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“AND WE SHALL OVERCOME”

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Over the next two years Johnson and his staff convinced Congress to pass two monumental bills: the Civil Rights Act of 1964 and the Voting Rights Act of 1965. In 1968, after several years of inaction on civil rights, Johnson signed into law the Fair Housing Act prohibiting racial discrimination in the selling and renting of houses. When he left the presidency in January 1969, he had done more to secure the rights of African-Americans than any president in the nation's history. Despite these achievements questions about the extent to which Johnson truly supported civil rights persist. While a representative from Texas in the 1940's, he had voted against every civil rights bill put before Congress. During his tenure as Senate Majority Leader in the 1950's, he helped pass two civil rights bills, the first such legislation since Reconstruction. The two acts, however, were mostly ineffective because of efforts by Johnson to water them down.



## INTRODUCTION

On the evening of 25 November 1963, just three days after assuming the presidency in the wake of John F. Kennedy's assassination, Lyndon Baines Johnson spoke on the telephone with Dr. Martin Luther King, Jr. Johnson wanted to assure the civil rights leader that he would continue where Kennedy had left off in trying to get the Congress to enact the most significant civil rights bill in the nation's history. The new president remarked, "They [Congress] won't do it, but we'll just keep them there next year until they do and we just won't give up an inch."<sup>1</sup> He also conveyed to King that this was not a battle he could fight alone: "I'll have to have you-all's [black leaders] help. I never needed it more'n I do now."<sup>2</sup>

Over the next two years Johnson and his staff convinced Congress to pass two monumental bills: the Civil Rights Act of 1964 and the Voting Rights Act of 1965. In 1968, after several years of inaction on civil rights, Johnson signed into law the Fair Housing Act prohibiting racial discrimination in the selling and renting of houses. When he left the presidency in January 1969, he had done more to secure the rights of African-Americans than any president in the nation's history. Despite these achievements questions about the extent to which Johnson truly supported civil rights persist. While a representative from Texas in the 1940's, he had voted against every civil rights bill put before Congress. During his tenure as Senate Majority Leader in the 1950's, he helped pass two civil rights bills, the first such legislation since Reconstruction. The two acts, however, were mostly ineffective because of efforts by Johnson to water them down.

Only after becoming president did he pursue strong civil rights legislation without compromise.<sup>3</sup>

Biographers and chroniclers of Johnson's administration have put forth a number of interpretations regarding his true position on civil rights. Robert Caro takes the cynical approach and concludes that Johnson had "a hunger for power in its most naked form, for power not to improve the lives of others, but to manipulate and dominate them, to bend them to his will."<sup>4</sup> Paul Henggeler portrays Johnson as a man trapped by what he calls the "Kennedy Mystique." Henggeler explains that Johnson "exploited Kennedy's memory to move legislation and to win vicarious support, but he had to relinquish credit to his predecessor for his achievements, and he had to accept sole responsibility for his failures."<sup>5</sup> Irving Bernstein agrees, arguing that Johnson supported the civil rights legislation in part because he regarded himself as "the caretaker of the Kennedy legacy."<sup>6</sup> Offering perhaps the most balanced account, Robert Dallek argues that Johnson had genuine compassion for the plight of blacks in America as early as the 1930's. In addition, Dallek points out that Johnson's motivations included not only a desire to help the disadvantaged but also a strong belief that the South would never emerge from its second class position until it ended racial discrimination.<sup>7</sup>

All of these historians examine Johnson's motivations for supporting civil rights. The historical evidence for the most part suggests that he did indeed believe that people of all races deserved equal rights, and when he had the opportunity, he did everything in his power to help minorities. This help did not begin when he became president, but rather during the 1930's when he was Director of the Texas chapter of the National Youth Administration. Johnson, however, had an acute perception of what was

politically realistic. He knew during the 1940's that the South was not ready to accept equal rights for African-Americans, and with his own political future on the line as a representative from a southern state, voted against all civil rights legislation.

