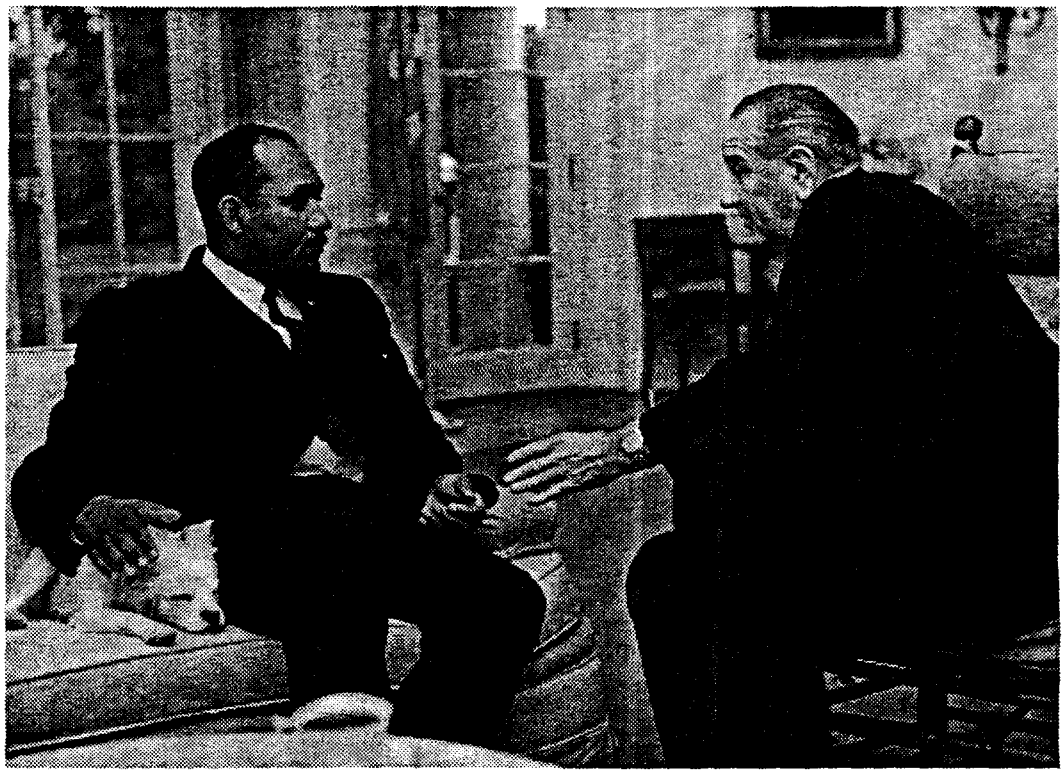
Clarence Mitchell, Jr., Papers Project

at SUNY College at Old Westbury



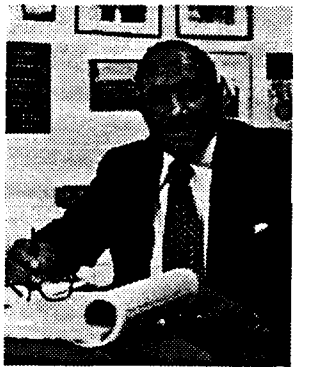
The "101st Senator" with President Johnson

Clarence Mitchell, Jr., from 1950 to 1978, was the pivotal figure in the struggle for passage of the civil rights laws and the promulgation of constructive national policies to protect the rights of African Americans. He was director of the NAACP Washington Bureau and legislative chairman of the Leadership Conference on Civil Rights. His influence won him recognition as the "101st Senator." On June 9, 1980, President Carter presented him with the Presidential Medal of Freedom, which read:

> Clarence Mitchell, Jr., for decades waged in the halls of Congress a stubborn, resourceful and historic campaign for social justice. The integrity of this "101st senator" earned him the respect of friends and adversaries alike. His brilliant advocacy helped translate into law the protests and aspirations of millions consigned for too long to second-class citizenship. The hard-won fruits of his labors have made America a better and stronger nation.

"Now as I look back at the history of the fight we have been through, I feel a sense of inspiration. I am privileged to have lived to see all three branches of our national government working for civil rights."

