# Local Protest and Federal Policy: The Impact of the Civil Rights Movement on the 1964 Civil Rights Act[1]

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*When and how do movements influence policy change? We examine the dynamics leading up to Kennedy's decision to pursue major civil rights legislation in 1963. This marked a key turning point in shifting the executive branch from a timid and gradualist approach. Although it is widely taken for granted that the civil rights movement propelled this shift, how the movement mattered is less clear. While most protest targeted local economic actors, movement influence was exerted at the national level on political actors. Thus, movement influence was indirect. We focus on the relationship between local movement efforts to desegregate public accommodations (restaurants, movie theaters, hotels, etc.) and federal responses to movement demands. Although exchanges between movement actors and the federal government took place throughout the period, the logic of federal response evolved as political actors sought strategies to minimize racial conflict. Specifically, the Kennedy administration shifted to a dual strategy. First, the Department of Justice attempted to promote "voluntary" desegregation by working with executives of national companies and civic groups. Second, administration officials worked with these same groups to build support for major legislation among key interest groups. This shift toward a more assertive and proactive intervention in civil rights stands in contrast to the pessimism regarding the prospects for federal policy only a few months earlier. We examine the logic of this response including the impact of civil rights protest on the administration's policy proposals.[4]*

**KEY WORDS:** civil rights movement; legislation; public policy; race; social change; social movement.

## INTRODUCTION

On June 11, 1963, President John F. Kennedy called on Congress "to enact legislation giving all Americans the right to be served in facilities which are open to the public—hotels, restaurants, theaters, retail stores, and similar establishments." Kennedy's speech came on the same day as George Wallace's attempt to block the desegregation of the University of Alabama and was followed a few hours later by the assassination of Medgar Evers in Jackson, Mississippi. In the midst of significant civil rights protest and white resistance, Kennedy's speech and subsequent introduction of ambitious civil rights legislation was a "fundamental fork in the road" (Alexander 2006:367). In addition to the desegregation of businesses,

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Kennedy also sought greater enforcement of school desegregation and voter protections. The speech marked an important turning point and set the stage for passage of the Civil Rights Act signed by President Lyndon B. Johnson on July 2, 1964.

Kennedy's speech came as civil rights campaigns were being waged across the South from Florida to Texas to Virginia that sought integration in public accommodations (Bonastia 2015; McAdam 2015). One estimate identified 758 demonstrations with over 13,000 arrests during a 10-week period of spring 1963 (Morris 1993; Whalen and Whalen 1985). Those campaigns varied greatly but were generally focused on local-level achievements including the desegregation of public accommodations (Biggs and Andrews 2015). Despite the targeting of local businesses and institutions, at times the federal government responded to movement demands, often pressuring politicians and business elites to offer some concessions to protesters. In some cases concessions resulted in the cessation of protest, and in others protest waged on.

To understand the eventual passage of the Civil Rights Act, we look closely at the ways that the Kennedy administration responded to local protest. From 1960 to 1962, the Kennedy administration took a reactive or crisis management response to emerging protest focusing on peak events. In 1963, as protest was escalating throughout the South, a more comprehensive approach emerged that involved administration efforts to coordinate "voluntary" desegregation by working with executives of national companies and other leaders. The Kennedy administration also began laying the foundation for a more ambitious legislative response as administration officials came to see that voluntary desegregation was insufficient. We examine the logic of federal response to understand what it accomplished, why its early strategies failed, and how these experiences laid the foundation for more substantial legislative policy ideas that culminated in the 1964 Civil Rights Act.

Through our analysis, we seek to build on and contribute to theories of movement influence. We argue that a central puzzle in this and many cases concerns the process of scale shift (Tarrow 2011). How does protest that is largely local in its scope and targets exert influence on extralocal actors and political processes? One argument that accords with conventional interpretations of the civil rights movement focuses on the importance of singular, dramatic events. Such events are seen to represent a turning point that propels subsequent framing of an issue—often through extensive media coverage. For example, most observers have pointed to the church bombing and use of fire hoses and police dogs against demonstrators in Birmingham as the kinds of dramatic events that compelled federal political action. Although we agree that dramatic events can be important, movements secure significant policy change through mass insurgency. Here, the critical evidence concerns the perceptions of political elites. As Justice Department officials intervened in local conflicts, they came to see the limits of local solutions in the face of white violence and resistance. These actors played a critical role in translating local conflicts into national policy. We examine how key members of the Kennedy and Johnson administrations perceived the civil rights movement in terms of its durability, breadth, disruptiveness, and legitimacy.

We begin by placing our argument in the context of broader scholarship on movement consequences. Then, we trace the federal response to the civil rights

movement as it evolved through the critical years of 1960 to 1963. We introduce quantitative indicators of movement activity and on federal attention to civil rights including presidential speeches, memoranda, executive orders, and Congressional hearings. We then draw on archival data to show the patterning of local protest movements and the ways that federal actors perceived the movement. Importantly, as contention escalated in spring 1963, the Justice Department began an elaborate process of collecting systematic data on civil rights activity throughout the South. We examine how the Kennedy administration made sense of these patterns and what lessons it developed about the ways to respond to the civil rights movement. We also examine a series of meetings with business and civic leaders through May, June, and July 1963 where the Kennedy administration attempted to coordinate "voluntary desegregation" while simultaneously laying the groundwork for broad legislative agenda. By focusing on the deliberations and activities of federal actors, we show that political elites came to see the movement as pervasive, enduring, and disruptive to the nation's broader interests. The geographic breadth and persistence of protest contributed to a broader perception of institutional crisis that required significant political effort to simultaneously quell protest and address underlying grievances. This view marked an important shift and emerged through the interactions of political actors as they responded to an increasingly assertive wave of mass protest.

