

TV TRANSCRIPT

MARCH 8, 1964

BOB COAR: This is Washington and this is Senator Hubert H. Humphrey, the Assistant Majority Leader of the United States Senate. Today as his guest, Senator Humphrey has the Assistant Attorney General, Mr. Burke Marshall. And now, to discuss a very interesting problem, here is Senator Humphrey.

SENATOR HUMPHREY: Well, thank you very much. Yes, my guest today is a man who has had a key part in developing the Civil Rights bill that is now occupying the Senate on a full-time basis. I know about it because its my privilege to be the floor leader on the Civil Rights measure, and this is a very difficult and time-consuming task. The name of our guest is Burke Marshall and he is the Assistant Attorney General of the Department of Justice in charge of the civil rights division of the Justice Department. This is a mighty important, and I should add, a very sensitive post. Mr. Marshall enjoyed an exceptional reputation as a lawyer, even before he was appointed to his present position in the Justice Department by the late President Kennedy in 1961. In the past three years, his reputation has grown not only as a lawmaker but also as a peacemaker in an area where emotions run very high. He was the man who had the difficult task of arranging some sort of peace in troubled Birmingham and in other areas, but I recall the Birmingham area in particular. And although he had no ultimate legal weapon to impose any solution, he reached a settlement by reasoning with both sides. Now much of this same reasoning process has been shown in hammering out the bipartisan civil rights bill passed by the House of Representatives with an overwhelming majority and presently before the United States Senate. Mr. Burke Marshall played a vital role in reaching agreement on that bill with Republicans and Democrats alike and particularly with the

Republican Congressman, Mr. William McCulloch of Ohio who was so important in the ultimate decision in support of civil rights. Mr. McCulloch being the ranking Republican member of the House Judiciary Committee. Mr. Burke Marshall rejects, as I do, the assertion by some persons that laws cannot improve race relations. I'm sure you've heard that many times. He believes that the law has to lead the people sometimes. In other words, to set standards by which we measure our achievement or lack of achievement. And that the acceptance of what the law requires is the beginning of change. And in this instance, I believe constructive change. Now I'd like to let our viewers in on a very personal note relating to our guest. Our guest today learned Japanese in the Army during World War II. And in Japan, he met his wife who also had gone to Japan to work as a linguist for Army Intelligence. Mr. Marshall doesn't speak much Japanese anymore. But I understand, Mr. Marshall, that you doodle in Japanese characters on your memo pads in your office and even when you're negotiating and mediating disputes and trying to bring these many controversial issues to a head and trying to bring some peaceful settlement. Well, we're very pleased to have you here, Mr. Marshall, and I want to ask you, number 1, did you find that experience in Birmingham, Alabama a very difficult one. What was the situation when you were dispatched there by the President. ~~Yes~~

MR. MARSHALL: Well, there had been demonstrations going on there in Birmingham for maybe 3 or 4 weeks at that time, but they had become very large. And there were conflicts - people against people, white against black, police against the Negro community there. There were pictures of that that went all over the country and went all over the world, so that there was a great deal of attention focused on it.

SENATOR HUMPHREY: Were those the pictures, for example, of the police dogs and the ~~police~~ pictures of police with their clubs beating on certain citizens.

MR. MARSHALL: Yes.

SENATOR HUMPHREY: Those were very bad for ~~the~~ image of our country. ~~The~~

MR. MARSHALL: The problem, Senator, was that there was no way of getting out of it for the federal government and for the people that lived there. There was no law that dealt with the situation. The dispute, the specific dispute - there were many other things - but the specific dispute was over service in lunch counters and the stores in Birmingham, and there was no way of dealing with that under law. So there was a protest against an injustice. It was a justified protest, but there was no way, under law, of resolving it and that is one of the reasons why the President shortly thereafter asked for this bill.

SENATOR HUMPHREY: Now you've been in several of these ~~settlement~~ areas of serious race conflict, haven't you?

MR. MARSHALL: Yes.