—Clarence Mitchell, Jr.



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- Student Work Study positions and Internships
- Updated bibliography of works important for studying Mitchell's works
- Scholarships, Fellowships
- Historical monographs

Sponsor

SUNY College at Old Westbury; funded by: National Historical Publications and Records Commission.

Contributions Invited

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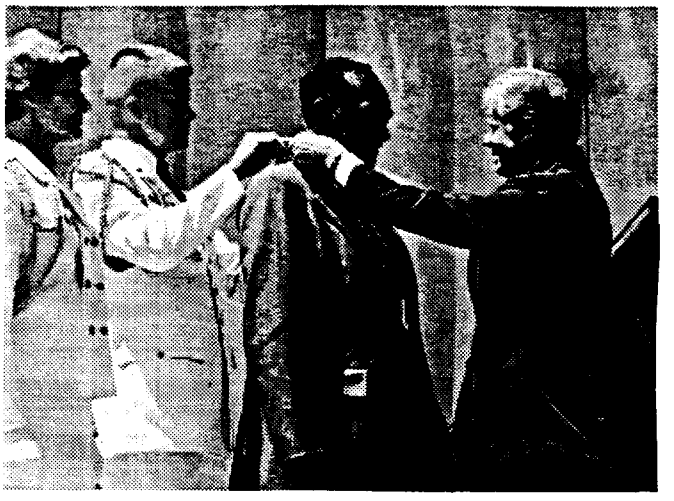
The Man

Born in Baltimore, Maryland, on March 8, 1911, Clarence Mitchell, Jr., was the son of Clarence Maurice and Elsie Davis Mitchell. He was a member of a powerful civil rights family, whose spiritual leader was his mother-in-law Lillie Carroll Jackson, president of the Maryland State Conference of NAACP Branches. Initially also president of the Baltimore NAACP Branch, Lillie Jackson relinquished that position to her daughter Juanita. Dedicating her legal talents to the cause of racial justice, Juanita and her mother through the NAACP desegregated Maryland. In Washington, Mitchell led the successful struggle for passage of the 1957 Civil Rights Act, the 1960 Civil Rights Act, the 1964 Civil Rights Act, the 1965 Voting Rights Act, the 1968 Fair Housing Act, for all of their strengthening amendments, and for other constructive national policies. Clarence and Juanita Mitchell had 4 sons, Clarence III, Keiffer Jackson, Michael Bowen, and George Davis.

The Lobbyist

As the civil rights lobbyist, Mitchell worked with 7 Presidents and their administrations in the wrenching struggle to uphold the Constitution and achieve historic social change. He explained: "Washington is not just the Congress. It is also the numerous executive agencies of government that administer laws affecting our daily lives. In the Capital, the NAACP is a David operating against a great many strongly supported, loud-talking Goliaths. We never forget, however, that the original David won."

—NAACP Annual Report, 12/21/50



President Carter Presenting Mitchell the Presidential Medal of Freedom, June 9, 1980

Mitchell's Papers

Although his papers in the broader sense were amassed under the aegis of the NAACP, in the legal sense those he himself prepared were legally his. They are composed of his monthly and annual reports; congressional statements and testimonies; speeches; letters; scholarly articles; and newspaper columns from The Baltimore Afro-American and The Baltimore Sun. They are supplemented with background studies and an extensive oral history collection.

"He didn't have the highest title in the room, but all in all he had forced down my door more than any other persons."

—President Lyndon Johnson, *12/17/68*

The papers provide invaluable insights into the NAACP's historical role in changing the social fabric of the nation, Mitchell's indispensable role in the civil rights struggle, the contributions of the organizations that worked through the Leadership Conference on Civil Rights, and the support of a host of lawmakers and other officials in the executive branch.