## MOVEMENTS AND THE POLICY PROCESS

Over the past 20 years, social movement scholars have begun studying the consequences of social movements, with a particular focus on legislative outcomes. This work has been concerned with establishing the causal significance of movements for policy change (Amenta et al. 2010; Andrews 2004; Giugni 1998). Some scholars have focused on movement organizations and their characteristics while others have focused on protest. On balance, scholars have found stronger evidence that movement organizations are linked to policy change than protest. With its focus on testing the causal influence of movements, most recent work pays insufficient attention to the targets of protest. Here, we examine a case where movement influence was substantial and investigate how political actors interacted with and made sense of the movement. Although movement influence is rare, movements sometimes propel significant changes, and those occasions merit significant scholarly reflection.

One promising development are the efforts to integrate frameworks of the policy process developed by political scientists into analyses of movement consequences (Burstein 1993, 1999). Kingdon's (1995) work has been especially influential. He distinguishes between three "streams" of problem recognition, formulating alternative policy solutions, and "politics" where some policies win out over others. The key claim is that these streams operate independently and are shaped by distinct causal processes. With respect to movements, scholars have found that movement organization are most likely to influence the first stage of problem recognition or agenda setting (Burstein 1993; Soule and King 2006).

Although they succeed under certain conditions, social movements must overcome many challenges to influence the policy process. Movements are disadvantaged in these interactions because they lack routine access to decision-making process and have far fewer resources than established political actors (Gamson 1990; Piven and Cloward 1977). As a result, the political system is not particularly open to challengers, even under the most favorable circumstances. However, the extent of openness varies, as does the response of the political actors to challenges. These contextual factors may contribute to variation in policy success.

Political opportunity structure theorists contend that variations in durable features of the political system are consequential for the origins, dynamics, and ultimate success of movements (McAdam 1982; Meyer 2004; Tarrow 1998). These features include the availability of elite allies, meaningful access points, elite fragmentation, and repression. The approach has generated extensive debate and motivated numerous studies. The political opportunity concept has been central to explanation of the civil rights movement with proponents pointing to the increasing receptiveness of political institutions to black demands (Jenkins, Jacobs, and Agnone 2003; McAdam 1982; Meyer and Minkoff 2004). Scholars have pointed to numerous indicators of political openness including favorable court decisions and the congressional power of northern Democrats as signals that spurred greater collective action on civil rights.

Amenta and colleagues developed the "political mediation" approach warning against overstating the ability of movements to create policy change. For example, Amenta, Carruthers, and Zylan (1992:309) argued that the successes achieved by the Townsend movement can be explained through a political mediation model, which looks at how "the political context mediates the impact of movement organization and action on its goals and sets the range of possible outcomes." This approach sees success as the ability to bring together political action and strong organizations under favorable political conditions. More recently, Amenta, Caren, and Olasky (2005) found that "Old Age Assistance" and pensions was produced by a strong administration, weak patronage networks, and Townsend Plan activity. In this case, challengers were influential in shaping policy adoption, but influence was contingent on political context, noting that at times like the first half of the twentieth century, only about half of state policies were "open to influence" (Amenta, Caren, and Olasky 2005:532).

Critics of structural approaches have pointed out that the political opportunity perspective fails to take seriously the perceptions of challengers (Gamson and Meyer 1996) or political elites (Skrentny 2006). Moreover, proponents have had a difficult time reconciling the central structural metaphor with the rapid changes of perceptions and collective action that occur during mass movements (Kurzman 1996). With recent interest in movement strategy (Ganz 2004; Jasper 2004; Maney et al. 2012), some scholars have argued that activists may, in fact, create their own opportunities. This can occur if movements alter the perceptions and calculations of political elites (Luders 2010). Skrentny (2006) argues that "policy-elite perceptions" vary in ways that are consequential for movement success. Policy elites are more likely to respond favorably to groups that are seen to be coherent, morally

deserving, and/or threatening (C. Lee 2015). We build on this key insight. Although Skrentny treats these perceptions as largely exogenous and prior to movement challenges, we investigate whether and how movements alter the perception of policy elites.

Movement actors themselves consider the strengths and vulnerabilities of targets as they create strategic plans. They may take advantage of vulnerabilities like division among elites to aid in achieving movement goals. We focus in particular on the perceptions and actions of political actors. By shifting our focus to the targets of protest and political authorities, we avoid overly mechanical conceptions of target response and begin to examine the ways movements and their targets interact. We argue that to fully understand movement successes, we must consider movement-state processes as interactive.

