King, Jr., *Stride toward Freedom* (San Francisco, 1958), 90–91.

¹⁵ For Johnson, see NAACP Board minutes, 11 Dec. 1916, 6 Nov. 1920, 9 Sept., 14 Oct., and 9 Dec. 1929; Kellogg, NAACP, 113; White, *A Man Called White*, 35–39, 47, 115; NAACP *Annual Report*, 1931, 35. For Wilkins, see minutes of the NAACP Committee on Administration, 23 March 1931; NAACP Board minutes, 13 April 1931 and 11 April 1955; report of the secretary, 31 May 1931; Tom Mathews, *Standing Fast: An Autobiography* (New York, 1982), 104–105; Roy Wilkins, "Mississippi Slavery in 1933," *The Crisis* 40, no. 4 (April 1933); 81–82; idem, "The Negro Wants Full Equality," in *What the Negro Wants*, ed. Rayford Logan (Chapel Hill, 1944), 112–132; Alfred Duckett, *Chicago Defender*, 50th anniversary issue, 1955, Mitchell Papers, Baltimore; interviews with Mitchell 1971–1990, and study of his family history, NAACP Washington bureau and NAACP national headquarters.

¹⁶ Wilkins' remarks at a special conference of public relations consultants, 2 March 1960, New York, author's files; NAACP *Annual Report*, 1956, 5–7 and *Annual Report*, 1957, 42–45.

The relentless attacks on the NAACP revealed its effectiveness as much as the Montgomery bus boycott revealed the NAACP's structural handicaps. The inherent differences between the two civil rights approaches were exemplified by the sharply contrasting personalities of their leaders. Wilkins, at 54, was old enough to be King's father. His parents had fled from Mississippi to St. Louis, Missouri, where he was born in a world apart from the Jim Crow South, which shaped King's soul. King was inseparable from the people he was leading. He was of them as much as he was for them; cultural and spiritual bonds reinforced his powerful gift of oratory and training as a Baptist minister. King knew that style was much more important than substance to poor, southern African Americans as his words probed the innermost recesses of the heart with their striking cadences. He evoked emotions while Wilkins sought to foster understanding of the plight of African Americans.¹⁷

The NAACP's programs reflected that intellectual approach; they were not designed to involve the masses as was the bus boycott. By its very nature the boycott was a mass movement, as were all of King's subsequent demonstrations. The live theater that the demonstrators orchestrated by confronting the southern segregationists was tailor-made for media coverage. There had been no widespread cheering for the 1947 report of the President's Committee on Civil Rights. Although African Americans considered the *Brown* decision a victory, the slow enforcement of the decision led impatient young African Americans to reject the NAACP's leadership in civil rights.¹⁸

Another drawback to the NAACP's legal program was that the impact of *Brown* was not as immediate as the bus boycott. The NAACP toiled for fourteen years to get a civil rights law passed, and even then its effect was hardly momentous. Protests such as the boycott relied on emotion, which often cannot be sustained. After nearly a year of battles by the Montgomery Improvement Association with the intransigent white City Commission of Montgomery, the bus boycott might have collapsed if the NAACP had not stepped in with its legal challenge to intra-city bus segregation. Despite the victory, the city commissioners resisted desegregation until they received the court order.¹⁹

¹⁷ Mathews, *Standing Fast*, 18; King, *Stride toward Freedom*.

¹⁸ Martin Luther King, Jr., *Why Can't We Wait* (New York, 1964), 5; NAACP *Annual Report*, 1953, 5-6; King, *Stride toward Freedom*, 23.

¹⁹ King, *Stride toward Freedom*, 78, 170.