The project is editing and publishing with head notes and annotations his reports, beginning with those from the Fair Employment Practice Committee, in 3 volumes structured accordingly: 1942 to 1954; 1955 to 1962; and 1963 to 1978. A comprehensive introduction establishes the papers' historical context and value for scholarly study with a view for inspiring balance and objectivity in contemporary histories on the civil rights movement. Overridingly, current histories focus on the nonviolent protests in the South, the movement's epicenter, or on the inspirational force of black nationalism. But the civil rights struggle was a national movement as such provisions as Title VI and Title VII of the 1964 Civil Rights Act, as well as the 1968 Fair Housing Act show. The head notes and annotations, furthermore, link the reports to the other areas of the papers to strengthen their scope and value. The biography by the project's editor, **Lion in the Lobby, Clarence Mitchell, Jr.'s Struggle for Passage of Civil Rights Laws**, provides the broader framework for the papers.

Among other things, the published papers will unequivocally reaffirm the beginning date of the modern civil rights movement as June 25, 1941, the day on which President Roosevelt issued Executive Order 8802 barring discrimination in the national defense industries and creating the Fair Employment Practice Committee as its administering agency. From that day, blacks made obtaining presidential leadership their central focus in the struggle to end racial oppression. Throughout the NAACP's history, as it implemented its egalitarian philosophy, presidential leadership was a paramount goal, which reaffirmed its political course.

Assessments of the "101st senator's" Historical Role

The Baltimore Sun celebrated Mitchell's legacy in its book published the end of 1999 entitled, **Marylanders of the Century.** Joseph R. L. Sterne, retired editor of The Sun's editorial pages who covered the civil rights struggle in Washington during the 1960s, wrote in his piece on Mitchell that:

> There were many fathers to the civil rights victories; even orphans in defeat found themselves liberated. But a goodly share of the paternity belongs to Clarence Mitchell. His city honored him posthumously by naming its courthouse after him. He was, indeed, one of the leading Marylanders of the 20th century.

Mitchell's contributions to the strengthening of American democracy extended beyond his hometown Baltimore and state to the entire nation. Note other assessments of his role:

"Clarence Mitchell was called the 101st senator, but those of us who served here then knew full well that this magnificent lion in the lobby was a great deal more influential than most of us with seats in the chamber."

—Senator Howard Baker, Jr., *March 1984*

> [In the struggle for civil rights laws] the formulation of strategy was often the critical factor. For, while the combat may be compared to a chess game, it is one in which the chessmen constantly change value. And there are many steps from the conception of a strategy to its successful conclusion. These are skirmishes and battles, victories and defeats, all manner of crises. Each of these engagements is integral to the process of passing the bill.
>
> —Congressman Richard Bolling, *oral history interview, 7/12/82*

> I worked very closely with Clarence on the Voting Rights Act, the Fair Housing Act, all those busing issues that we had that were so damn tough. There just seemed to be one thing after the other that were going on at the time. Clarence was the most effective lobbyist on the outside. If you had Clarence with you it wouldn't be long before the whole civil rights movement would be there. Occasionally, if you had to make a compromise - I don't have one in mind right now - Clarence was the guy. Occasionally, he had to turn a corner, or something like that. If Clarence agreed to it, it would get done. If he didn't, you might as well forget about it. He was a very practical, solid but tough guy. If you were working with him in an honest and full-hearted way, he gave you a hundred percent in return. If he thought you were slipping around playing games, he'd spot that right away.
>
> —Vice President Walter Mondale, *oral history interview, 7/21/99*

> I believe that Clarence and I had a better personal rapport than I had with any of the other civil rights leaders. One that I have subsequently become well acquainted with, of course, is Vernon Jordan. But I knew Vernon when I had a problem in the White House. I got him to come on that commission to review draft dodgers, etc. Vernon, along with 10 or 11 others, did a superb job in reviewing the action of several thousands of draft dodgers, etc.
>
> But, aside from Clarence, I would say my next best friend who I had the most rapport with was Vernon Jordan. But, I knew Clarence earlier and better during the tough times of civil rights legislation.
>
> —President Gerald R. Ford, *oral history interview, 8/11/98*

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The "101st Senator" with President Johnson

Missionary For Racial Justice
The Reports of Clarence Mitchell, Jr.,

The broad social, political and international forces that the New Deal and World War II unleashed pushed the National Association for the Advancement of Colored People beyond its long-time goal of opening an office as a "watch dog in the national capital" for monitoring hostile efforts against blacks in Congress. This it did in 1942. The papers of Clarence Mitchell, Jr., document these extensive activities, especially the legislative phase of the modern civil rights movement when the principal laws and programs that today bar discrimination based on race, religion, national origin, sex, and age were enacted. Other laws barring discrimination against homosexuals and tho physically handicapped came from that template.