We argue that scholars should pay greater attention to how political actors understand movement activity. We focus on four key dimensions: breadth, durability, disruptiveness, and legitimacy. By breadth we mean the scope of conflict; this might entail the range of issues being contested, the spatial dispersion of collective action, and the range of actors drawn into the conflict. Durability refers to the extent to which political actors perceive protest to be fleeting or sustained, and this may include prospective assessments about the likelihood that protest will diminish or escalate. Disruptiveness refers to the extent to which protest alters the behavior and cultural understandings of political actors. Finally, legitimacy indicates the extent to which political actors imagine the underlying grievances and the expressed demands of activists to be worthy. Paying attention to these dimensions will provide scholars with greater leverage for understanding whether and how movements contribute to policy change. We trace how that understanding evolves in relation to movement activity

## CIVIL RIGHTS PROTEST AND FEDERAL ATTENTION

Federal attention to race and civil rights increased during the early 1960s. Several key indicators underscore this point. Table I shows several indicators including the number of executive orders, presidential statements and speeches, congressional hearings, and the passage of new laws (Gillion 2013). As shown, during Kennedy's administration, he gave increasing attention to race through the passage of greater numbers of executive orders, and Congress also devoted greater attention to race—holding more hearings on issues related to race each year through 1963 than the previous years. The pattern regarding the passage of new laws over this time period is ambiguous, which may reflect the limits of our simple count measure. For instance, in his study of black protest and fair employment policies, Santoro (2002) developed a more refined measure of a policy's comprehensiveness. Specifically, he gauges enforcement powers, whether specific acts are outlawed, the extent of coverage, whether information gathering is mandated, and quantification related to hiring targets. Based on these measures, the 1964 Civil Rights Act's Title VII provisions related to employment and hiring were far more significant than the laws that had been adopted over the prior 30 years.

**Table I.** Executive and Congressional Action Related to Race, 1960–1964

|                         | 1960 | 1961 | 1962 | 1963 | 1964 |
| ----------------------- | ---- | ---- | ---- | ---- | ---- |
| Executive orders        | 0    | 2    | 2    | 6    | 1    |
| Presidential statements | 7    | 8    | 6    | 22   | 63   |
| Presidential speeches   | 7    | 13   | 8    | 2    | 16   |
| Congressional hearings  | 7    | 12   | 17   | 25   | 11   |
| New laws                | 6    | 4    | 4    | 1    | 5    |

*Source*: Gillion (2014).

Looking more closely at Kennedy's public statements and actions highlight just how significant this shift was in his posture toward civil rights. Throughout 1961, President Kennedy focused primarily on strengthening the economy and foreign policy. There were no mentions of civil rights except for one executive order that established the President's Committee on Equal Employment Opportunity. He briefly mentions in his 1962 State of the Union address that there should be "assurance of full and equal rights to all its citizens, of any race or of any color."[5] Yet, his recommendations for how to achieve this equality were vague references to the role of the executive, courts, and Congress. However, later in 1962, Kennedy began making specific policy recommendations. For instance, in an executive order he established equal opportunities in housing regardless of race and put legislation on literacy tests in voting on the agenda. In addition, he gave the Committee on Equal Employment Opportunity extended power to use affirmative action to reduce segregation. In his executive order on housing, Kennedy's policy states, "discriminatory policies and practices based upon race, color, creed, or national origin now operate to deny many Americans the benefits of housing financed through Federal assistance... such discriminatory policies and practices result in segregated patterns of housing and necessarily produce other forms of discrimination and segregation which deprive many Americans of equal opportunity in the exercise of their unalienable rights to life, liberty, and the pursuit of happiness."[6]

Looking backward, observers have attributed significant continuity to civil rights protest and federal action in support of racial equality. A closer look reveals much greater contingency. Even by 1963, there was little optimism about the prospects of significant national legislation. The late 1950s were noteworthy for the scope of white "massive resistance." Since 1960, the country witnessed successive waves of protest activity. Yet, there was little significant change at the national level. The National Association for the Advancement of Colored People's (NAACP) Roy Wilkins captured the pessimism among established civil rights groups at the time: "I think 1962 was perhaps the lowest moment for the civil rights movement during the Kennedy years" (Risen 2014:17).

Certainly, some members of the Kennedy administration had become convinced that a significant civil rights initiative was critical for a reelection bid in 1964,

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[5] Annual message to the Congress on the State of the Union, January 11, 1962 (http://www.presidency.ucsb.edu/ws/?pid=9082).

[6] Executive Order 11053, September 30, 1963 (http://www.presidency.ucsb.edu/ws/index.php?pid=58992).

but policy proposals continued to reflect a cautious and gradualist approach. By February 1963, Kennedy's tone was more impassioned about racial equality as he began to speak in moral terms. In a special message to Congress on civil rights, he laid out the need to create equality because it is the "right" thing to do and said:

> Through these long one hundred years, while slavery has vanished, progress for the Negro has been too often blocked and delayed. Equality before the law has not always meant equal treatment and opportunity. And the harmful, wasteful and wrongful results of racial discrimination and segregation still appear in virtually every aspect of national life, in virtually every part of the Nation.

