

Fortieth Anniversary of the Lawyers' Committee for Civil Rights Under Law



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The Important Role of the Lawyers' Committee for Civil Rights under Law in the Civil Rights Struggle in Mississippi during the 1960s, and the Continuing Need for its Mission

by Clarence M. Dunnville, Jr.

In the East Room of the White House on June 21, 1963, President John F. Kennedy, Vice President Lyndon B. Johnson and Attorney General Robert F. Kennedy enlisted 244 of America's prominent lawyers in the struggle for civil rights.

June of 2003 marked the 40th anniversary of the Lawyers' Committee for Civil Rights Under Law, a nonpartisan, non-profit organization, formed in June 1963 at the request of President John F. Kennedy. The Lawyers' Committee was organized to provide legal counsel for civil rights workers and black citizens deprived of their civil rights and subjected to atrocities in Mississippi during the 1960s. Lawyers who were engaged in the private practice of law throughout the nation traveled to Mississippi to provide legal representation for black citizens and civil rights workers during this turbulent period.

Unfortunately, 40 years later—notwithstanding the tremendous progress in the field of civil rights—vestiges of racial, gender and other unlawful discrimination remain, and the Lawyers' Committee, a public interest law firm focusing on civil rights, is still important to the nation. The mission of the Lawyers' Committee is to

eliminate remaining unlawful discrimination and secure, through the rule of law, equal justice under law.

The Lawyers' Committee marshals pro bono lawyers throughout the nation for litigation, public policy advocacy and other forms of service to protect civil rights and civil liberties.

Many lawyers may not know about the Lawyers' Committee and the turbulent and violent historical facts that caused President Kennedy to request the committee's formation. The following reviews the painful events of the Civil Rights struggle.

The modern civil rights movement began with the school desegregation case, *Brown v. Board of Education*, decided in

1954.¹ This momentous decision had deep roots in Virginia. The Virginia case, *Davis v. County School Board of Prince Edward County*,² was one of the five cases that were consolidated for argument and decision by the Supreme Court, and are commonly referred to as *Brown*.

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Oliver W. Hill, of Richmond, was the plaintiffs' trial attorney in the *Davis* case, and Spottswood W. Robinson III, his

law partner, and Thurgood Marshall argued the Virginia case before the U. S. Supreme Court.

In Mississippi, there were nearly one million blacks, comprising nearly one half of the population, when *Brown* was decided in 1954. Yet there were few black voters registered in the state. Black citizens were denied the right to vote and deprived of their civil rights—by chicanery, intimidation and force. Lynchings were common. There was an unwritten “rule” in many parts of the state that black people could not walk on the sidewalks.

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Encouraged by *Brown*, Americans working for social change began to focus on civil rights in Mississippi and throughout the South. The violent reaction to these efforts, particularly in Mississippi, initiated the most violent period of racial confrontation in history.³

In the fall of 1954 and early spring of 1955, Reverend George W. Lee of Humphreys County, Mississippi and, Gus Counts, the president of the NAACP branch in Belzoni, Mississippi, registered 400 black people in Humphreys County. There were 16,012 black citizens eligible to vote in the county, of which 400 were brave enough to register. On May 7, 1955, Rev. Lee was shot and killed. No one was ever arrested or prosecuted. By November, Gus Counts was the only remaining registered voter in Humphreys County. The landlord then tripled his rent, and he moved. Finally, in late December, Counts was also shot. In 1955, Lamar Smith, in Brookhaven, Mississippi, who had been urging black

citizens to register by absentee ballots in Brookhaven, was murdered on the courthouse lawn. No one was ever arrested for the murder.⁴ Violent action, including assault and murder, was routinely inflicted on black citizens who sought to vote.

In 1957 Congress passed the first Civil Rights Act since 1875. The Act provided for the creation of a Civil Rights Division in the United States Department of Justice and for the Justice Department to bring suits on behalf of black citizens denied the right to vote. It also established the Civil Rights Commission, and gave the Attorney

General the power to correct abuses of constitutional rights. Ten law suits were brought under the Voting Rights Act during the period from 1957 to 1960, which dragged slowly through the courts.⁵ Little was done to protect black citizens who attempted to vote or exercise other civil rights against violence.