In effect, the papers show the extent to which legislative strategies currently being utilized by social and political groups are carbon copies of those Mitchell developed.

The reports cover his years in Washington: from 1942 to 1946 when, at the Fair Employment Practice Committee, he was, consecutively, principal fair practice examiner, associate director of field operations, and director of field operations; from 1946 to 1950 when he was NAACP labor secretary; and from 1950 to 1978 when he was director of the NAACP Washington Bureau.

The FEPC was created under President Roosevelt's Executive Order 8802, which was issued on June 25, 1941. It was subsequently strengthened by Executive Order 9346, issued on May 27, 1943. Its jurisdiction now covered federal government establishments, employers holding government contracts with anti-discrimination clauses, other employers who were engaged in production related activities or the utilization of war materials, and labor organizations whose activities affected those employers.

The FEPC reports show the formative stages of the struggle for leadership from the Executive Branch to end discrimination in employment, a goal that defined the movement. The FEPC's final report, which Mitchell helped prepare, noted:

The Committee's wartime experience shows that in the majority of cases discriminatory practices by employers and unions can be reduced or eliminated by simple negotiations when the work of the negotiator is backed up by firm and explicit National policy.

FEPC's unsolved cases show that the Executive authority is not enough to insure compliance in the face of stubborn opposition. Only legislative authority will insure compliance in the small number of cases in which employees or unions or both refuse after negotiation to abide by the National policy of nondiscrimination.

The collection shows how Mitchell, building on this foundation, used the NAACP and the Leadership Conference on Civil Rights as vehicles for implementing that lesson by mobilizing in the White House and Congress leadership and support for passage of laws to enforce the Supreme Court's decision in *Brown v. Board of Education* and to end other forms of discrimination. *Brown* reasserted the equal protection clause of the Fourteenth Amendment.

The reports chronicle the arduous, repetitive and incremental nature of the long but revolutionary legislative struggle. They document the roles of the principal lawmakers and committees in Congress that were involved. Furthermore, they document the contributions of Franklin D. Roosevelt and the seven subsequent Presidents with whom Mitchell worked.

Mitchell explained there were three basic areas in which groups such as the NAACP make contributions to legislative activities:

1. Mobilizing public opinion and public support for broad national and international programs that would benefit the country.
2. Building a more informed electorate by providing information on important issues and where members of Congress stood on them.
3. Assisting members of Congress in promoting good legislation, defeating bad ones, and strengthening others with amendments or clarifying the intent of Congress.

The first phase of his reports is a window to the broader social ramifications of the war and the subsequent demobilization. The opportunity for blacks to seek equal employment opportunity was provided by critical labor shortages in the principal war production regions and by America's defense of western democracy abroad. The FEPC struggle was waged simultaneously with the NAACP's. From its overriding focus on lynching and other violence against blacks, the NAACP expanded its struggle to include a quest for a more efficient use of the nation's manpower regardless of race in the war production industries. One of the NAACP's primary goals was getting Congress to pass a permanent FEPC law.

The FEPC was a federal affirmative action program that operated under the direction of the Executive Branch. It was the first government agency in which blacks were all line officers. Previously, they were only racial advisers. Therein lay its historical promise.

At the same time, the NAACP struggled for laws to end the poll tax, discrimination in federal spending and public housing and by such agencies as the U.S. Employment Service, the Office of Price Administration, the Government Printing Office, the War Department, the United States Post Office, the Treasury Department, the Civil Service Commission, and the United States Public Health Service. The NAACP's battles for an anti-lynching law and to end school desegregation reinforced those struggles.

Several problems, such as discrimination by federal agencies, remained paramount concerns until passage of the 1964 Civil Rights Act and the 1968 Fair Housing Act. Poll taxes were abolished by the Twenty-fourth Amendment, the Supreme Court in 1966, federal court decisions and by state law.