By the 1960's, views about civil rights had changed even in the South, and Johnson, who as president was no longer shackled by the voters of his own state, used his political skills to drive through Congress legislation which ten years before would have never passed. Continuing his predecessor's civil rights program was a priority for Johnson, but he never let the "Kennedy mystique" overshadow him, and he forged a significantly stronger civil rights program than he originally envisioned. To be sure, Johnson saw no problem in using his successes in civil rights to secure his own political power and future reputation. This, however, does not take away from the genuineness of his convictions. He could have easily secured his power and historical reputation without pushing as hard as he did for both the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Benjamin Mays, President of Morehouse College, said in 1967 that if "Johnson was not sincere in his Civil Rights battles, he would have done far less and still been ahead of all other presidents in the area of civil rights."<sup>8</sup> Despite his southern background and numerous character flaws, Johnson fought fervently for the rights of African-Americans because, above all else, he believed in his heart that it was the right thing to do.

After the election of Franklin Roosevelt to the presidency in 1932, Johnson became a supporter of the New Deal, and encouraged Kieberg to back the president's programs. Through Kieberg he met FDR, impressed the president, and in 1935 Roosevelt selected him to head the Texas branch of the National Youth Administration, an agency that worked to help young students stay in school and get job training.<sup>7</sup>

## CHAPTER ONE

### THE REALIST

Lyndon Baines Johnson did not grow up in a wealthy family. His father, Sam Ealy Johnson, Jr., earned only a small salary as a Texas state legislator and made a number of unsuccessful investments in cotton. Although the future President became a millionaire, he never forgot his humble beginnings, particularly when he tried to solve the plight of American minorities. Johnson did not attend a prestigious university. He enrolled at the Southwest Texas State Teachers College at San Marcos in 1927, remained only a year and took on his first teaching job at a Mexican-American grade school in tiny Cotulla, Texas, southwest of San Antonio. There most of his students lived in abject poverty, and there he developed a real compassion for the underprivileged.<sup>1</sup>

Johnson remained in Cotulla for a year, but continued teaching for three more at Sam Houston High School in Houston as a speech and debate instructor. Teaching was not his true calling. By the 1930's Johnson had become interested in politics. He got his first real experience in November 1931 when he accepted a position as secretary for Richard Kleberg, the U.S. congressman from the Fourteenth District of Texas. After the election of Franklin Roosevelt to the presidency in 1932, Johnson became a supporter of the New Deal, and encouraged Kleberg to back the president's programs. Through Kleberg he met FDR, impressed the president, and in 1935 Roosevelt selected him to head the Texas branch of the National Youth Administration, an agency that worked to help young students stay in school and get job training.<sup>2</sup>

Though only twenty-seven years old, the youngest of any state director of the NYA, Johnson built Texas's program into one of the most successful in the nation. The new position afforded him one of his first opportunities to help African-Americans and other minorities. During his tenure nearly 1,000 black high school students and 500 black college students received aid from his agency. He also diverted funds to black schools which had originally been allocated to white schools. Johnson did much to improve the lives of Texas blacks during the depression, but he did so in secrecy. Shortly after becoming the Texas NYA Director, he refused to place a black person on the commission's advisory board, claiming that he could not go against the traditions of the "past one-hundred years in Texas." Johnson had an acute sense of the political climate in Texas, and feared that overtly supporting blacks would limit the credibility of his NYA chapter. He did, however, set up a special advisory board of black members which addressed their own problems and led to improvements in the conditions of black schools and the allocation of more aid so black students could attend college.<sup>3</sup>

Despite Johnson's success as president of the Texas NYA, he yearned for a position of greater influence. He got his opportunity in 1937 when James Buchanan, Congressman from Texas's Tenth District, died. He entered the special election, waged a campaign designed to identify himself with FDR, and defeated his closest opponent by nearly 3,200 votes. During the next thirteen years he pursued a contradictory policy toward helping minorities. Skeptics who doubt Johnson's sincerity toward civil rights point to the fact that while he was a Congressman he voted against all civil rights legislation, including measures to prevent lynchings, eliminate poll-taxes, and deny Federal funds to lunch programs at segregated schools. Yet his refusal to vote for civil