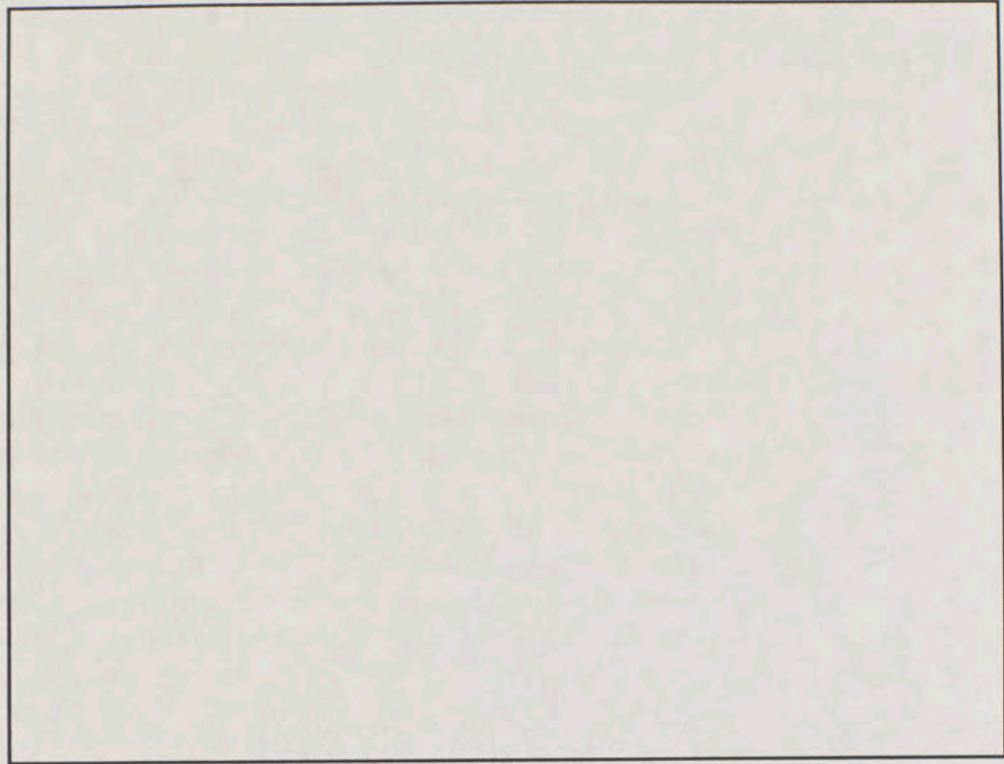
King's passing recognition of the NAACP's role in sustaining the boycott set the tone for most historical treatments of the civil rights movement. His egotistical excesses revealed in *Stride toward Freedom* were not lost on NAACP leaders, who regarded him as an upstart attracting the media and competing for contributions. No matter how justified these criticisms, Wilkins, as head of the NAACP, allowed King's version of the events to go largely unchallenged. In contrast to White, his predecessor, who wrote seven books, Wilkins wrote none while he was executive director and discouraged the writing of books about him.²⁰

The limited practical gains of the bus boycott notwithstanding, King basked in the glow of the spotlight and celebrated the heroism of Montgomery's African Americans. Southern diehards held the NAACP responsible for the Montgomery bus boycott and their animosity toward the organization intensified as a result of its victory in the school desegregation case. Southern resistance to *Brown*, highlighted by the White Citizens' Council and their "Southern Manifesto," invited a reign of terror against local NAACP leaders who expressed support for school desegregation and the right to vote. Wilkins told a conference of public relations consultants in 1960 that

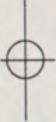
the NAACP program should be controversial is ironic and significant, for we ask nothing that is not guaranteed by the American Constitution, that has not been affirmed and reaffirmed in the nation's noblest expressions of democratic faith from the Declaration of Independence to the United Nations Charter, that is not rooted in our accepted Judeo-Christian ethic.²¹

²⁰ This material is drawn from the author's working experience with NAACP leaders from 1971 to 1979 as a member of NAACP national public relations staff.

²¹ Wilkins' remarks at conference, New York, March 1960; "Southern Manifesto," *Time* (26 March 1956): 25; editorial on the White Citizens' Councils, *Montgomery Advertiser* (30 Nov. 1954); *Montgomery Advertiser* (10 May 1957); Stan Opatowsky, "White Citizens Councils, Dixie Dynamite: The Inside Story," *New York Post* (7-20 Jan. 1957); Herbert Hoover, "Racial Tensions and Civil Rights," 1 March 1956, Dwight D. Eisenhower Diary Series, Box 33, DDE Library; NAACP *Annual Report*, 1955, 9-10; "Pro-Segregation Groups in the South," special report, Southern Regional Council, 19 Nov. 1956, author's files; Mitchell, introduction of Rev. Gus Courts, 15 Feb. 1957, and Courts' statement, 16 Feb. 1957, both to Senate Subcommittee on Constitutional Rights, 15 Feb. 1957, NAACP Washington Bureau files, Box 142, Library of Congress; Mitchell memorandum to Attorney General Herbert Brownell, Jr., 2 Dec. 1955, NAACP Washington Bureau files, Box 97, Library of Congress; Wilkins' memorandum, "Reign of Terror in Mississippi," to Department of Justice, 7 Sept. 1955, NAACP Washington Bureau files, Box 142, Library of Congress.



