

by Eileen E. Rosen

Commemorating the Civil Rights Act of 1964: A Look Back

For those of us who did not live and work during the pre-Civil Rights Act era, it is easy to lament about how little progress has been made in racial relations, but when we examine the realities of life before its passage, we cannot ignore the progress we have made. Anniversaries are times to look back, to reflect, to celebrate and commemorate, and to look forward. On this, the 50th anniversary of the passage of the Civil Rights Act of 1964, the Federal Bar Association (FBA) has committed to commemorating and celebrating this landmark legislation. To properly celebrate, a look back is in order.

President John F. Kennedy submitted the Civil Rights Bill to Congress on June 19, 1963. Less than six months later, President Kennedy was assassinated. Within hours of Kennedy's assassination, Lyndon Baines Johnson was sworn in as President.

On Nov. 26, 1963, one day after President Kennedy's funeral, President Johnson entered the House chambers and addressed the audience in the Capitol and the millions of Americans watching on TV. In his address to the nation, President Johnson challenged the Congress to swiftly pass the Civil Rights Bill in tribute to its author, declaring, "No memorial oration or eulogy could more eloquently honor President Kennedy's memory than the earliest passage of the Civil Rights Bill for which he fought so long. We have talked long enough in this country about equal rights. We have talked for 100 years or more. It is time now to write the next chapter, and to write it in the books of law."¹

The House passed the Civil Rights Bill on Feb. 10, 1964. Exactly one year after it was first submitted to Congress by President Kennedy, the Senate passed the Civil Rights Bill and sent it back to the House. On the evening of July 2, 1964, merely five hours after the House passed the final version of the Civil Rights Act, President Johnson signed into law the Civil Rights Act of 1964.

On July 3, 1964, at 8:00 a.m., a 13-year-old boy named Eugene Young went into the barbershop at the historic Muehlebach Hotel in Kansas City, Mo., and got his haircut.² Young was black.³ The day before, he had been refused service in the same shop.⁴ While compliance was not universal, similar scenes occurred across the

South. Thus, in approximately one year's time "[a]n entire social system built on oppressing and excluding blacks had been outlawed with the stroke of a pen, and blacks were amazed to find how easy it fell apart."⁵

The passage of this landmark legislation has been characterized as a story "about the interplay between elected officials, government officials, lobbyists, and countless thousands of activists around the country, pushing and pulling each other toward their common goal."⁶ Its successful implementation is a testament to both the beauty of American Democracy and its strong commitment to the rule of law. Evidence of the impact of the rule of law in the successful passage and implementation of the Civil Rights Act can be found in the activities of the Civil Rights Division of the Department of Justice during the years immediately leading up to the act's passage. Robert Kennedy served as attorney general under President Kennedy during that time. The Civil Rights Division of the Department of Justice, which had been created in 1957 by the Civil Rights Act of 1957, had been nearly dormant before Robert Kennedy's tenure. Robert Kennedy set a tone for the Civil Rights Division almost immediately. The Department of Justice not only assisted in drafting the original legislation, but it was also instrumental in developing a strategy for getting the bill through Congress. Thus, in addition to the elected officials, lobbyists, and activists around the country whose influence helped get the act passed, lawyers had a role in drafting the legislation and developing strategies for getting it through Congress.

The role of this deep commitment to the rule of law can be found in an address given on July 2, 1962, exactly two years before the signing of the Civil Rights Act, to the annual National Association for the Advancement of Colored People (NAACP) convention in Atlanta by the head of the Civil Rights Division "Law exists to serve the needs of men and when the needs of men are revolutionary in nature—as has been true of the needs of Negroes in the United States in the past—the courts and the processes of law are blamed for doing what must be done. Yet the alternative is either chaos or rigid control through dictatorship without regard to the law."⁷ Lawyers are trained in the rule of law, thus their commitment to it is unremarkable. What is