rights bills did not mean that he was a racist. Rather, as historian Robert Dallek put it, "He feared the political consequences of challenging the prevailing attitude in Texas on black rights."<sup>4</sup> Johnson voted against every piece of civil rights legislation that came before Congress. Johnson voted against civil rights legislation, but he did vote to increase federal funding to the NYA, the Civilian Conservation Corps, and the Farm Security Administration, all programs which benefited blacks as well as whites. He made sure that black farmers received loans from the Farm Security Administration and allocated to them funds provided by the Agricultural Adjustment Act of 1938. He even convinced Congress to appropriate \$500,000 for a public housing project in a slum in Austin, Texas, populated mostly by blacks and Mexican-Americans. During his years in the House Johnson clearly wanted to help blacks. Faced with the challenge of being reelected by a population which did not generally support equal rights for minorities, he masked his true convictions and helped to keep Jim Crow alive.<sup>5</sup> Johnson enjoyed the influence he had as a member of the House of Representatives, and his ambitions propelled him to seek a position as Senator. In 1941 he lost in his first bid, but seven years later a politically well-seasoned Johnson made another attempt. In seeking the Senate seat the real challenge for Johnson, since Texas always elected Democratic Senators, was to capture the Democratic nomination. Former Texas Governor Coke Stevenson represented the greatest threat to his Senatorial ambitions. Both men had to be concerned with the black vote after 1944 when the United States Supreme Court ruled in *Smith v. Allright* that the Texas Democratic party could not prohibit blacks from voting in primary elections. To be sure, whites still employed violence and intimidation to keep blacks from voting, but it still appeared that in the 1948



election a record number of blacks would vote. This development presented a real problem for both candidates. As governor, Stevenson had done little to help blacks, and Johnson had voted against every piece of civil rights legislation that came before Congress during the 1940's. The candidates also had to avoid offending white voters who represented the large majority of the Texas electorate. It seemed impossible for either candidate to appeal to voters of both races.<sup>6</sup>

In late 1947, a special committee on civil rights formed by President Harry Truman issued its report, *To Secure These Rights*. The report called for the passage of federal laws to protect the rights of minorities. In February of 1948 following the suggestions of the report Truman called on the Congress to institute a number of civil rights reforms including an anti-lynching bill, an anti-poll tax bill, and the creation of a civil rights commission. Johnson responded to Truman's proposals very early in his Senatorial campaign calling them a "farce and a sham," and insisting that "Federal policy should be leaving to the states those matters which are state functions, such as civil rights."<sup>7</sup> Though it appeared that he was trying to court white votes, he did not discuss civil rights in his speeches for the rest of the campaign. Likewise, Stevenson avoided any discussion of civil rights in his campaign speeches, but his reputation in the black community as a racist remained strong. Johnson cleverly refrained from making negative statements about blacks. Throughout the 1940's he avoided racial insults in his speeches, but privately he referred to blacks as "niggers," particularly in front of racist Senators like Mississippi's Theodore Bilbo.<sup>8</sup>

In private, Johnson used his influence to help blacks. He arranged with the United States Public Health Service to transfer funds to the Holy Cross Hospital in

Austin, the only primary black health facility in the city, to buy more beds and improve the structure of the building. Johnson's actions had some success, and late in the campaign he received limited black support. Carter Wesley, a black attorney who helped to argue *Smith v. Allright* before the Supreme Court, wrote an editorial in the *Houston Informer* asking blacks to support Johnson because "Coke has been as cold to Negroes as a snake all his life. Lyndon has been supported by Negroes throughout his political career and has shown himself to be as nearly a statesman as the South has produced."<sup>9</sup> Forced to choose the lesser of two evils, a majority of blacks cast their ballots for Johnson. The black vote made the difference in the controversial election, which was marred by accusations that Johnson stuffed the ballot box. He claimed victory by just eighty-seven votes. The general election against Republican Jack Porter was not nearly as close. In the end he proved that he could be everything to everyone by running an anti-civil rights campaign and still winning the majority of black votes. As he entered his new job blacks who helped elect him would soon expect Johnson to support civil rights more openly.<sup>10</sup>