Roy Wilkins and Clarence Mitchell, Jr.



As director of the NAACP's Washington bureau, Mitchell used the racial violence in the South to intensify his drive for passage of civil rights laws to protect the lives of African Americans and their Fourteenth and Fifteenth amendment rights. In particular, Mitchell sought to end discrimination in federally funded programs and to get states to enforce the *Brown* decision.²²

Mitchell's struggle for the passage of civil rights laws was lonely. In 1957, on the eve of the passage of the first civil rights law in the twentieth century, Wilkins was justifiably upset when the press gave the 28-year-old King credit for the successful "Prayer Pilgrimage for Freedom" in Washington. *Ebony* reported on the civil rights rally, the largest yet. The presence at the Lincoln Memorial of 27,000 representatives from 36 states "may not have fully aroused the nation's conscience—which was the central aim" of the demonstration, but their voices were heard around the nation. *Ebony* editorialized: "The man of the hour was stocky Martin Luther King, Jr., the Montgomery protest leader who emerged from the Pilgrimage as the No. 1

²² Mitchell's statement to Senate Subcommittee, 1957.

Negro leader of men." The New York *Amsterdam News* similarly reported that King had emerged "as the number one leader of sixteen million Negroes in the United States." The 1957 pilgrimage had "cleared the confused air as to Negro leadership" and "provided the Negro in the street with a peg to hang his hat on." The pilgrimage was "the idea of Martin Luther King alone and no other Negro leader in America was enthusiastic about it." The *Amsterdam News* was hostile toward the soft-spoken, low-key Wilkins and preferred King's fevered speaking style.²³

It is not clear whether Wilkins responded directly to *Ebony*, but he angrily refuted the *Amsterdam News*. He denied that the NAACP had dragged its feet or that there had been "dissension or division" in the pilgrimage. He explained that the 1956 NAACP annual convention had passed a resolution authorizing "a gathering in Washington in early 1957" at a suitable time to aid its battle for passage of a civil rights law in Congress. A second NAACP resolution had recommended "that the cooperation of our religious institutions and affiliated bodies be actively sought" on the anniversary of the *Brown* decision. In the interest of unity, the NAACP had joined in sponsoring the pilgrimage. Wilkins listed thirty steps the NAACP had taken to ensure the success of the pilgrimage and wrote the official document calling for the pilgrimage. The pilgrimage thus accentuated the strong differences between King and the NAACP over strategy that had begun to develop during the Montgomery bus boycott. Not only was Wilkins troubled by the competition from King, but he was strongly opposed to the younger leader's stress on nonviolent direct action and his attacks on the NAACP's legal strategy.²⁴

"There is a brand new Negro in the South with a new sense of dignity and destiny," King told a wildly cheering crowd in 1956 at the NAACP convention in San Francisco. "Wherever segregation exists we must be willing to rise up and protest courageously against it," he said, "even if it means going to jail" or "physical death." Wilkins countered by telling the audience of 12,000 that "we must intensify the use of political action in the final surge to full equality. The use of purely political action against us by certain southern states is ample evidence that we, too, should resort to this activity in our behalf." He attacked King's claim that the Montgomery bus boycott was a "new" form of protest conducted by a "new Negro."

The Negro of 1956 who stands on his own two feet is not a new Negro; he is the grandson or the great-grandson of the men who

²³ *Ebony* (August 1957): 10; *Amsterdam News*, June 1, 1957, copy in NAACP, Group III, Box B-169, Library of Congress.

²⁴ Wilkins to Dr. C. B. Powell, 4 June 1957, NAACP Group III, Box B-169, Library of Congress.

hated slavery. By his own hands, through his own struggles, in his own organized groups—of churches, fraternal societies, the NAACP and others—he has fought his way to the place where he now stands.