Some 530 cases of recorded violence and reprisals of black citizens were recorded between 1955 and 1958. There were, in all likelihood, thousands of incidents that were not recorded. In eight Deep South states, 45,845 fewer black citizens registered to vote between 1956 and 1958 because of intimidation.⁶

Young blacks and whites began infiltrating the rural South to help register black voters who were deprived of the right to vote by intimidation and fear. Some methods used to deny black citizens the right to vote were the “grandfather clause,” which denied the vote to persons who could not

pass a registration test. Those failing the test would only be allowed to vote if they or their ancestors had voted before either 1860–1866 or 1870. Since blacks were mostly slaves during that period, and their ancestors had not voted in those years, they were not allowed to vote. Other methods were “the white primary,” and intimidation by registrars.⁷ The latter action was the most widespread. Although many of the voting rights cases filed were against voter registrants, those cases became quickly bogged down in the courts. Repression of voting rights remained brutal and unabated.

John F. Kennedy was elected president of the United States in 1960 by a very narrow margin—with widespread support of black Americans. President Kennedy committed his Administration to the civil rights struggle.

The Administration began using the civil rights laws that were on the books for the protection of civil rights. The Justice Department petitioned the Interstate Commerce Commission to issue a blanket order against segregation at bus and rail facilities. The government moved to enter a number of school desegregation cases on the side of the black plaintiffs. Further, the Justice Department filed nearly 50 voting rights infringement cases under the Civil Rights Act of 1957.

The initial strategy of the Kennedy Administration was to remain in the background, try to avoid crises and attempt to persuade the recalcitrant leaders of the South to obey the law.

In the spring of 1961, when many Freedom Riders were poised to converge on Mississippi, Attorney General Robert F. Kennedy asked Senator James Eastland of Mississippi for advice. Using Eastland and former Governor James P. Coleman as intermediaries, the Kennedy Administration attempted to compromise: In return for the

state's promise to protect the Freedom Riders from mob violence, the White House would not interfere when local police arrested the Freedom Riders as they stepped off the buses.⁸

In Mississippi, white lawyers would not represent civil rights workers, and there were only a handful of black lawyers in the state. Because of racism, in the entire state of Mississippi there were only five black lawyers licensed to practice law as late as 1967. These lawyers were all located in Jackson. Therefore, the Freedom Riders, prior to the establishment of the Lawyers' Committee, in most cases, were unable to obtain legal representation.

President Kennedy's objective to prevent violence was a cornerstone of the Administration policy. But beginning in 1962, with James Meredith's effort to enroll in Old Miss, resulting in two deaths, the violence spiraled to a crescendo. In 1962, Attorney General Robert Kennedy dispatched Assistant Attorney General Nicholas Katzenbach to enroll James Meredith in the University of Mississippi. Governor Ross Barnett had promised that the highway patrol would maintain order when Meredith arrived on campus. However, when Meredith arrived, the highway patrolmen suddenly "just went off campus" and disappeared, leaving a student mob that provoked a riot. A French journalist and a bystander were shot and killed in the melee, and 29 U. S. Marshals were wounded by gunfire.⁹

In early 1963, the Students Nonviolent Coordinating Committee (SNCC) was in the middle of an aggressive statewide voter registration drive in Mississippi. Whites responded ferociously, severely wounding SNCC workers, burning SNCC offices and arresting blacks attempting to register. Also, in the spring of 1963, James Meredith was in a march that ended in violence.

In June of 1963, Medgar Evers was violently killed.¹⁰ The assassination of Evers, the Mississippi field representative of the NAACP, in early June 1963, was the "final straw." Two weeks later, on June 17, 1963, President Kennedy requested that a national committee of lawyers be formed to protect the civil rights workers and black citizens throughout the nation.

The president was adamant that the rule of law must prevail. President Kennedy had tried to solve the civil rights impasse by non-violent means.