President Harry Truman's surprise victory in the 1948 presidential election brought the civil rights issue to the national forefront. In hopes of getting legislation passed, the administration called for a change in Senate rules, to allow a two-thirds vote to end filibusters against motions to introduce new legislation. At that time, Senate rules included only provisions to end filibusters against pending legislation. Southern senators met to make plans to defeat the rules change. Johnson did not attend the meeting, saying that he did not want to be identified as a "southern-block senator." He did, however, assure the southern senators that he would support their efforts to defeat the proposal. On



9 March Johnson formally joined the debate, making his first speech as a Senator a strongly worded attack against the administration's position. The Senate did not pass the rules change, nor any of Truman's other civil rights proposals.<sup>11</sup> Johnson's stance against cloture clearly put him in the opposition to the administration's civil rights agenda, something that did not sit well with Texas blacks. The Houston chapter of the NAACP sent Johnson a telegram arguing that blacks were responsible for his election and charging that his actions represented a betrayal, and warned that they would not forget his lack of support for civil rights during the next election. Very much concerned over the telegram, Johnson attempted to rectify the situation. He wrote a pamphlet, a reply to the protests from his constituency, and sent 15,000 copies to people all around Texas. Johnson explained that he was not opposed to civil rights, but was in favor of states rights. He argued that the civil rights proposals before Congress were unconstitutional, adding that lynchings and poll-taxes were wrong, but that it was the responsibility of the state governments to remedy these problems. Johnson tried to show that he had genuine sympathy for the plight of minorities. On one occasion, a town in Texas refused to permit the burial of the body of a Mexican-American soldier who had died in the Korean War. Johnson arranged to have him buried in Arlington National Cemetery. On another occasion, he refused to attend a dinner in his honor at Rice University in Houston until some African-Americans were invited.<sup>12</sup>

The issue of civil rights in the early years of Johnson's senatorial career posed a great dilemma. He wanted to help minorities while recognizing that southerners, including his Texas constituents, were not ready to accept change. Johnson wanted to move quickly into a position of influence in the Senate particularly within the leadership

of the Democratic Party. To do so he needed to win favor with ranking Democratic Senators, most notably Richard Russell of Georgia. Shortly after he became senator, Johnson moved quickly to befriend Russell, and his stance in the cloture debate put him even more in Russell's favor.<sup>13</sup>

During the Democratic National Convention of 1948 the issue of civil rights fractured the party, and a contingent of Southern Democrats bolted, formed the States Rights party and supported South Carolina Governor Strom Thurmond. Former Vice-President Henry Wallace also weakened the party by forming the most liberal Democrats into the Progressive party. Truman won the election, but the party remained divided. As one of its leaders, Russell needed to find a senator who could re-unite the two factions. The man had to be liberal enough to appeal to northern Democrats, yet conservative enough to attract southerners. Russell concluded that Johnson was the perfect person to fill the role. He had never advocated segregation or white supremacy, which would help him to gain favor with his northern colleagues, and his strong support of state's rights, in particular his opposition to civil rights reforms, kept him in good stead with his fellow southerners. With Russell's help, Johnson quickly became a power in the Senate, becoming Majority Whip in 1950, Minority Leader in 1952, and Majority Leader in 1954. The same year that he became Majority Leader, the Supreme Court handed down a decision that transformed the debate over civil rights and the role Johnson would play in it.<sup>14</sup>

On 17 May 1954 the Supreme Court ruled unanimously in the case *Brown v. Board of Education of Topeka, Kansas* that racial segregation in schools was unconstitutional, reversing the court's 1896 decision in *Plessy v. Ferguson* which had

established the doctrine of “separate but equal.” For more than fifteen years the National Association for the Advancement of Colored People had been chipping away at the historic *Plessy* decision winning victories in: *Missouri ex rel. Gaines v. Canada*, *Sipuel v. Oklahoma State Regents*, *Sweatt v. Painter* and *McLaurin v. Oklahoma State Regents*. These cases declared it unconstitutional for states not to provide an equal education for blacks. Lawyers in the *Brown* case, including future Supreme Court Justice Thurgood Marshall, demonstrated that separate black schools were not the equal of white schools. A cry of outrage rang around the South following the decision and almost all southern politicians began plotting ways to defy the decision. Lyndon Johnson was a notable exception.<sup>15</sup>

