

[Report to President John F. Kennedy regarding civil rights] by Robert F. Kennedy

s.l., January 24, 1963.

Typed letter signed, 9 pages.

SIGNED COPY

January 24, 1963

Dear Mr. President:

For those only interested in headlines, rioting and violence at the University of Mississippi overshadowed the civil rights field and painted 1962 as a year of resistance by the South to law and the orders of our courts. The historian, however, will find, on the contrary, that 1962 was a year of great progress in civil rights, in large measure because of the responsibility and respect for law displayed by the great majority of the citizens of the South. In 1962, the United States took major steps toward equal opportunity and equal rights for all our citizens and in every area of civil rights -- whether voting, transportation, education, employment, or housing.

There were outstanding efforts throughout the Administration on behalf of the full and free exercise of civil rights. Let me take particular note of the successes of the Vice-President and your Committee on Equal Employment Opportunity; the work of the Commission on Civil Rights; the impetus provided by the Executive Order against segregation in housing; the "impact area" school efforts of the Department of Health, Education and Welfare; and improved hiring practices and other activity by all parts of the Executive Branch.

This report, however, is limited to the work of the Department of Justice and here is a summary of our efforts in this field during the past year.

VOTING

The most significant civil rights problem is voting. Each citizen's right to vote is fundamental to all the other rights of citizenship and the Civil Rights Acts of 1957 and 1960 make it the responsibility of the Department of Justice to protect that right.

[2] It has been the sustained policy of this Administration -- in all areas of civil rights -- to consult with local officials and seek voluntary, peaceful compliance with the commands of our courts and our laws. Under this policy, legal action is brought only after such efforts fail. While we have secured cooperation and compliance in all Civil Rights areas, this policy has met with particular success in the voting field.

During this Administration, officials in 29 counties in Georgia, Alabama, Mississippi, and Louisiana have voluntarily made voting records available to the Department in our investigations of voting complaints -- without the need for court action.

In four Southern counties we have been able to avoid bringing law suits because officials abandoned discriminatory registration or voting practices, and scores of other counties and cities, notably in Georgia, have abandoned segregated balloting at our request, in voluntary conformance with a court decision in one county.

There have, however, been a number of areas where voluntary local compliance was not forthcoming and where we were required to bring legal action. Between the passage of the 1957 Civil Rights Act and the change of administration, 10 voting suits were filed in Southern counties and seven were tried.

In this Administration, 23 more voting suits have been filed, including one this week. A total of 17 suits have been tried, including the three pending January 20, 1961. Thus, of a total of 33 voting cases filed in both administrations, 24 have been tried so far. Satisfactory results have been achieved in 16 of these. Three cases have been tried but are not yet decided and the other five are on appeal.

There also has been an acceleration in voting records inspections. In the previous Administration, records were inspected in 20 counties and photographed in 12 of these. In this Administration, 62 voting records inspections have been undertaken, including photographing of records in 53 counties.

In short, the total number of counties in which the Department has taken action, ranging from records inspection to law suits, has increased from 30 at the beginning of this Administration to 115 at present.

Each of the law suits filed has required extremely detailed [3] preparation. In the suit brought against Montgomery County, Alabama, for example, it was necessary to analyze 36,000 pages of voter applications and to subpoena 185 witnesses at the trial. Such suits require the total attention of from four to six of the 40 attorneys in Assistant Attorney General Burke Marshall's Civil Rights Division for several months.

In some instances, we have had to take action even after obtaining court orders forbidding further discrimination against Negro registration applicants. In one of our suits, the registrar of Forrest County, Mississippi was ordered by the Court of Appeals for the Fifth Circuit to register all qualified Negroes. He nevertheless rejected as unqualified 94 of the first 103 Negroes to apply after the judgment, including a National Science Foundation graduate student and a high school science teacher with a master's degree. The Department prosecuted him in the first contempt case stemming from a court voter registration order. The case is awaiting decision.

In East Carroll Parish, Louisiana, the voting referee provisions of the 1960 Act were used for the first time in 1962, with the federal judge himself hearing registration applications. Although he approved the application of 26 Negroes, the State of Louisiana attempted to block their registration through a state court injunction. We acted to set aside the state injunction and obtained an order forbidding further interference. On July 28, five days later, Negroes voted in East Carroll Parish for the first time since Reconstruction.

The Department's total voting rights effort, from records inspection to law suits to followup activity, has produced significant results. In a number of counties such as East Carroll Parish, Madison Parish, Louisiana, and Clarke and Tallahatchie Counties, Mississippi where no Negroes had been registered in decades, Negroes are now beginning to be registered.

In Macon County, Alabama, Negro registration has risen from 1,100 to more than 3,000 since an end to discriminatory registration practices was ordered by the court in March 1961. Negro registration in Bullock County, Alabama, has risen from 5 in September, 1961 to more than 1,000. In Montgomery, Alabama, the Department's suit was decided November 20, 1962 and 1,100 previously rejected Negroes were ordered registered immediately. All have now been registered.