> The Negro baby born in America today—regardless of the section or state in which he is born—has about one-half as much chance of completing high school as a white baby born in the same place on the same day—one-third as much chance of completing college—one-third as much chance of becoming a professional man—twice as much chance of becoming unemployed—about one-seventh as much chance of earning $10,000 per year—a life expectancy which is seven years less—and the prospects of earning only half as much.[7]

Although the speech indicated a more assertive posture on civil rights by framing it as a moral issue, his policy proposal remained modest. By contrast, Kennedy's speech on June 11, 1963, signaled a full commitment to pursuing a strong civil rights bill. Presidential historian Carl Brauer has referred to the speech as "the beginning of what can truly be called the Second Reconstruction" (Graham 1990:74).

This shift marks an important transition that launched efforts to pass a substantial civil rights bill. How did civil rights become so much more central to the Kennedy administration? By comparison, the administration's prior engagement with black protest was reactive and oriented toward managing specific flashpoints including the Freedom Rides in 1961, James Meredith's admission to the University of Mississippi and the conflicts in Albany, Georgia, in 1962. By 1963, Kennedy administration officials, especially in the Department of Justice, had intervened in numerous conflicts, and these experiences shifted views regarding the durability of local protest and the intransigence of local whites.

### Escalation of Protest in Spring and Summer 1963

How did the civil rights movement shape this shift? Popular and scholarly accounts of the civil rights movement focus on Birmingham and its political significance. For example, Risen's (2014:3) *The Bill of the Century* argues that

> Without King's Birmingham protest campaign in the spring of 1963, in which the city's police were goaded into siccing dogs on schoolchildren, Attorney General Robert Kennedy and his Justice Department advisers could not have persuaded President John F. Kennedy to submit the original civil rights bill to Congress.

Historian Glenn Eskew (1997:312) refers to the campaign as the "climax of the civil rights movement" that "forced a reluctant Kennedy administration to propose sweeping civil rights legislation." Key movement leaders held this view as well. For example, in 1964 Reverend Fred Shuttlesworth famously claimed that "But for

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[7] Special message to the Congress on Civil Rights, February 28, 1963 (http://www.presidency.ucsb.edu/ws/?pid=9581).

Birmingham the Civil Rights Bill would not be before Congress today" (Fairclough 1987:133).

Birmingham did capture the attention of President Kennedy and members of his administration. For example, in his June 11 speech, Kennedy stated, "the events in Birmingham and elsewhere have so increased the cries for equality that no city or state or legislative body can prudently choose to ignore them." As the events in Birmingham unfolded, Kennedy intervened as he had before by offering private support such as calling Coretta Scott King, while her husband was in jail. In May, Burke Marshall and Joseph Dolan traveled to Birmingham to intervene directly in local negotiations with the aim of bringing about a resolution (Morris 1993:630). Morris (1993) argues that the Kennedy administration also sought indirect influence by encouraging northern business leaders to place pressure on Birmingham businesses to capitulate.

The Birmingham campaign has become central to all historical accounts of the civil rights movement. However, it was but one of many campaigns occurring throughout the South. Whalen and Whalen (1985:5) report that "during the Birmingham crisis, [Attorney General Robert Kennedy] studied the map of the United States where pins showed trouble spots multiplying daily, he knew that the federal government could no longer run around the country like firemen putting out brush fires." Thus, Kennedy was concerned about the simultaneous occurrence of brushfires and the ongoing prospect of the "next Birmingham." As we detail below, administration officials were embroiled in many local conflicts, and we argue that this cumulative experience was critical in shaping the perspectives on the movement.

Figures 1 and 2 illustrate the temporal and spatial patterning of black protest activity in the South between 1960 and 1963. Figure 1 shows the monthly count of black protest activity as reported in the *New York Times*. The data come from the Dynamics of Collective Action project (for methodological details, see www. stanford.edu/group/collectiveaction/). We include the 11 states of the former Confederacy and Kentucky, Maryland, and West Virginia, because they also experienced significant protest during this period (Andrews and Biggs 2006). As Fig. 1 shows, spring 1960 was a high point for black protest with the onset of the lunch counter sit-ins. Although there were no single months that had protest comparable to February and March 1960, spring and summer 1963 did have heightened protest sustained over a greater time period.

Figure 2 indicates where protest activity occurred between 1960 and 1963. We provide a measure indicating where protest was clustered into larger campaigns (using the same data from the *New York Times*). We operationalize campaigns as a series of events with no temporal break more than seven days between two consecutive events. Campaigns with a greater number of events are indicated in Fig. 2 by larger markers. Here, we argue that protest and movement activity occurs in the context of campaigns—"temporally bounded and strategically linked series of events and interactions directed at common goals" (Staggenborg and Lecomte 2009:164). Protest campaigns are common features of social movements. Using a campaign-centered approach helps to illustrate not only where protest occurred but also where clusters of sustained activity occurred. What makes this period distinct is
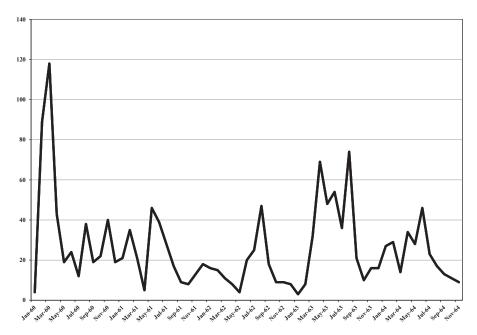
**Fig. 1.** Black Protest Events in the US South, 1960–1964.
*Source*: Dynamics of Collective Action