Shortly after the *Brown* decision, while other southern political leaders began issuing statements of defiance, Johnson announced, “however we may question the judgement of men who made this ruling, it . . . cannot be overruled now, and it is probable that it can never be overruled.”<sup>16</sup> He defended the ruling even though polls had indicated that three out of four white Texans opposed it. He attempted to mollify his constituency by adding that he had thought “separate but equal” had been a good policy because it provided education for both races. But, he added, there was “no point in crying over spilt milk. . . . I have unlimited confidence in the ability of our people to work this matter out within the boundaries of the Supreme Court decision and in a manner that will be satisfactory to both races.”<sup>17</sup> Johnson believed a lot of good could come out of the court’s decision. Since the Civil War the South had been the country’s poorest region. He believed that if the South would move away from Jim Crow, blacks

would contribute to the economy and northerners would be more willing to invest in the region. Most southern politicians did not share Johnson's vision of a racially cooperative South. In March 1956, 101 Southern Congressmen and Senators signed the Southern Manifesto, pledging to resist the Brown decision to integrate the schools. Johnson joined Tennessee Senators Albert Gore and Estes Kefauver as the only southern Senators who did not sign the manifesto. Years later Johnson bragged to Hubert Humphrey about how proud he was that he had not signed it. He had several reasons for not joining the overwhelming majority of his southern colleagues. He believed that the South should not defy the Supreme Court, and he knew that aligning himself with hard-core segregationists would keep him from achieving his ultimate goal of the presidency. Additionally, he knew that only by ending segregation could the South ever catch up with the rest of the nation economically. To justify his actions to his fellow Texans, he announced that as Senate Majority Leader he could not sign a statement that opposed federal law. He argued that he was "not a civil rights advocate" and that "the solution to the problem cannot be found on the Federal level. . . . It's my hope that wise leaders on the local levels will work to resolve these differences."<sup>18</sup> His tactic worked, and he retained his influence among Southern Democrats in Congress. Mississippi Senator John Stennis claimed years later that Johnson's decision not to sign the manifesto "wasn't held against him . . . by the Southerners."<sup>19</sup> In 1956, the civil rights movement had gained enough momentum to force Republican President Dwight Eisenhower to draft his own civil rights bill. Eisenhower gave the task to the Justice Department. The bill, which called for the creation of a civil

rights commission and granted power to the Attorney General to investigate voting rights violations, passed the House on 23 July 1956, but did not come to a vote in the Senate before the end of the session. On 19 June 1957 the House passed the bill again. In the interim, Eisenhower won reelection to the presidency and captured an astonishing thirty-nine percent of the black vote. For the first time since Reconstruction Republicans seemed to have a chance to break up the solid Democratic South. The Republican successes created a major problem for Johnson. He realized that he needed to convince Southern Democrats to support the civil rights bill, but he also knew that the bill in its present form would anger many white southerners. Years later he told Doris Kearns: "One thing had become absolutely certain: the Senate simply had to act, the Democratic Party simply had to act, and I simply had to act; the issue could wait no longer. . . . I knew that if I failed to produce on this one, my leadership would be broken into a hundred pieces; everything I had built up over the years would be completely undone."<sup>20</sup>

When the bill reached the Senate, Johnson tried to work out a compromise, as George Reedy, a member of his Senate staff said, years later: "to pass a civil rights bill without ramming it down the opposition's throat."<sup>21</sup> Despite his past voting record on civil rights bills, Johnson's efforts to pass the bill did not surprise or even infuriate many members of Congress. Hale Boggs, a Representative from Louisiana, commented later that Johnson was "the Majority Leader of the United States Senate and that as such he had responsibilities besides representing his own state."<sup>22</sup> Many of the Southern Senators also realized that some sort of civil rights bill would pass, and they hoped to weaken it as much as possible. For this task they looked directly to Johnson. One point of contention was Title III of the bill which granted the Attorney General power to bring to trial anyone

who violated the civil rights of another. Southerners wanted to eliminate that provision, and substitute one which granted jury trials to anyone accused of civil rights violations. The bill classified civil rights violations as civil law, not criminal law. Only criminal law cases guaranteed defendants the right of trial by jury. Richard Russell threatened to filibuster against the bill, but Johnson warned his friend that the North would do everything in its power to invoke cloture and pass the bill in its original form. He worked out an agreement in which Russell promised not to filibuster and the sponsors agreed to omit Title III and provide for jury trials.<sup>23</sup>