SENATOR HUMPHREY: Now, were you involved in matters relating to some of the universities in the South where there were attempts made and ultimate success in registering a Negro student?

MR. MARSHALL: Yes.

SENATOR HUMPHREY: Yes, Senator, that's the responsibility of the Department of Justice for the President.

SENATOR HUMPHREY: And you were assigned by the Attorney General and the President to take care of those problems?

MR. MARSHALL: Yes, Senator.

SENATOR HUMPHREY: Well, that's quite an obligation and I must say that it took infinite patience and great skill to do it, Mr. Marshall, since you are so active in this area of civil rights and you know the many problems that we have relating to civil rights and civil rights legislation, could you give us some evaluation of the bill as passed by the House and now presently before the Senate. Do you think it is a good bill? Does it meet the basic needs of

civil rights law? What is your evaluation?

MR. MARSHALL: Well, it is a good bill. It's a very good bill. It's a comprehensive bill and it's effective to meet the principal areas of need.

In voting - we still have the problem of voting in some states - discrimination against Negroes that want to register to vote, public accommodation which was the problem in Birmingham and which we have to have a legal mechanism to deal with, in ~~the~~/pp/ schools and other publicly supported facilities, in the federal program - some of which ~~are~~ ^{are} still ~~been~~ ^{ing} denied to Negroes.....

SENATOR HUMPHREY: What do you mean by federal program - some still denied to Negroes?

MR. MARSHALL: Well, for example Senator, there may be an educational program financed by the federal government and money would go to a school which refuses to admit Negroes.

SENATOR HUMPHREY: You mean manpower training and re-training, isn't that right?

MR. MARSHALL: That's right~~s~~. Vocational education programs have this problem and employment programs, re-training programs, in many of these areas money is taken from all our taxpayers and given back in programs that are denied to some of them because of their race. That's what that part of the bill deals with.

SENATOR HUMPHREY: In other words, we are making sure in this bill in one provision that when federal funds are extended to a state or locality or to a local institution that there must be no denial of the opportunity for all citizens to participate in those funds - that is when citizens, like in a training program, ask to be included, is that right?

MR. MARSHALL: ~~that's~~/ That's correct; that's exactly it, Senator.

SENATOR HUMPHREY: Well, I think that's a very reasonable proposition. I can't imagine people justifying taking tax money from people and then ~~one~~/ ^{when} ~~the~~/the money that is used to establish a program, that the program is denied those same people. And we're trying to overcome that.

MR. MARSHALL: That's right, Senator.

SENATOR HUMPHREY: Now, do we have in the civil rights bill fair employment practices proposal, is that right?

MR. MARSHALL: That's right, Senator. Of course, I would say ^a about that and the public accommodation title that in many of our states the states themselves have met this problem. That's true here and it's true in many of the states.

SENATOR HUMPHREY: It's true in our state of Minnesota.

MR. MARSHALL: That's right.

SENATOR HUMPHREY: By the way I looked over the federal statute - the federal bill - that we're trying to enact here in the Senate. And every one of the titles in that bill that we seek to have in federal law has already been accepted in state law in my state.

MR. MARSHALL: Yes.

SENATOR HUMPHREY: So I want to tell the people in Minnesota if any of you think that the bill that we have in the Congress is very extreme or radical, you better go back and start to scold some of our forbearers and some of our great citizens of years gone by. As a matter of fact, our public accommodation laws in Minnesota were passed in the late 1890's so what we're trying to do here on a federal level is to catch up with what Minnesota did in about 1890.

MR. MARSHALL: Yes, Senator, it is remarkable to me that there's a good deal of talk about this bill and a great many distorted descriptions of it call it an attempt at federal dictatorship when the fact is as you have said that the basic thing that this bill does has been done already in a number of states.

SENATOR HUMPHREY: Let me see, in public accommodations that is to make sure that a citizen of the United States, regardless of his race, creed or color has access to public places on an equal basis. In that sort of a situation, we have about 32 or 33 states that have already passed such a law?