Volume I

First Phase, 1942-1945: "World War II, the Foundation"

In addition to government agencies and war plants, the FEPC's jurisdiction barring discrimination covered any company holding a government contract or sub-contract. It barred discrimination based on race, creed, color, national origin, ancestry, and against aliens. Mitchell's reports provide an excellent overview of the FEPC's progress in its most productive period. They reveal the systemic discrimination in every aspect of the war production, from major industrial centers in Philadelphia to Ohio and the West Coast.

Initially, a crippling problem that Mitchell sought to address was the widespread work stoppages by whites refusing to work beside blacks. Other problems included the strong resistance to training black workers and to hire or upgrade African American women.

The second primary concern for Mitchell was discrimination in the government agencies.

The third primary area of concern was discrimination by labor unions.

The reports show the extent to which Mitchell's messianic attention to the details of discrimination would characterize his struggle for the passage of civil rights laws. From his experience with the FEPC he learned the critical role that the president and the federal government played in setting national policy.

Second Phase, 1946 – 1954: "Reasserting Citizenship Rights"
The NAACP hired Mitchell to lead its struggle for a permanent FEPC. The reports show how he launched that effort by getting President Truman to issue executive orders barring discrimination in government service, thus preserving Roosevelt's concept and continuing to set the pattern for future Presidents. Additionally, they show Mitchell's frustrations with state FEPCs that led him to abandon his efforts to get every state outside the South to create them and instead devote his energies to getting Congress to pass a comprehensive law barring discrimination in employment. That law became Title VII of the 1964 Civil Rights Act, which created the Equal Employment Opportunity Commission. The papers show how Mitchell built on his FEPC experience by expanding and strengthening the NAACP's early legislative programs.

As labor secretary, his initial focus was also combating discrimination in labor unions while fighting for the repeal of the anti-labor Taft-Hartley Act. Recognizing organized labor's financial and political power, which he needed, he cemented a firm lobbying alliance with it. At the same time, he strengthened and broadened the Washington Bureau's other civil rights and social legislative programs upon joining the NAACP staff.

By rendering the "separate but equal" doctrine unconstitutional, *Brown* confirmed the NAACP's position that segregation and discrimination are one. The opinion removed the constitutional rationale for segregation. The papers document Mitchell's use of the opinion to reinforce the struggle to get Congress to pass civil rights laws grounded in the Fourteenth and Fifteenth amendments and the commerce clause of the Constitution. The overriding challenge during the early years was overcoming the control of Congress by the southerners. In the Senate, southerners controlled the 13 most important committees as chairmen. Additionally, until 1957, senators had used the filibuster since the 1920s to block passage of every civil rights law. In the House, a southerner was speaker, while another controlled the Rules Committee. They made the lower body a civil rights graveyard as well.

Only by matching the southerners in their expertise on parliamentary procedures, amassing support in the House and Senate by creating bipartisan committees, mobilizing a political juggernaut through the NAACP and LCCR, and progressively strengthening presidential leadership was Mitchell able to win passage of the 1957 Civil Rights Act, the first in 82 years. By breaking the psychological barrier to the passage of such laws, he showed that Congress could be made to pass more effective civil rights measures.

Emergency Civil Rights Mobilization – Mitchell provided significant help in organizing the Emergency Civil Rights Mobilization, which Roy Wilkins led in January 1950 as his brainchild. The mobilization marked the creation of the Leadership Conference on Civil Rights, the coalition of civil rights, labor, religious, fraternal and civic organizations. (The papers show that the name "Leadership Conference" was coined by Walter White in 1948.) The mobilization demanded that Congress create a permanent FEPC, adopt the Powell Amendment barring discrimination in the use of federal funds, and enact other civil rights programs.

Other important NAACP priorities were its demands for Congress to extend Social Security coverage to migratory and domestic workers and to give the District of Columbia home rule.

Korean War – Another key to Mitchell's success in 1957 was his earlier use of the Korean War to intensify the struggle to end violence against black servicemen and segregation in the armed services. He thus ensured that gains obtained during World War II not only were not lost, but that they were strengthened. The papers document the extent to which he as well as Walter White, NAACP executive secretary, and Thurgood Marshall, NAACP special counsel, fought against discrimination in the military and paved the way for the historical advancement of blacks like Colin Powell.