To carry out the bargain, Johnson called on his vast reservoir of political skills. At the same time the debate over the civil rights bill was taking place, the Senate was considering a bill to appropriate funds to construct the Hells Canyon dam over the Snake River along the border of Oregon and Idaho. Johnson knew that to get the concessions he needed on the civil rights bill he needed the support of Western Democrats. He convinced a number of southern Democrats to vote for the Hells Canyon dam bill. Through this action he "built up a store of political IOUs from western Democrats."<sup>24</sup> He then, as aide George Reedy explained, "pleaded and threatened and stormed and cajoled. He prowled the corridors of the Senate grabbing senators and staff members indiscriminately, probing them for some sign of compromise."<sup>25</sup> The Senate agreed to the change and passed the entire civil rights bill by a vote of 72 to 18. Many of Eisenhower's advisors wanted him to veto the act because the jury trial amendment weakened the bill too much. Eisenhower disliked the jury trial amendment, but he did not want the bill to die, and instructed the Justice Department to rewrite the controversial amendment.<sup>26</sup>



The amendment drafted by the Justice Department gave anyone charged with criminal contempt for a civil rights violation the right to appeal for a trial by jury. The judge in the case could deny the appeal, but then could fine the accused no more than 300 dollars and sentence him to no more than 90 days in jail. In civil contempt cases there would be no jury trials. Johnson did not challenge the denial of jury trials for civil contempt cases, but he did reduce the maximum penalty for criminal contempt to 45 days in jail. The House approved the bill on 27 August by a vote of 297 to 97. When it went back to the Senate for final approval, South Carolina's Strom Thurmond filibustered more than twenty-four hours, after which the Senate voted sixty to fifteen to pass it. Eisenhower promptly signed the first civil rights bill enacted since the end of Reconstruction.<sup>27</sup>

The elimination of Title III and the addition of the jury-trial amendment seemed to prevent the Civil Rights Act of 1957 from becoming an effective means of insuring the rights of minorities. The act did create a Civil Rights Commission and did add a Civil Rights Division to the Department of Justice. In the end, it was important for its symbolic value, and demonstrated that the country was slowly moving towards granting minorities the rights they deserved. Johnson hailed the law as "a great step forward" that proved "nothing lasting, nothing enduring has ever been born from hatred and prejudice-except more hatred and prejudice."<sup>28</sup> His national reputation clearly benefited from his success. Washington D.C. journalist Roscoe Drummond pointed out that Johnson was "at one stroke removing from his path the single barrier which . . . has made it impracticable for the Democratic Party to select a Southerner for its presidential nominee-the barrier of opposition to civil rights legislation."<sup>29</sup>

Johnson was pleased with his work on the Civil Rights Act of 1957, but many civil rights leaders were not. Some like Roy Wilkins, Executive Secretary of the NAACP, recognized the symbolic value of the act while resenting Johnson's efforts to water it down. At the time, Wilkins believed Johnson was "more dedicated to his concept of the role of a Majority Leader of the Senate than he was to the civil rights cause."<sup>30</sup> Another civil rights leader, Joseph Rauh, supported the act because he believed that "you've got to pass a civil rights bill so you can then pass some other civil rights bills; that you can't wait until you've got enough strength to get the best possible bill."<sup>31</sup> Rauh was disappointed. He knew that if Johnson supported the original bill "it wouldn't have been good politics in Texas. So he killed school desegregation for seven years with the act of deleting part three."<sup>32</sup> Johnson had to wait only a few years to get another chance to improve his image in the eyes of civil rights leaders.