Wilkins explained that the NAACP had successfully used boycotts before and that African Americans had been waging a long fight for their freedom. Mitchell also took the view that the benefits of mass action were limited. To him, "the particular form of direct action used in Montgomery was effective only for certain kinds of local problems and could not be applied safely on a national scale." However, Wilkins and Mitchell never explained that the NAACP had avoided encouraging African Americans to challenge laws they thought were unjust and go to jail because the NAACP had no means of getting them out. By refusing to give up her bus seat, Rosa Parks had challenged the NAACP's deliberate pace. As a secretary of the Montgomery NAACP branch, she knew the potential of the *Brown* decision. The NAACP moved to implement *Brown* when it filed a legal challenge to intrastate segregation on Montgomery's buses. The Supreme Court ruled in November 1956 that such practices were unconstitutional.²⁵

King was not about to abandon the tactics that were working so well. The impact of the sit-in demonstrations and the freedom rides in the South in 1960, which utilized the direct action strategy effectively, only increased the differences between his approach and that of the NAACP. By moving beyond the NAACP's agenda of implementing *Brown*, first in the border states and then gradually in the South, King and the demonstrators knew that the organization's legal department, the courts, and Congress would protect them. King acknowledged the need for legislation: "It may be true that morality cannot be legislated, but behavior can be regulated. The law may not make a man love me, but it may keep him from lynching me." Legislation and court orders "can control the external effects of bad internal attitudes." He saw the struggle as "a three-lane road with some emphasizing the way of litigation and mobilizing forces for meaningful legislation, and others emphasizing the way of nonviolent direct action, and still others moving through research and education and building up forces to prepare the Negro for the challenges of a highly industrialized society." The type of nonviolent direct action he was advocating

does not minimize works through the courts. But it recognizes that legislation and court orders can only declare rights; they can never thoroughly deliver them. Only when the people themselves begin to act are rights on paper given life blood. A catalyst is needed to breathe

²⁵ Paul Jacob, "The NAACP's New Direction," *The New Republic* (16 July 1956), 9; interviews, 1971–1979, with NAACP staff associates; interview with Judge Motley, 1991; interviews with Mitchell, Baltimore, 1 April 1983.

life experience into a judicial decision by the persistent exercise of the rights until they become usual and ordinary in human conduct.

Mitchell and Wilkins agreed with King. However, they knew that for laws to be enforced, they first had to be enacted and upheld by the courts. Exhortation, the essence of King's style, could never achieve those goals alone, as Congress showed; laws have been effective only through the implementation of carefully conceived tactics.²⁶

Civil rights historians generally celebrate the actions of the young student zealots in the South and King's nonviolent confrontations with segregationist forces, which were planned from city to city rather than under the NAACP's type of comprehensive programming. They also tend to overlook the significance of the legislative struggle, which was the focus of the modern civil rights movement after the *Brown* decision. Although the NAACP lost control of the civil rights revolution in the South, it retained its influence in Washington. This imbalance of historical perspective became more pronounced in 1963 with King's demonstrations in Birmingham and the March on Washington (MOW), where he gave his ringing "I Have a Dream" oration. As with the prayer pilgrimage, King co-opted Randolph's call for a "march for jobs and freedom" on Washington with his own call. That led Wilkins to support Randolph publicly and to dismiss King's move: "Somebody just made a premature announcement. I had discussed the plans with A. Philip Randolph six months ago. It was his idea."²⁷

Two weeks before the MOW, Mitchell organized a little-noticed NAACP Legislative Strategy Conference on Civil Rights earlier that August. It provided the approximately 645 local NAACP leaders who attended with a thorough briefing on pending civil rights legislation, enabled them to meet with their congressmen and senators, from whom they elicited commitments of support for President John F. Kennedy's civil rights bill, and developed plans for consistent and continuing grassroots activity back home. Mitchell ensured that the march would emphasize the legislative struggle by getting its organizers to broaden its focus from simply jobs and freedom. While broadening public support for the common goals of the civil rights struggle, the march reinforced the NAACP's legislative program.²⁸

²⁶ King's speech, NAACP Freedom Fund dinner, Atlanta, 5 July 1962, author's files.

²⁷ *New York Times*, 3 July 1963, 10; "Black Leaders Meet on March" series, *New York Daily News*, 22 July 1963.

