I call this presentation this week the Civil Rights Story, and actually it begins with a little known provision in the Constitution of the United States. I've sometimes referred to it as the unsolved problem of the Constitution. But way back in 1787 when the delegates from the various states were meeting in Philadelphia for the purpose of contriving a constitution to take the place of the Articles of Confederation they finally wrote among other things, about ten provisions in that document that the Congress could not do. You may recall that Article 1, dealing with the legislative branch, sets out and delegates these powers to the Congress. But there is one section, Section 9 in Article 1, which tells what Congress cannot do and it's very important. Now among the things that Congress was prohibited from doing was to stop the importation of persons into this country before the year 1808. The only thing they could do was to put a head tax on not to exceed ten dollars. Now just think of what that means. It was a compromise provision between Northern and Southern states that until the year 1808, Congress should not legislate on restricting the importation of persons into the United States. Now the net effect of that was simply this. It was a recognition of the institution of slavery. But it was something more than that. It definitely permitted the continuing importation of slaves for a period of another twenty years because from 1787 until 1808 would be roughly about two decades of time. So there was the Constitution recognizing this institution and permitting it to go on until the year 1808 and the only authority that the Congress would have would be to put on a ten dollar head tax.
Nearly everything that has happened since that time in the civil rights field, actually stems from that little known and unsolved problem in the organic document which is the foundation of this Republic. Now if you take the first half of the life of the Republic there you can see it. First, of course the effort and the struggle to arrest the extension of slavery into every section of the country and of course the effort to bring about the abolition of slavery altogether, and then in due time, as a result of this issue, came the secession of South Carolina and in its wake comes Abraham Lincoln to hold the Union together and out of it all the Civil War which was a bloody ordeal for this country. And when it was over here was a succession of amendments to the Constitution. The Thirteenth Amendment that abolished slavery. The Fourteenth Amendment that made every person who was born or naturalized in this country a citizen, not only in the state where he resides, but of the United States as well, so that here was a responsibility for the federal government to protect his citizenry and his rights, his privileges, and his immunities as a citizen of the United States.

There was also in that Fourteenth Amendment a limitation of what the states could do that they could not abridge, by state law, the privileges and rights of a citizen of the United States. And still another to the effect that life and property and liberty could not be taken without due process of law. Then came the Fifteenth Amendment that says that the right to vote cannot be denied. Now all those came in the first half of the life of the Republic. There were other things as well, but when we get to the second half, I think the effort continued in order to smooth out and get away from the stains of slavery and the denial of rights to people of color, and the court cases are innumerable, where the Supreme Court struck down state cases and state laws that sought to abridge the rights and immunities of the Negroes. That has gone on and on right
up to the present time so this has been an unending and ceaseless struggle. Of course progress has been made even though it has been slow but there was the intrusion of some other factors that now has accelerated and probably given a little fever to this whole matter. One was the growth of our Negro population, because it amounts to ten per cent of the population of the whole country today. And in addition there was the diffusion of the Negro from the South into every state in the Union. Then came the achievement of the Negro in every field. Whether it was literature and music, whether it was the arts or the sciences, or what it was, there have been great achievements in every one of these cultural fields. And then of course there was that overlay of frustration that one can so easily understand. But these were just some of the factors and to it must be added the fact that, as an individual and as a group, they became politically quite conscious and exercised a tremendous voice in the political life of the country. But on top of it there came the creation of these organizations that are functioning at the present time to crusade for equality of treatment and opportunity. I would assume that the National Association for the Advancement of Colored People is probably the oldest but in addition to that you have CORE, which means Congress of Racial Equality, and you have the Students non-violence group, and you have the Southern States Christian Leadership Conference, and I presume one would properly add the Muslims to this group. Those are all crusading forces in this field.

So these factors now have had an impact on this whole problem of civil rights. When Eisenhower came into office, we were quite aware of all this and in 1957 we made the first major move and the first major progress in the civil rights field that was undertaken in a period of eighty years or more. Senator Knowland was then the Minority Leader of the Senate and he helped to intercept
a House bill which we finally got through the Senate with some modifications. But in 1960, I was the President's Minority Leader in the Senate and we got through the Dirksen Bill in 1960 which went infinitely further. And then in addition there were the Executive orders that had been issued by President Eisenhower to stop segregation in the armed forces, to stop it in Veterans' Hospitals, in federal facilities, and elsewhere. So a tremendous amount of progress was made during that period when Dwight Eisenhower was President of the United States.

Now then, as President Kennedy came on he sent a good many messages to the Congress, there were a good many pledges by the Administration, there were some bills introduced, although I must say they did not have the imprint of the Administration itself, so that it wasn't until we began to encounter demonstrations and these various shows of one kind and another that a far more active interest was developed because there was alarm and there was apprehension as to where it might lead. And in consequence a number of things happened.

The first one was that President Kennedy called the Republican leaders of the House and Senate to the White House for a conference and there we had a full and free discussion of the matter. A few days later he called not only the Republican leaders but the Democrat leaders as well to the White House as we had further discussion of the matter. By that time a tentative draft of a bill had been prepared which the Department of Justice sent to me and to which I devoted a full weekend. Then there was another meeting of both Democrat and Republican leaders in the White House at which time the President announced that on a given Wednesday he was going to send his civil rights message and also a bill to the Congress and that's how this thing was precipitated.

Now we had a final meeting in my office when the Majority Leader and some of the White House staff came, and there we discussed what should be done. Obviously it's the function of the Majority Leader to introduce the legislation
that his Administration wants, and when he and I discussed it at some length I agreed to join with him when introducing a bill that had in it virtually everything that was contained in the Administration bill except one, and that was what is now being referred to as Title II. It deals with access to public facilities and accommodations of all kinds public and private, and the stickler of course there is in dealing with private property, whether it's a store or a theater, whether it's a shop or a mill, if it's privately owned, how do you by law compel the owner to admit anybody that he doesn't particularly want to admit.

There was a case on this point when Congress dealt with it way back in 1875, cause Congress had enacted a measure that put aside discrimination where private property was concerned. And it took a number of years before it got to the Supreme Court. But the Supreme Court struck it down for a variety of reasons, not the least of which of course was it was an impingement on the right of private property. That has been the law from that day to this and I think in one of the late cases the Court, either by direction or indirection at least, more or less reaffirmed that doctrine, although far be it from me to forecast or prophesy what are the given circumstances the Supreme Court of the United States may do. But the real issue then before the Congress at the present time is that one question concerning Title II, meaning access to stores and shops and facilities of all kinds if the proprietor and the owner thereof has other ideas. Now it's put upon the basis that if it's affected with an interstate commerce character or if it happens in interstate travel the third can be compelled, and it would give the Attorney-General under certain circumstances the right then to become the attorney for anybody who makes a complaint and seek through court to get an injunction to compel the owner of private property
not to refuse to admit people because of race, creed, color or because of their national origin. That's a tremendous issue I'm free to say and I've privately and publicly spoken my piece on the subject within the frame of existing law, and what I think could better be done by a voluntary effort. And so that is the issue with which the Congress is going to wrestle for the months to come and it is going to be a heady struggle indeed.

Thank you so much.