Cold War – America's need to counter Soviet propaganda throughout the Third World as the cold war intensified reinforced Mitchell's struggle for civil rights laws. While doing so, he had to combat the nefarious loyalty investigations into communist infiltration. Mitchell's special concerns were the false charges against NAACP leaders and other assertive blacks that they were fellow travelers to destroy them professionally and their businesses.

Volume II

Third Phase, 1955-1957: "Psychological Breakthrough"
Mitchell's legislative strategy was based on a four-pillar political foundation: the nationwide NAACP branch structure, the LCCR, for which he was legislative chairman, bipartisan coalitions in the House and Senate that included powerful conservative Republicans and liberal Democrats, and presidential leadership.

Fourth Phase, 1958-1962: "Political Interregnum"
The papers document the extent to which the civil rights movement was national, even though the student demonstrators made the South its epicenter.

The papers reveal the vindication of Mitchell's belief that laws are more effective than executive orders in protecting civil rights. In the early years of the Kennedy administration these contesting views sparked fierce battles with Mitchell when the President, attorney general and several others in the Executive Branch fiercely resisted demands for civil rights laws.

Even within the NAACP, the debate pitted Mitchell against Roy Wilkins, executive director, and other top administrators who regarded executive action as the most feasible course. Mitchell insisted that a law was permanent, whereas executive orders

ended with each presidential term. The reports show how the Kennedy administration's failure to respond effectively to the cacophony of demands strengthened Mitchell, especially in his struggle for a law to protect blacks and civil rights demonstrators from violence in the South. Events forced the administration to opt for legislation.

Volume III

Fifth Phase, 1963-1965: "Holy Fire."
Except for the Civil War, America has never experienced a period as tumultuous and portending as the modern civil rights movement. The drama in 1963 was heightened by the demonstrations in Birmingham, Kennedy's enunciation that the struggle was a moral one and his sending of a civil rights bill to Congress, the assassination of Medgar Evers, the NAACP's field secretary in Mississippi, the subsequent, stronger bill Kennedy submitted to Congress, the NAACP's Legislative Strategy Conference in Washington, the March on Washington, and the assassination of the President.

Central to Mitchell's differences with the Kennedy administration was the scope of the bill, especially the inclusion of Title VI barring discrimination in federally funded programs, and Title VII barring discrimination in employment.

The papers document the extent to which Lyndon Johnson's presidency was a turning point for the movement and his intimate relationship with Mitchell. With Johnson's leadership, Congress passed the 1964 Omnibus Civil Rights Bill with provisions barring not only segregation in public accommodations, but also with Titles VI and VII.

Immediately following the Selma to Montgomery March protesting the wanton disfranchisement of blacks in the South, Mitchell assumed the successful leadership of the struggle in Congress for passage of the 1965 Voting Rights Act.

Sixth Phase, 1966-1968: "White Backlash"
Passage of the 1968 Fair Housing Act was Mitchell's crowning achievement. It further vindicated his faith in the legislative process. Even so, the reports underscore his belief that it made little sense to have a law if it was not enforced. The reports show how, with President Johnson's support, he launched and developed this struggle for enforcement.

This process was especially complicated because of notable developments in this period. They were the urban riots, the racist presidential campaign of Governor George Wallace of Alabama in the North that aroused the anti-civil rights passions of the so-called silent majority, blue-collar white workers, the birth of the "black power" movement among the young who rejected the flag ship NAACP's integration goal, the bitter anti-Vietnam War protests, Martin Luther King's Poor People's campaign in Washington, the student movement, and the challenge within the Democratic Party by southern blacks for equality. The ultimate elements of the national crisis were the assassinations of King and Robert Kennedy.

For the NAACP, the combined effect of those developments was catastrophic. The reports show Mitchell's deep frustration over the lack of gratitude that King and many other blacks showed not only President Johnson for his unprecedented contributions on civil rights, but also Hubert Humphrey for his faithful leadership in the Senate. So not only did the anti-war protest force Johnson not to seek reelection, but Humphrey lost to Richard Nixon by a squeaker in the 1968 presidential campaign.