With the murder of Medgar Evers and other extreme violence that spiraled totally out of control, President Kennedy requested that the American Bar Association recruit private lawyers to volunteer and travel to Mississippi to represent black citizens and civil rights workers. Bernard G. Segal, a former president of the ABA—who had rallied the bar when Governor George Wallace of Alabama defied a court order to integrate the University of Alabama—assembled 244 prominent lawyers. They became the nucleus of the Lawyers' Committee for Civil Rights Under Law. These lawyers were among the most prominent lawyers in the nation, and they pledged their firms to provide volunteers to represent black citizens and civil rights workers.

The Lawyers' Committee filed lawsuits against individuals who deprived black citizens of their civil rights. Its lawyers represented civil rights workers who were jailed, advised on voting rights issues and provided a support system for black citizens and civil rights workers. They were the subjects of hostility, and some were physically attacked and injured during the performance of their services. They made a significant difference in the struggle for freedom by insisting that the rule of

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law prevails and that those responsible for the atrocities be brought to justice.

The nation owes deep gratitude to the lawyers who served on the Mississippi project. Their work in Mississippi continued for more than two decades. After the Civil Rights Act of 1964 was enacted, the violence was unabated. The violence continued through the end of the decade and beyond. Slowly, the situation in Mississippi and the Deep South improved.

The volunteer lawyers brought perpetrators before the federal court in civil action, and represented those who were denied their civil rights. The Lawyers' Committee will honor these lawyers on June 19, 2003, during the fortieth anniversary celebration activities.

I served as a volunteer attorney in 1967. In the next edition of the *Virginia Lawyer*, I will chronicle my experiences during that period and through relating my experiences, show how the committee contributed to the struggle for freedom during the Civil Rights Movement. ☪

Endnotes:

- 1 347 U.S. 483, 98 L Ed 873, 74 S. Ct. 686 (1954).
- 2 103 F. Supp 337 (E.D. VA 1952).
- 3 Dittmer, John "The Politics of the Mississippi Movement, 1954-1964" *The Civil Rights Movement in America*, University Press of Mississippi Jackson, Mississippi, 1986, p.97.
- 4 Wilkins, Roy with Tom Matthews, *Standing Fast, the Story of the Great Leaders of the Civil Rights Movement*, Viking Press, NY 1982, 202-223.
- 5 Kluger, Richard, *Simple Justice*, Vintage Books, N.Y. 1975, p.754.
- 6 Lewis, David Levering, "The Origins and Causes of the Civil Rights Movement" *The Civil Rights Movement in America, Id.* at p.16.
- 7 Hamilton, Charles v, "Federal Laws and Courts in the Movement," *The Civil Rights Movement in America, Id.* at p.101.
- 8 Dittmer, *Id.* at p.27.
- 9 Dittmer, *Id.* at pp. 28,79.
- 10 See discussion, Kluger, *Id.* pp. 752-757; Dittmer, *Id.* p 65-69.



Clarence M. Dunnville, Jr., is an attorney in private practice in Richmond. He is admitted to practice in Virginia, New York and New Jersey. A native of Roanoke, Virginia, Dunnville is a graduate of Morgan State University in Baltimore and Saint John's University School of Law.

Dunnville served as a voluntary attorney with the Lawyers Committee for Civil Rights Under Law in the Mississippi project in the late 1960s and is a member of the committee's board of governors. A former assistant U.S. attorney for the Southern District of New York and corporate counsel for AT&T, where he practiced corporate and international law, he has participated in numerous national and international conferences and seminars on various legal topics. In January 1999, he participated on a panel of lawyers and judges from France, the United States, Cote d'Ivoire and Senegal on constitutional law in Abidjan, Cote d'Ivoire (Ivory Coast) Africa. In October 2000, he served as professional in residence at Washington and Lee School of Law.

Dunnville is a member of the Old Dominion Bar Association, the Bench Bar Committee of the Virginia State Bar and the board of governors of the Senior Lawyers Conference of the Virginia State Bar. He is a member of the Nominating Committee of the Bar Association of the City of Richmond.

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