Two particularly significant voting suits were filed in the [4] past year. While our voting suits generally challenge discriminatory application of voter qualification laws in specific counties, we filed suits in both Louisiana and Mississippi challenging the constitutionality of the state voter qualification laws themselves. Both cases are in pre-trial stages.

In addition to suits challenging general discrimination against Negro registration applicants, we also have sought to guard against specific attempts to frighten, intimidate or penalize Negroes who seek to register or vote. Of the 33 voting suits filed so far, seven have been directed against such attempts at intimidation, verbal, economic and physical.

The importance of these cases exceeds their specific circumstances. Negroes' fear of attempting to register is, perhaps, as great a problem as their being prevented from registering. These suits, like our followup actions in such cases as Forrest County and East Carroll Parish, have helped eliminate the fear by making it clear that the Government will meet its responsibility to guarantee not only the right to register and vote, but also the right to do so without intimidation or coercion.

A vivid example is provided by Haywood and Fayette counties, Tennessee, where intimidation actions were filed in the previous administration and successfully concluded in this

administration. Last summer, we secured assurances, by consent decrees, against economic intimidation. Between late 1960, when the cases were filed, and the present, the number of Negroes registered has increased from none to more than 2,000 in Haywood County and from 38 to more than 3,000 in Fayette County.

Last summer, four Georgia churches used as centers for Negro registration efforts were burned and burnings were attempted at two others. In another illustration of our efforts against intimidation, the FBI investigated immediately. In one case, the FBI turned its findings over to local authorities, who arrested four men in connection with one burning. They were convicted in state court and sentenced to prison terms. In the second case, two men were arrested and face federal charges. Our investigations of the other burnings continue.

In the field of voting, then, we have been able to make [5] progress through both negotiation and litigation. The fact remains, however, that the heavy burden of effort lies ahead. Substantial numbers of American citizens are being deprived of their right to vote because of race, and we continue to believe that additional legislation in this field is necessary.

In 1962, Congress adopted the anti-poll tax Constitutional amendment, but did not enact legislation forbidding the discriminatory use of voting qualification tests. Even where we have brought suit, we often have been confronted with considerable delays between the time of filing and the time of trial.

We believe that additional legislation is necessary to insure prompt relief in such instances -- where the facts indicate that substantial numbers of Negroes are being deprived of the right to register and vote because of race.

TRANSPORTATION

As the result of action taken by the Department and the Interstate Commerce Commission last year, I can report to you that in the past year, segregation in interstate transportation has ceased to exist.

The majority of segregated bus and rail stations were desegregated in 1961 in accordance with new ICC regulations. Others followed in 1962. During 1962, we surveyed 165 airports in 14 states and found 15 airports in six of those states which were still segregated. All of these desegregated during the year, 13 voluntarily and two after the Department brought legal action.

At present, then, there are no segregated airport facilities in the nation. There is only one city in the nation, Jackson, Mississippi, in which systematic segregation at interstate rail and bus facilities -- as exemplified by signs directing the use of separate facilities -- is still attempted. Even in this case we have taken legal action, now on appeal.

There have been isolated instances of discrimination against Negroes in this field and there will no doubt be other such instances in the future. But systematic segregation of Negroes in interstate transportation has disappeared.

Again, I would like to emphasize that in the great majority of cases, this is the result of voluntary compliance with law and [6] regulations by citizens and officials.

SCHOOLS

In the past year, the number of desegregated Southern school districts increased 60, from 912 to 972. In a number of these districts the Department continued its policy of consulting informally with school officials to help assure peaceful and orderly desegregation. As in 1961, public schools in each of these districts were desegregated without incident.

Efforts also were made to secure peaceful compliance with a series of court orders requiring the admission of James Meredith to the University of Mississippi, before his scheduled enrollment. We appeared as a friend of the court in the case before the Supreme Court and the Court of Appeals for the Fifth Circuit and the Department sought continuously to induce Mississippi officials to fulfill their responsibilities to law and to order.

These efforts were unsuccessful, but the Federal Government's responsibility to enforce the laws and the orders of the courts remained. The responsibility was met.

In another area, the Department in the past year initiated action concerning "impact area" school funds. Various local school systems receive federal funds because they educate children of federal employees who may not be permanent residents. In the 12 years of this program, nearly \$2.5 billion has been paid to school districts across the country.

Again, we have sought abandonment of segregation through negotiation first. The Department of Justice and the Department of Health, Education and Welfare have succeeded in obtaining voluntary desegregation, without going to court, in several districts and other negotiations or field surveys are underway in approximately 120 districts. Additional inquiries are scheduled for the coming months.

Negotiating efforts failed, however, in Prince George County, Virginia, which educates children of defense personnel stationed at nearby Fort Lee, and we filed suit. Four similar suits were filed last week regarding segregation in Huntsville and Mobile, Alabama; Gulfport and Biloxi, Mississippi; and Bossier Parish, Louisiana.

In another kind of school case, also in Louisiana, the [7] Department brought a contempt action against state education officials for failing to desegregate a state trade school, as had been ordered by a federal court in a private suit. When the State Board of Education passed a formal resolution stating there would be no racial discrimination as to race, the Department agreed to dismissal of the case, but withheld the right to inspect the school records.