Seventh Phase, 1969- 1978: "Conservative Countermovement"
The reports show the effects of the fragmented movement on the legislative program. They document the far-reaching ramifications of Mitchell's battles against President Nixon and his Southern Strategy, notably, the President's nominations of federal judges Clement Haynsworth and G. Harrold Carswell to the Supreme Court. The papers show the extent to which the attacks that Nixon began on the federal courts as a result of their strong roles in seeking to enforce *Brown* and providing other constitutional protections for blacks were the turning point in strengthening the conservative countermovement. They document the manner in which Nixon used the school bussing issue to whiplash the NAACP and hand the civil rights movement its first significant defeat since the 1950s by getting Congress to bar the use of federal funds to implement *Brown* in this manner. They provide a comprehensive basis for assessing the roles of Congress and the Executive Branch in strengthening America's constitutional foundations.

The reports are being published by the Clarence Mitchell, Jr., Papers Project with the permission of the Clarence Mitchell, Jr., estate.

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Lion in the Lobby, Clarence Mitchell, Jr.'s
Struggle for the Passage of Civil Rights Laws

Clarence Mitchell, Jr., is unique in the pantheon of civil rights history. Born in Baltimore, Maryland, on March 18, 1911, he led the struggle in Washington for passage of the civil rights laws and promulgation of constructive national policies to protect the constitutional rights of African Americans and all other citizens suffering discrimination because of race, national origin, religion, sex, age, or sexual orientation.

After serving from 1941 to 1946 as a line officer in the Office of Production Management and subsequently in the Fair Employment Practice Committee, he joined the national staff of the National Association for the Advancement of Colored People in Washington as labor secretary. From 1950 to 1978 he was director of the NAACP Washington Bureau as well as legislative chairman of the Leadership Conference on Civil Rights.

Lion in the Lobby chronicles Mitchell's life story and mission in getting the Congress to join the courts and the Executive Branch in upholding the Constitution in order to fulfill the NAACP's egalitarian philosophy. He worked with seven presidents, from Harry Truman to Jimmy Carter, to build a legacy of advocacy that won him the popular moniker of 101st senator and the Presidential Medal of Freedom in 1978. Every civil rights law from the 1957 Civil Rights Act to the 1968 Fair Housing Act, plus their strengthening provisions and constructive executive policies, bears his imprimatur.

The revised ***Lion in the Lobby*** is strengthened by a detailed account of the bitter battle within the NAACP over Mitchell's retirement. His indomitable personality defined what he saw as an unfair transition that robbed him and other veterans in 1976 of the opportunity to succeed Roy Wilkins as executive director of the organization.

The book is further strengthened by the addition of a chapter on his term from 1939 to 1941 in Minnesota as executive director of the St. Paul Urban League. The chapter shows the systemic discrimination patterns of the upper Midwest that were characteristic of Northern racism. Mitchell fought against segregation in organized labor, an experience he used in Washington.

The revised edition provides a fuller picture of Mitchell's differences with the philosophy of nonviolence. He regarded the racial confrontations in the South as antithetical to the reasoning nature of lobbying. Those differences further delineated the organizational approach of the veteran NAACP in contrast to the younger groups, who were not constrained by administrative bureaucracy. ***Lion in the Lobby*** shows the extent to which the NAACP was a mighty political machine with Mitchell as the organization's chief strategist. It irrefutably confirms that while the younger groups made the South the epicenter, the modern civil rights movement was national.

Through the NAACP's nationwide branch network and the LCCR, Mitchell amassed the votes in Congress to pass the laws, which were essential for the success of the modern civil rights revolution. He did so by organizing bipartisan coalitions in both houses that included conservative Republicans and liberal Democrats. He was, next to the Dixiecrats, an astute vote counter and expert parliamentarian. He learned those lessons from Lyndon Baines Johnson as Senate Majority Leader and others like Adam Clayton Powell, Jr., before their once-dynamic alliance degenerated into a public name-calling brawl after the colorful Harlem Congressman attacked Mitchell. The revised edition expands considerably on the earlier account of their relationship, which began in the 1950s, when Powell began introducing the Powell Amendment barring discrimination in federal spending.