Source: Dynamics of Collective Action Data (see text for details)
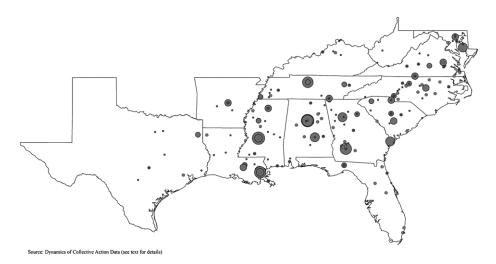
**Fig. 2.** Protest Campaigns in the US South, 1960–1963.

the co-occurrence of numerous campaigns that left political elites with little capacity to respond as it had before on a case-by-case basis. This was especially true in spring and summer 1963 with significant campaigns in many cities including Danville (VA), Greenville (SC), Jackson (MS), and Savannah (GA). We illustrate the

breadth and depth of local campaigns by sketching the history of civil rights movements in two lesser-known locations: Fayetteville, North Carolina, and St. Augustine, Florida.[8]

*Fayetteville, North Carolina*

The campaign in Fayetteville, North Carolina, occurred in response to the perceived crises of segregation, although some public facilities desegregated in the 1960s as a result of pressure from the Department of Justice to allow inclusion of locally stationed black soldiers. Yet, private establishments like lunch counters remained segregated. On February 10, 1960, approximately 40 students in groups of two or three from local Fayetteville State College entered Woolworth's lunch counter. Although the students waited for service, they were denied. Police Chief Worrell observed the protest. The same day, students repeated the process at McCrory's. Both establishments closed in response. Two weeks later, students returned to both locations, although they did not make gains that time.

Until 1963, there was no other notable protest activity in Fayetteville. But in early May, Fayetteville State, a historically black college, students gathered and created a plan for downtown protests on May 18. On that day, 225 Fayetteville State students picketed downtown businesses with signs that read things like "Integration Is Inevitable" (Suttell 2007:18). Throughout the month, demonstrations continued to take place including a 1,000-person demonstration downtown on May 22, 1963. Students demonstrated outside local businesses taking actions like attempting to buy tickets to attend shows at the desegregated theaters. Local activists continued to push forward desegregation, strengthening protest efforts and modeling their activities after successful campaigns in other cities. Growing fearful of the increased protest, Mayor Wilbur Clark and the City Council, at a May 27 meeting, expressed support for working together with blacks to seek a resolution, prioritizing desegregating theaters and restaurants, and creating better job prospects for local blacks.

Although local officials endorsed the goals of black students, protests resumed on June 11, 1963, as students felt that changes were not occurring in local businesses. Attendees were arrested at this protest event. Although Clark was supportive of desegregation, he felt the decision was up to the businesses, and he would therefore not force any business to desegregate. The local NAACP responded by stating that "The Mayor's time has run out" (Suttell 2007:34). Simultaneously, President Kennedy responded to the University of Alabama desegregation attempt by mobilizing the National Guard, and delivered a speech on national television questioning the morality of desegregation and indicating the importance of law in responding to these issues.

Notwithstanding gleanings of federal support, on June 12, 1963, demonstrators including many high school students sat down outside of local businesses and locked their arms. On June 14, 1963, 150 demonstrators held a sit-in at J. C. Penney

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[8] Our case descriptions come from a larger comparative study of civil rights campaigns in approximately 50 cities throughout the South. Our account of Fayetteville is based on Suttell's (2007) *Countdown to Downtown* and St. Augustine is based on Colburn's (1985) *Racial Change and Community Crisis.*

Co. and then marched to City Hall. White onlookers clashed with demonstrators, and police threw tear gas canisters at both groups. White segregationists attacked protesters on several occasions, including shooting a bullet into the home of a local activist and burning a cross on the lawn of another. Fearing the growing movement, the City Council voted to instruct police to arrest any legal violations that took place during demonstrations on June 14, 1963. This resulted in 140 arrests on that day. On June 17, 1963, local officials and the City Council met with members of the community to respond to racial concerns. While local officials promoted positive action from restaurant owners, on June 18, Clark appointed a Biracial Committee. Protests were temporarily suspended for a week in response to Governor Terry Sanford's call to cease protest while state leaders met in Raleigh. Sanford pushed for negotiations instead of demonstrations, claiming that direct action was no longer creating progress in North Carolina. Sanford also encouraged willing integration by business owners.

Although Sanford disagreed, local activists felt protest was the only way to create change, and renewed demonstrations on June 28, 1963, hoping to encourage the Biracial Committee to create change. By July 9, protests began to include a recognizable proportion of servicemen. At the July 12 protest, 200 demonstrators attended, 50 of whom were servicemen. Two days later, there was a large rally, and 600 demonstrators marched to City Hall.