The Department also took action in Prince Edward County, Virginia -- the only county in the nation where there are no public schools. They have been closed since fall, 1959, in order to avoid court desegregation orders. That nearly 1,500 of the 1,800 schoolage Negro children in the county should have had no education in more than three years is a disgrace to our country. Last month, we asked the Court of Appeals for the Fourth Circuit, as a friend of the court, to order the schools opened promptly without racial segregation.

EMPLOYMENT

The Department has continued its policy of seeking out qualified personnel on the basis of ability and irrespective of race. Negroes are not denied employment because of their race. Neither are they hired because of their race. They, like all our employees, are selected on the basis of ability and merit. This policy has resulted in notable gains for Negroes in the offices of United States Attorneys and Marshals in the nation's 92 judicial districts.

Of the approximately 350 Assistant United States Attorneys appointed in this Administration, 32 are Negroes. Of these 32, 16 were appointed in 1962. Approximately 35 Negro Assistant United States Attorneys are now in service. Two Negro United States Attorneys were appointed last year. This year, the first Negro Assistant United States Attorneys were appointed in at least seven states, including Southern and border states.

Of the 114 Deputy United States Marshals appointed in this Administration, 14 are Negroes. Of these, 11 were appointed in 1962. Approximately 30 Negro Deputy Marshals are now in service. Luke C. Meere was appointed United States Marshal for the District of Columbia in the past year, the first Negro to hold that position in a century. As with Assistant U.S. Attorneys, appointments of Negro Deputy Marshals were made in several Southern and border states, where no one of their race had ever before served.

The effort to assure that qualified Negroes are properly [8] considered for these positions is continuing and Negroes are among the candidates for vacancies in several districts.

Improved hiring practices within the Department as a whole have resulted in continued gains for Negro attorneys. There were 10 Negro attorneys in the Department at the beginning of this Administration. Now there are more than 70, out of approximately 1,900 in the Department.

There have, as well, continued to be a number of Negroes appointed to distinguished positions in the Government, such as Homer L. Benson, appointed to the Board of Parole.

OTHER AREAS

Albany, Georgia: The Department acted to the limit of its authority in Albany, where a series of mass protests by Negroes against segregation resulted in numerous arrests and civil rights complaints. All such complaints were speedily investigated by the FBI. Although no violation of federal law was found in most cases, prosecutive steps were taken where appropriate. In August, the Department filed a voting intimidation suit against 16 officials of nearby Sumter and Terrell counties and also filed a friend of the court brief in a suit brought in Albany. The brief asked the court to ignore the city's request for an injunction against demonstrations until the city first complied with the law and abandoned segregation. The two sets of arrests for church burnings in the area previously referred to were the result of FBI action. Throughout the Albany difficulties, the Department consulted with leaders on both sides in an effort to encourage an amicable resolution of the racial difficulties. All matters of dispute have now been brought before the federal court in Albany, and I have no doubt that the constitutional rights of all citizens of that city will be protected.

Sit-ins: In a friend of the court brief filed in October, the Department asked the Supreme Court of the United States to reverse convictions of more than 30 Negroes for sit-in violations in four states. The Department argued that states cannot arrest Negroes for trespass when the states themselves, by law and policies, foster the discrimination which led to the sit-ins.

Hospitals: In May, the Department sought to intefvene [*sic*] in a private suit seeking the desegregation of two North Carolina hospitals [9] which were built with federal Hill-Burton Act financial assistance. The Department asked the court to declare unconstitutional the separate-but-equal provision of the act. While the Department was permitted to intervene, the court subsequently dismissed the suit, filed by Negro doctors, dentists and patients. An appeal appears likely.

Employment Suit: Problems of racial discrimination are by no means peculiar to the South. The Department appeared as a friend of the court in an appeal to the Colorado Supreme Court by a Negro pilot who charged he was denied employment with an airline in violation of a

state anti-discrimination law. The Colorado court denied the appeal, but the Supreme Court of the United States has agreed to review the case.

Police Brutality: During 1962, the Department brought 18 police brutality prosecutions, many of them in Northern states. These cases included one in Indiana where two Negro detectives were convicted of brutally beating a Negro defendant to coerce him to confess several crimes.

In summary, 1962 was a year of progress for the United States in the field of civil rights. This is not to say the problems are disappearing. They remain, and they remain difficult – not only in the South, with open discrimination, but throughout the country where Negroes are the victims of school "resegregation", bias in housing, or employment, or other facets of society. Ugly incidents like the Mississippi riot may occur again.

But we are accelerating our progress. Again, let me say this acceleration occurs in large measure because of the emerging spirit of the South. In 1962 this spirit was not the brutal one of rioting and violence at the University of Mississippi. The spirit was that exemplified in Georgia last week by Governor Carl E. Sanders, in his inaugural address.

"We revere the past," he said. "We adhere to the values of respectability and responsibility which constitute our tradition." Then he added, "We believe in law and order and in the principle that all laws apply equally to all citizens."

Sincerely,
Robert Kennedy
Attorney General

The President,
The White House,
Washington, D. C.

Notes: This document is typed and all handwritten text is underlined twice. Pages 2-9 are numbered.