In January 1959 Johnson recognized the need for another civil rights bill. The Civil Rights Commission would expire later that year, and when it had tried to investigate voting rights violations the Justice Department had encountered resistance from a number of southern states. The new bill provided for an extension of the Commission through January 1961. Johnson also wanted to set up a federal agency to mediate racial conflicts, give the Attorney General subpoena power in voting rights cases, and make shipment of explosives across state lines for the purpose of bombing churches and schools a federal crime. Roy Wilkins commented that the bill was no more than a "sugar-coated pacifier." The Congress did not act on the bill in 1959. Early that year liberal Democrats tried to amend Senate rules to allow a simple majority vote to end debate on a bill that had been on the Senate floor for more than fifteen days. Johnson worked out a compromise in



which two-thirds of the Senators present rather than two-thirds of the entire Senate could end debate. He failed to get the necessary two-thirds vote to change the rules, and the debate over the new civil rights bill continued into 1960.<sup>33</sup>

Despite the lack of action by Congress, Johnson remained determined to get his bill passed. In January 1960 he told Clarence Mitchell, the director of the Washington Bureau of the NAACP, that he would meet his "moral obligation to every person of every skin."<sup>34</sup> Unlike many northern Democrats, Johnson did not believe it was wise to push for too strong a bill. Congressmen had introduced proposals to provide federal money to help communities desegregate their schools, and to create an equal employment commission. Johnson knew that such measures would not pass muster with southern Senators.<sup>35</sup>

When the bill was introduced into the Senate, Russell and a group of southern Senators launched a filibuster. Russell organized participants into three teams with six members each. A senator would speak for four hours straight then rest for two days. The filibuster continued for more than eight weeks. Johnson maneuvered to eliminate the proposals pertaining to desegregation and both Houses approved the bill in April 1960. Johnson again took credit for the passage. The 1960 act attracted criticism by liberals who objected to Johnson's willingness to water-down the measure for the benefit of the South. New York Senator Jacob Javits called the 1960 act "a victory for the old South," a sentiment echoed by many civil rights leaders.<sup>36</sup> Speaking years later about the criticism he received for weakening the bill, Johnson said, "I felt I got the best I could with the votes I had and if they could have gotten a better bill we would have gotten it."<sup>37</sup>

Not until he became president three years later did he begin to redeem himself in the eyes of civil rights leaders.

Johnson had serious designs on the presidency in 1960. Unfortunately for him, John F. Kennedy, the young Senator from Massachusetts, had captured the attention of Democrats. Running a vigorous campaign, Kennedy had the nomination all but locked up by the time the Democratic Convention met in Los Angeles, California. During the convention there was much speculation that Johnson would be Kennedy's choice for his running mate. The two senators had never been close. Regional differences and ambition for power had repeatedly brought them into conflict. Johnson viewed Kennedy as a "whippersnapper, malaria-ridden and yallah, sickly, sickly" who "never said a word of importance in the Senate and he never did a thing."<sup>38</sup> Kennedy's dislike of Johnson went back to 1956 when his father Joseph Kennedy offered to bankroll Johnson's campaign for the presidency if he would choose JFK as his running mate. Johnson turned down the offer, which insulted the Kennedys, in particular John's younger brother Robert.<sup>39</sup>

Despite their differences, both men had much to gain from a partnership. With Johnson on the ticket, the New Englander would gain not only Texas and its large number of electoral votes, but other southern states as well. Johnson really wanted to be president, and the vice-presidency offered him a perfect stepping-stone to the office in 1968. The major drawback for Johnson was that as vice-president he would not wield the same influence over legislation that he had while Senate Majority Leader. After speaking with his longtime friend and Speaker of the House Sam Rayburn, he decided to take the

job if Kennedy offered it. On the morning of 14 July Kennedy asked Johnson to join him on the ticket, and he accepted.<sup>40</sup>

At the beginning of the convention, the delegates approved a fairly sweeping civil rights plank for the platform. Black leaders, however, expressed reservations about having Johnson on the ticket because of his role in watering-down the Civil Rights Acts of 1957 and 1960. At a meeting with the black leaders the day after the convention, Johnson promised that he would “run on the platform that this convention adopted. . . . I assure you from the bottom of my heart that I have done my dead-level best to make progress in the field of civil rights—that I have done it against great odds, both in the Senate and at home.”<sup>41</sup> During the campaign, Kennedy promised blacks that after he was elected, he would sponsor a new civil rights bill “embodying our platform commitments, for introduction at the beginning of the next session [of Congress].”<sup>42</sup> In part because of Johnson’s strong campaign Kennedy defeated Republican Richard Nixon by the slimmest of margins. Now Johnson faced the daunting task of wielding power in a job that historically had little influence on policy.