By July 19, the NAACP Negotiation Committee's agreement with the Mayor's Biracial Committee led to the formal end of protest. The terms of the agreement included the continuation of the Biracial Committee, continued collaboration with the NAACP and local officials, and increases in black employment. Demonstrations were to cease, and businesses were to remain integrated. In addition, the protection of activist employees in city and county agencies was guaranteed. Although both Clark and local activists agreed that this did not solve all the issues or resolve the long-standing inequality in Fayetteville, it did result in the end of the local desegregation campaign and some gains for blacks. By October 1963, four local theaters and the majority of restaurants and hotels desegregated. Segregation signs were removed and the hospital also desegregated. After the Civil Rights Act passed, the Fayetteville Area Restaurant Association agreed to obey the law, despite not supporting this legislation, and several more local institutions followed by desegregating.

## St. Augustine, Florida

On a hot summer day in 1961, a young black student named Henry Thomas sought service at the Woolworth's lunch counter in St. Augustine, Florida. As was the case in many similar sit-ins, Thomas was quickly arrested and taken off to jail. For all intents and purposes, the campaign for desegregation in St. Augustine, Florida, looked a lot like campaigns in cities across the South, yet it differed in one important way—the Southern Christian Leadership Conference (SCLC) and other activists specifically focused on pushing forward the legislation on the Civil Rights Act. Although the St. Augustine case was considered a "landmark in the civil rights

era" (Colburn 1985:xv) at the time, primarily because of the SCLC's utilization of the city to exemplify the need for the Civil Rights Act, its place in the historical narrative of desegregation in the South has since been minimized. Primarily as a result of Martin Luther King Jr.'s presence in 1964, the campaign for desegregation in St. Augustine became national news, and shaped federal policies on race relations.

Civil rights activity began taking place in St. Augustine in 1961, but the racial strife escalated and movement activity intensified during 1963. Although there was civil rights activity prior, organized demonstrations in St. Augustine only began in summer 1963, when Dr. Robert Hayling became the leader of the local Youth Council of the NAACP, and began to lead sit-ins and pickets. In a targeted effort to desegregate public accommodations, officials from the NAACP created a plan for desegregation that focused on pressuring both local and national government officials. The response of the local government was to try to stop demonstrations from occurring by refusing permit requests and excluding black activists from formal discussions with state officials.

As part of a dedication ceremony, Vice-President Johnson was slotted to head to St. Augustine in March 1963. NAACP leaders wrote a letter to request that he not attend, to which Johnson responded that he would not be a part of a segregated event. After a few blacks were selected as representatives, Johnson launched his one-day visit, promising his press secretary for a meeting with black activists, although no federal officials showed up at the meeting. Johnson's initial offer to meet with blacks, then, appeared as an empty attempt to placate the activists. This type of symbolic support for desegregation without federal action pushed the movement into negotiations with local officials. While several attempts at negotiations were made, when these negotiations did not produce favorable results, the movement grew in strength and intensity. Although the federal government did not become directly involved in St. Augustine at the time, they did closely monitor St. Augustine, requesting surveillance of civil rights activities by the Federal Bureau of Investigation (FBI).

As movement activity continued into June 1963, Mayor Joseph Shelley became increasingly hostile to the movement, referring to the activists as communists. As local policies restricting demonstrations were put in place, contact between black and white leaders was severed. Along with the violence and arrests that accompanied the civil rights campaign, a few successes were found in the desegregation of businesses like the Howard Johnson and Woolworth. Yet fines, the firing of black employees, and threats to blacks remained high, further increasing movement activity. In a particularly violent and bloody incident, some local blacks were present at a Ku Klux Klan meeting where they were badly beaten. This event resulted in media coverage and the FBI was notified, but it did not intervene.

Both of these case histories depict important underlying conditions for both movement actors and their targets. In cities across the country, including Fayetteville and St. Augustine, protests and movement activity was broad and sustained. In Fayetteville, protests were primarily driven by students, who helped support a large number of nonviolent protests in downtown businesses, mostly during 1963. With the support of local leaders, the movement made gains throughout 1963 and

1964. In St. Augustine, movement activity was driven by reactiveness to racial strife and bolstered by a lack of support of local officials.

*The Justice Department, Voluntary Desegregation, and Kennedy's Civil Rights Bill*

Through their cumulative experience working in the South, Justice Department officials came to develop a much deeper understanding of the unfolding activism occurring throughout the region. Even though the Kennedy administration had been cautious in its public approach to civil rights, the Civil Rights Division had grown through the recruitment of new staff. Early efforts included litigation related to school desegregation and voting rights. In addition, officials such as Burke Marshall and John Doar attempted to intervene periodically by troubleshooting local conflicts. For example, in the first week of February 1962, Marshall held meetings with student activists in Baton Rouge, Louisiana; a federal judge in Montgomery, Alabama, regarding voter access; and local business owners in Birmingham about the possibility of civil rights protest and violence. Meanwhile, other Civil Rights Division staff worked on a police brutality case in Atlanta, Georgia, and another voter discrimination case in Alabama.[9]

With the escalation of protest in spring 1963, the Department of Justice began tracking civil rights activity and desegregation. Although these efforts were concentrated on 389 cities in the South, events were reported from across the United States and officials seemed concerned about the prospect of protest spreading outside the South (Belknap 1991). Between May 20 and August 8, staff had identified 978 protest demonstrations occurring in 29 cities and in 36 states. The vast majority targeted public accommodations.[10] Summer 1963 marked a further escalation of protest as demonstrations continued to spread in the South and beyond.