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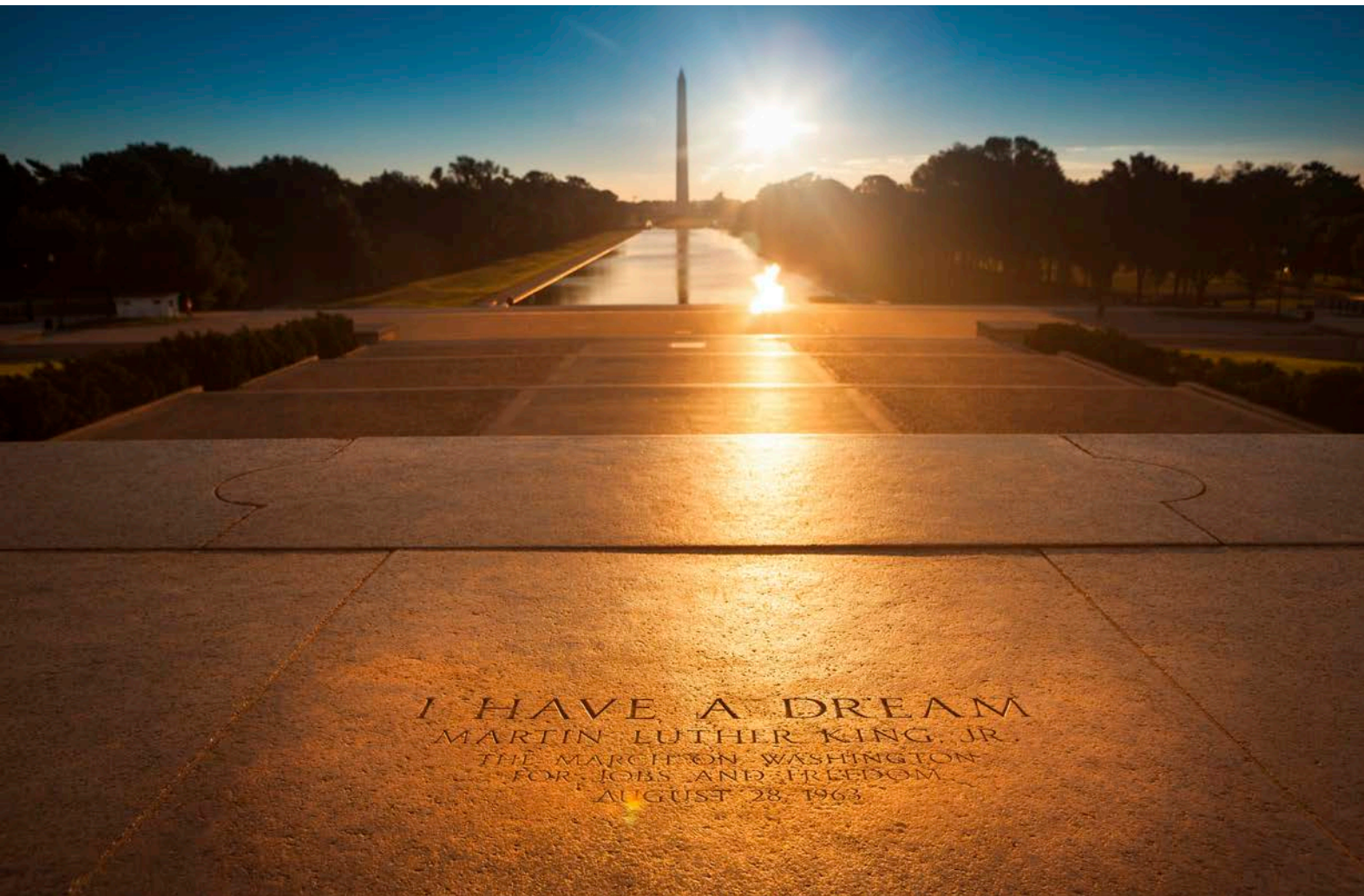


remarkable is that American citizens, untrained in the rule of law, nonetheless followed the law because it became the law.

At the Federal Bar Association National Conference in Providence, R.I., in September, at the awards luncheon, where I witnessed my own Chicago Chapter receive an award for its programming commemorating the 50th Anniversary of the Civil Rights Act, I had the pleasure and honor to be seated next to the Hon. Arthur L. Burnett, Sr. Judge Burnett, Sr., now retired, was appointed as a magistrate on June 26, 1969. He was the first

of the Federal Bar, should celebrate the progress we have made and the strength of the rule of law that guides our daily respective practices and made possible the relatively smooth transition into the post-Civil Rights Act era.

As we look forward to the next 50 years, we must be ever vigilant. We as lawyers, especially members of the Federal Bar, are guardians of the rule of law. We must respect it, nourish it so that it may continue to govern our society. History has shown us that the rule of law has served us well. It guided us through



African-American magistrate. He shared with me some of his many experiences as a lawyer during both the pre-Civil Rights Act era and the post-Civil Rights Act era. His stories were fascinating and really brought the historical journey I had been traveling throughout the year to life.

At the various FBA commemorations around the Country, we all heard stories of “firsts” —each brought to life the history that we were commemorating. Most of these stories came from lawyers and told experiences of lawyers. While the impact of the Civil Rights Act, of course, extended beyond the legal community, the large strides lawyers were able to make allowed for equally great strides beyond the legal community. Through all of the stories that were told, we all learned, firsthand how far we really have come. During this 50th anniversary, we, as members

a tumultuous period and created a framework for a profound change. Our vigilance can ensure that it will serve us well as we look to the next 50 years. ☉

Endnotes

¹Clay Risen, *THE BILL OF THE CENTURY: THE EPIC BATTLE FOR THE CIVIL RIGHTS ACT*, 140, Bloomsbury Press 2014.

²*Id.* at 1.

³*Id.*

⁴*Id.*

⁵*Id.*

⁶*Id.* at 230.

⁷*Id.* at 31-32.