²⁸ "McCormack Gives Vow on Rights," *Washington Post*, 8-9 Aug. 1963, 1; agenda, Legislative Strategy Conference on Civil Rights, 6-8 Aug. 1963, Mitchell Papers; other materials on conference in NAACP Washington Bureau, Box 27, Library of Congress; Mitchell, monthly report, 6 Sept. 1962, Mitchell Papers.

As with the 1957 and 1960 Civil Rights Acts, the passage of a bill in 1964 required political mobilizations for which only the NAACP was equipped. Mitchell's studiously attended to details of the legislative process for which King was neither prepared by training nor temperament. King's nonviolent strategy could never have defeated the southerners, who controlled twenty-one key committees in the Senate, especially the Judiciary Committee, headed by James O. Eastland of Mississippi. Mitchell stressed that he found little evidence that the demonstrations in the South "had any effect on the votes that were needed" in Congress. Demonstrations changed some minds, but not "enough minds to do the whole job." The demonstrations certainly "didn't have the slightest effect on" Virginia's Howard W. Smith, chairman of the House Rules Committee, the gateway for bills approved by nearly all the other committees. The NAACP got bills past him, explained Mitchell, "because we had enough votes to out-vote him." Moreover, "the votes we got were the votes we would have gotten, demonstrations or no demonstrations, because they were the people who wanted to do something." The same applied to Eastland. Mitchell was as much a catalyst in Washington as King was in the South.²⁹

The most potent weapon southern senators used to kill civil rights bills was the filibuster, which could only be ended by two-thirds of members present and voting. To beat those odds, Mitchell had to know parliamentary rules and find crucial votes at every point in the legislative process. He was the principal force outside of Congress who directed the passage of the 1964 bill.³⁰

King's movement was episodic and played a limited role in the legislative struggle. He sought moral absolutes and his philosophy avoided the compromises characteristic of Capitol Hill. Mitchell also understood that in the legislative process, progress was incremental. Congressman Richard Bolling, a Democrat from Missouri, recalled that he "not only had physical strength, a strong mind, and a good mind, but he also had the capacity to conceptualize and to understand the legislative process. Thus he had a major role in pulling people together."³¹

²⁹ Interviews with Mitchell; Sitkoff, *A New Deal for Blacks*, 74-82.

³⁰ Interviews with Mitchell; NAACP *Annual Report*, 1955, 37-44; *Annual Report*, 1956, 31-37; *Annual Report*, 1957, 34-41; *Congressional Quarterly* (4 Jan. 1957): 29; *ibid.*, (11 Jan. 1957): 55-58; "Civil Rights and the Filibuster in the 85th Congress," NAACP Washington Bureau Files, Box 27, Library of Congress; Mitchell speech, 31 Oct. 1964, Mitchell Papers; Mitchell Oral History Civil Rights Documentation Project, Howard University.

³¹ Interview with Bolling, Washington, 12 July 1982.

In the epic 1964 legislative battle, Mitchell believed that the demonstrations in the South influenced only liberals in Congress whose votes for the bill were already assured. King's "Letter from Birmingham Jail" and his endless sermons from pulpits across the country influenced the churches, which as a group only entered the struggle in 1963. But Mitchell emphasized that their contributions, though important, were not as decisive to the legislative battles as some people claimed. The churches did not contribute as much as they could have to the struggle because they did not become involved sooner. Churches lobbied, monitored lawmakers' actions on the House and Senate floors, and helped convince some midwestern legislators to vote for the bill. Nevertheless, to win support from conservative Republican holdouts required pressure and maneuvering that only those who were intimately familiar with the legislative process could have directed. Upon passage of the Civil Rights Act of 1964, Mitchell correctly stressed that the demonstrations in the South added only the public accommodations title to the act. The NAACP had been seeking passage of all the other features since the early 1950s.³²

Congressional lobbying was Mitchell's life blood and he was called the "101st Senator." In 1965, when he resisted demands for a new voting rights law, King and the student activists in the South eclipsed the NAACP with the explosive demonstrations in Selma, Alabama. King overshadowed Mitchell in Washington to the extent that the Selma to Montgomery March aroused the nation to the egregious denial of the vote to African Americans in the South. Once President Johnson asked Congress for such a law, King turned his attention elsewhere, and Mitchell again took full command of the struggle on Capitol Hill.³³

In contrast to its earlier slights, *Ebony* now celebrated the decade from the mid 1950s to the mid 1960s as the "golden age of the NAACP," the most productive period in the organization's history.