Over six weeks, the attorney general organized meetings with leaders to discuss the conflicts throughout the South. Each meeting brought together a distinct set of leaders who were seen to have a stake in the conflict as listed below:

May 29—Governors
June 4—Hotel, Restaurant, and Theater Owners
June 13—Labor Leaders
June 17—Religious Leaders
June 18—Governors
June 19—Educators
June 21—Lawyers
June 22—Civil Rights Leaders
July 9—Women
July 11—Business Council
July 12—Governors

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[9] Memo from Marshall to Robert F. Kennedy, Monday Report, February 13, 1964, reprinted in Belknap (1991).

[10] Memo from Guthman to Robert F. Kennedy, Weekly Report of Civil Rights Demonstrations, August 13, 1963, reprinted in Belknap (1991:130).

The Justice Department used these meetings to advance its understanding of the causes and consequences of civil rights protest and to encourage civic and political activities. Historian Hugh Davis Graham (1990:76) refers to the meetings as "sales pitches" that promoted the efforts under way and rallied support. Administration officials argued that business and civic leaders had the ability to guarantee that change was "peaceful and orderly" by building biracial committees to "deal with specific problems on realistic terms"; "open public facilities and job opportunities"; influence news coverage; convince political leaders that resisting change would harm the community; and "eliminating segregation from their own businesses."[11] Figure 3 shows President Kennedy and Vice-President Johnson at the June 4 meeting with approximately 100 hotel, restaurant, and theater owners.

One of the final meetings was held with The Business Council led by Frederick Kappel, the chief executive officer of AT&T. Following the meeting, Kappel wrote the Business Council's members summarizing the administration's view that "the problem had become critical and must be dealt with directly if the situation is to be kept within bounds." He noted that the attorney general

> felt that the key to the demonstrations, the riots and other serious situations that had been constantly developing is based more than anything else on the claim by the Negroes that their race is being insulted because of their inability to gain access and utilization to public facilities or business establishments; such as hotels, restaurants and department stores. This one single thing, he felt, more than any other is behind the emotion and elements of radicalism that get support from both Negro and white people for demonstrations and sit-ins. While substantial progress has been made and is being made to open these facilities in both northern and southern States, nevertheless there have been enough individual cases of refusals which keep the pot boiling. It was because of this that he felt Federal legislation was required.[12]

Through these meetings the administration was able to encourage efforts by business leaders to promote desegregation. For example, Edwin Neilan, president of the U.S. Chamber of Commerce, wrote to all members urging support for desegregation, as did the National Restaurant Association.[13]

By the end of 1963, these meetings included an estimated 1,558 civic leaders, 23 governors, and 134 business executives. The administration "pointed to incidents in Birmingham as symptoms of the rising tide of justifiable Negro discontent."[14] Justice Department officials increasingly saw the issues as having significant economic dimensions and extending outside the South. Oberdorfer, an assistant attorney general, wrote to Robert Kennedy:

> The gigantic rally on August 28, 1963 in Washington, D. C. was billed as the "March on Washington for Jobs and Freedom." The priority accorded economic opportunities was not accidental. Desegregation of restaurants will do a penniless Negro little good; an open housing policy does not mean that Negroes do not have to make a down payment. Equality of

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[11] Memo from Oberdorfer to Robert F. Kennedy, Re: February 19 Meeting, February 18, 1964, Attorney General's General Correspondence, Box 11, John F. Kennedy Collection.

[12] Kappel to Members of The Business Council, July 17, 1963, Lee White Papers, Box 19, John F. Kennedy Collection.

[13] Memo from Oberdorfer to Robert F. Kennedy, Daily Report of Racial Practices in Southern Businesses, June 10, 1963, Attorney General's General Correspondence, Box 11, John F. Kennedy Collection.

[14] Memo from Oberdorfer to Robert F. Kennedy, Voluntary Desegregation—1963, December 27, 1963, Attorney General's General Correspondence, Box 11, John F. Kennedy Collection.

**Fig. 3.** Vice President Lyndon Johnson speaking to a group of business executives, June 4, 1963. *Source*: John F. Kennedy Presidential Library and Museum—picture in public domain

employment opportunities is also vital to a vigorous economy. It is necessary that the allocation of human resources be solely determined by the ability of the individual and that irrelevant factors, chief among which is race, be not determinative. Denial of economic opportunities to Negroes has not been confined to the South.

The president urged the members to support his legislative program and implement desegregation within their own firms by exerting influence on their establishments in the South.[15] Authorities saw the protest as propelled by both economic grievances and status insults.

Officials reconciled the seeming contradiction between advocating for voluntary desegregation and proposing major legislation by arguing that (1) there was no guarantee that significant legislation could be passed, (2) change would help "relieve the intolerable pressures which had been generated," and (3) cities and businesses that desegregated early would demonstrate the viability that change was possible and desirable.[16] Administration officials pointed to significant gains in the

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[15] Memo from Oberdorfer to Robert F. Kennedy, Re: February 19 Meeting, February 18, 1964, Attorney General's General Correspondence, Box 11, John F. Kennedy Collection.