MR. MARSHALL: ~~4~~ 32 now and there's one under consideration in Kentucky.

SENATOR HUMPHREY: Yes, so that what we're seeking to do is to give some uniformity of protection on this, aren't we?

MR. MARSHALL: Yes.

SENATOR HUMPHREY: As we are, for example, on FEPC, Fair Employment Practices.

MR. MARSHALL: That's correct, Senator. I would say that in these 32 states that have a public accommodations law, there would be no need for any federal action because the states have dealt with it; their laws, I think, the law of Minnesota is really broader than the federal law already, so that the effect will be in those states that have not for one reason or another had the capacity to deal with this problem in itself. ~~Not in the forty states~~

SENATOR HUMPHREY: Now in the few minutes remaining, I want to bring up a matter which you may or may not want to comment on. I've been told and the fact has been brought to my attention very graphically that a man by the name of Mr. John C. Satterfield of Yazoo City, Mississippi, a former President of the American Bar Association, is heading up a vast propaganda drive to defeat the civil rights bill and this drive seems to be very, very well financed. Are you familiar with this?

MR. MARSHALL: Yes, Senator. I've seen ~~it~~ a good deal of the material that his committee has circulated throughout the country. ...

SENATOR HUMPHREY: What does he call that committee, do you remember?

MR. MARSHALL: The Coordinating Committee for Fundamental American Freedoms, I think its name is.

SENATOR HUMPHREY: Well, some of the fundamental American freedoms that I thought we were standing for was the equal rights under the law and equal privileges under the law and first-class citizenship. But apparently, that isn't what that committee stands for.

MR. MARSHALL: The Committee opposes the bill, Senator, which is of course the right of the people ~~/~~ that are against the bill; they should do that; that's their right. I regret to say that I also think that the literature that the Committee circulates about the bill distorts it so that the argument over the bill isn't really an argument over what the bill does but over statements about what the bill does which are not accurate.

SENATOR HUMPHREY: In other words, the propaganda against the bill distorts the application of the bill and the meaning of the bill.

MR. MARSHALL: That's right, Senator.

SENATOR HUMPHREY: Now, how is this propaganda disseminated/ ? Who gets it and how do they get it?

MR. MARSHALL: I think a good deal of it is sent to all sorts of citizens. I'm sure it's sent to ~~every~~one in Congress. It ~~/~~ is also sent to newspaper writers and newspaper editors and particularly small newspapers that don't have other sources of information about the bill. And it may be the only information that some of the newspapers ~~feed~~ receive about the bill at all.

SENATOR HUMPHREY: Well, Mr. Marshall, we are very grateful to you for taking ~~time~~ from your busy day and your very ~~/~~ important work to come here and discuss some of the aspects of this civil rights bill. I thank you very much and we are delighted to have had Burke Marshall of the Justice Department with us. Thank you.

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BURKE MARSHALL for March 8.

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My guest today is a man who has had a key part in developing the civil rights bill that is now occupying the Senate on a full time basis.

Burke Marshall is Assistant Attorney
General in charge of the Civil Rights Division
of the Justice Department - a mighty important
and sensitive post.

Mr. Marshall enjoyed an exceptional reputation as a lawyer even before he was appointed to his job in the Justice Department by the late President Kennedy in 1961. And in the past three years, his reputation has grown not only as a lawmaker, but also as a "peacemaker" in an area where emotions run high.

He was the man who had the difficult task of arranging some sort of peace in troubled Birmingham. And although he had no ultimate legal weapon to impose any solution, he reached a settlement by reasoning with both sides.

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Mr. Marshall rejects, as I do, the assertion by some persons that laws cannot improve race relations. He believes that the "law has to lead the people sometimes" and that the "acceptance of what the law requires is the beginning of change."

I'd like to let our viewers in on a personal note. Our guest learned Japanese in the Army during World War II and in Japan he met his wife who also had gone to Japan to work as a linguist for Army intelligence. Mr. Marshall doesn't speak much Japanese any more, but he still doodles in Japanese characters on his memo pads.



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