From an organization that once relied primarily on legal action to attain its goals, the Association now covers the gamut of the civil rights fight, and is the great bail bond banker and legal defender of hundreds of young people, white and Negro, who have been jailed for taking part in sit-ins, freedom rides, boycotts, voter registration drives, and other forms of protest against the racial status quo.

³² "Integration Leaders," 4-5, Rustin, "Meaning of Birmingham," 9-16, 221; interviews with Mitchell, Baltimore, 28 December 1983, and Rauh, Washington, 30 November 1.

³³ Interviews with former attorneys general Nicholas DeB. Katzenbach, 8 July 1987, and Ramsey Clark, 19 June 1987, New York.

Other civil rights groups like CORE [Congress of Racial Equality], SCLC, and SNCC [Student Nonviolent Coordinating Committee] play vital and colorful roles in the drama of civil rights, but it is the NAACP which remains the cornerstone of the battle, accepted by most as the biggest and most potent weapon which the Negro possesses today.³⁴

In the late 1960s, the focus of the civil rights movement turned to enforcement of the new laws. Provisions of the 1964 act, notably Title VI, barring discrimination in federally funded programs, and the Title VII equal employment provisions shifted the civil rights focus from the south to the north. The 1968 Fair Housing Act, first introduced in Congress in 1966, was directed at the North as well as the South.³⁵

The sharp differences between the NAACP and the other civil rights leaders over the appropriate approach to attack housing segregation proved the wisdom of the NAACP. Mitchell was the only civil rights leader at a White House meeting in March 1966, who like President Johnson, believed that Congress could be made to pass such a law; the others demanded that Johnson issue an executive order barring such discrimination and opposed suggestions to seek a law. Mitchell welcomed the prospect of the battle even though housing legislation might get bogged down in Congress. After defending Johnson at the meeting, Mitchell declared, "when the President of the United States feels that we can go the route of legislation, I'm with the President." Bristling at those who called the 1968 act "King's Fair Housing Law," Mitchell explained that during a meeting with African-American leaders the day after King's assassination on April 4, President Johnson had agreed to a suggestion from Whitney Young, executive director of the National Urban League, that Congress be urged to pass the housing bill as a fitting memorial to the slain leader.

The housing bill was a politically sensitive issue. In thanking Congressman Bolling for his helping to get the bill out of the House Rules Committee, Mitchell noted that an earlier attempt had failed, so the events on April 9 were highly significant. Although it was the day of King's funeral in Atlanta, Mitchell and Bolling remained in Washington. Mitchell told Bolling, "If you had not been present, we would not have been able to win the Rules Committee vote that made final floor action possible." Mitchell was well aware that lawmakers were pragmatic people. Only with the passing of the 1968 Fair Housing Act did Mitchell receive the public recognition he deserved.³⁶

³⁴ NAACP reprint of *Ebony*, May 1965.

³⁵ *Congressional Quarterly* (6 May 1966): 943-946.

³⁶ Mitchell, LBJ Library Oral History, tape 2, p. 15; Lyndon B. Johnson daily diary, 18 March 1966, Container No. 6, LBJ Library; author's interviews with Mitchell and Ramsey

Mitchell and other NAACP leaders regarded King as a practical man, but their differences in personality, preparation, and philosophy kept them on different paths toward similar goals. King succeeded in arousing the national conscience in a manner that no other African-American leader had done, but it was the NAACP, serving as a powerful legal instrument and political machine, that achieved the basic constitutional reforms that were required to accord full citizenship to African Americans. Both the NAACP's humanitarian and constitutional philosophy and King's nonviolent philosophy were essential to achieving civil rights reform in the 1950s and 1960s.

Clark, 19 June 1987; Mitchell letter to Johnson, 12 Aug. 1966, White House Name File, LBJ Library; Lyndon B. Johnson, *From the Vantage Point* (New York, 1971), 176-177; Mitchell letter to Bolling, 24 April 1968, NAACP Washington Bureau, Box 46, Library of Congress.