[16] Memo from Oberdorfer to Robert F. Kennedy, Voluntary Desegregation—1963, December 27, 1963, Attorney General's General Correspondence, Box 11, John F. Kennedy Collection.

desegregation of theaters, restaurants, hotels, and lunch counters as evidence that their efforts were paying off. However, there was clear recognition that core areas of the South were unlikely to be moved by this strategy. For example, at the end of 1963, the Justice Department reported that

> Progress in 69 percent of Southern cities demonstrates that racial feelings in the South are not monolithic or unreasoning. But plainly, there is another dimension to the figure of 69 percent: in the other 31 percent of the cities of the South there was no such progress at all, vividly demonstrating the need for civil rights legislation.[17]

How did Kennedy administration officials characterize the civil rights movement throughout this period? In preparing for the June 4 meeting with executives from hotel, restaurant, and theater companies, the assistant attorney general emphasized the urgency of the situation arguing that there were significant consequences for the country's reputation abroad and that "Negroes' desire to redress grievances justified and national conscience requires that they be addressed." Moreover, he highlighted the significant risk attached to mass protest stating the "dangers and evils of any civil disturbances" as "bad for living and bad for business." Continued protest was seen to be "inevitable," and the only choice for businesses is to "desegregate their facilities harmoniously and peacefully or they can resist stubbornly awaiting demonstrations, violence, tension, and pressure." Alongside the logic of inevitability and costs, Oberdorfer indicated that there was a moral imperative to act: "There is no doubt about the correctness and the legitimacy of Negro demands to be treated as are all others in patronizing business establishments which hold themselves out to the general public for business."[18] In its year-end report, the Department of Justice noted that

> The March on Washington for Jobs and Freedom of more than 200,000 citizens on August 28 was the most dramatic, but between mid-May and the end of the year the Department of Justice counted 2,062 other civil rights demonstrations in 315 cities in 40 states.[19]

Clearly, the Justice Department officials had come to see black protest as a broad and sustained challenge that was propelled by legitimate grievances. As such, black protest was understood to extend well beyond the peak events like those in Birmingham or the March on Washington. This view led many Kennedy administration officials to see significant risk of social and economic disruption, and this analysis helped them overcome significant reservations about the political risks of pursuing major civil rights initiatives.

## DISCUSSION AND CONCLUSION

We have revisited a critical moment in the relationship between civil rights protest and political elites to advance broader understandings of movement

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[17] Department of Justice, "A Review of the Activities of the Department of Justice in Civil Rights, 1963," Scott Rafferty Papers, John F. Kennedy Collection.

[18] Memo from Oberdorfer to Robert F. Kennedy, June 4, 1963, Lee White Papers, Box 21, John F. Kennedy Collection.

[19] Department of Justice, "A Review of the Activities of the Department of Justice in Civil Rights, 1963," Scott Rafferty Papers, John F. Kennedy Collection.

consequences. During the span of a few months, civil rights campaigns shifted political attention in favor of what would become one of the most significant pieces of legislation in the twentieth century. At the beginning of 1963, few within or outside the Kennedy administration expected significant policy to be imminent. Within six months, the Kennedy administration had proposed some of the most far-reaching policies. Even with a favorable political environment, protest was critical for seizing the opportunity. This shift occurred as protest campaigns overwhelmed the administration's crisis management strategy.

Undoubtedly, our account leaves out key pieces of the story. By focusing on this short time span, we have not given serious consideration to important intervening factors between the introduction of the Kennedy administration's proposed legislation in summer 1963 and its subsequent passage one year later. Most important, Kennedy's assassination and Lyndon Johnson's decision to invest his considerable political skill in the bill's passage were critical (Garrow 1978; Graham 1990; Kotz 2006; Risen 2014). In addition, we have paid little attention to key actors within Congress, the civil rights lobby and its allies, or public opinion (Burstein 1985, 1993; Jeong, Miller, and Sened 2009; T. Lee 2002; Santoro 2015). We would respond by noting that little changed with respect to each of these factors in the first half of 1963 where the crucial dynamics played out between local movements and the Kennedy administration and especially the Justice Department.

The dynamics of this case have important implications for the efforts to examine the policy consequences of protest and social movements. First, we argue that scholars would benefit from giving greater attention to bids for major policy change —both successful and unsuccessful campaigns (Mansbridge 1986; Piven and Cloward 1977). Scholars have made significant advances by disaggregating policy responsiveness as we see in studies that trace annual changes in congressional attention (Johnson, Agnone, and McCarthy 2010; King, Bentele, and Soule 2007; Soule and King 2006). However, we also stand to gain from studying the more far-reaching political successes and failures that movements seek.

Second, building on broader debates about political opportunity and strategy, we contend that scholars should press further in examining the perceptions of political authorities and elites as Burstein (1998), Luders (2010), and others have argued. This effort entails looking closely at the perceptions and actions of political actors, rather than treating political actors and institutions as a "black box." Doing so requires that we give as much attention to policy makers—not just what they do but also how they make sense of activism—as we do to activists.

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