In spite of his campaign pledges, Kennedy did not call for new civil rights legislation during his first two years in office. He feared that if he did he would alienate southern Democrats who would refuse to support the rest of his legislative agenda.

Johnson though did have opportunities to help minorities. Kennedy selected him to chair the Committee on Equal Opportunity whose main goal was to get black Americans equal access to jobs. Johnson faced the same dilemma as Kennedy in his efforts to help blacks. He wanted to use the COEE, but he worried about angering southerners whom he would depend on to support his election to the presidency. Johnson did use the COEE to

decrease the African-American unemployment rate by having companies with government contracts hire more minorities. In 1962 federal jobs for blacks increased seventeen percent and the next year they increased twenty-two percent. Johnson also forced private contractors to answer nearly 1700 complaints filed by black employees. Despite these achievements, Attorney General Robert Kennedy openly criticized Johnson for his work on the COEE, believing that he had not accomplished enough. Years later, Johnson summed up his efforts on the COEE: "I think we did everything that we had the implements to do. We created an awareness among the people in government that the minorities weren't getting a fair shake in employment in the government. . . . And we used every power that we had and some we didn't have."<sup>43</sup>

RFK complained that Johnson made little difference as chairman of the COEE, but his brother did even less to help blacks during the early years of his administration. Early in 1963 President Kennedy announced that in the coming year he would introduce civil rights legislation. Dr. Martin Luther King, Jr., President of the Southern Christian Leadership Conference and the recognized leader of the Civil Rights Movement, was skeptical: "If tokenism were our goal, this administration had adroitly moved us toward its accomplishment."<sup>44</sup> Johnson meanwhile decided to take the initiative. During the first half of 1963, he made speeches calling for strong civil rights legislation. He delivered the most famous of these on Memorial Day at Gettysburg, Pennsylvania. He proclaimed that until "justice is blind to color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins, emancipation will be a proclamation but not a fact. To the extent that the proclamation of emancipation is not

fulfilled in fact, to that extent we shall have fallen short of assuring freedom to the free.”<sup>45</sup>

Civil rights demonstrations in Birmingham, Alabama, led to widespread violence and finally convinced President Kennedy that the time was right to introduce civil rights legislation. During the initial stages of drafting the legislation, RFK and his staff refused to include Johnson. Not until 3 June did RFK direct Theodore Sorensen, President Kennedy’s speechwriter, and Norbert Schlei, an aide to the Attorney General, to obtain Johnson’s advice about congressional strategy for getting a civil rights bill passed. Johnson suggested that the President employ the Golden Rule when speaking to southerners about civil rights: “When I order men into battle I order the men without regard to color.”<sup>46</sup> He also recommended that Kennedy introduce civil rights in a way which “almost make[s] a bigot out of nearly anybody that’s against him.”<sup>47</sup> He also suggested that Kennedy get the support of black leaders and key Republicans like Senate Minority Leader Everett Dirksen. Kennedy did heed some of Johnson’s advice, trying to get Dirksen’s support and focusing on the “moral implications of segregation.” Schlei later argued that “Kennedy’s passionate extemporaneous speech was due in part to Johnson’s forceful advice.”<sup>48</sup>

The administration also sought the advice of civil rights leaders. Whitney Young, Executive Director of the National Urban League, recalled that many members of the administration were reluctant to include certain sections of the bill that the civil rights leaders desperately wanted, including provisions on Public Accommodations and Title VI which called for the withholding of federal funds for civil rights violations. Johnson, however, believed that they could get these measures. Young remembers that it “was

their [the Administration's] opinion, even after the March on Washington, that this was just impossible and it would hurt our chances of getting some other titles if we didn't drop those. Mr. Johnson didn't feel that way."<sup>49</sup> At the same time Johnson did urge patience and caution, insisting that Kennedy needed to work on getting more support from congressional leaders. The President delayed sending the bill to Congress until 19 June. The House debated the new bill for months, and the legislation was still pending when Kennedy and Johnson made their fateful trip to Dallas in November.<sup>50</sup>

accidental chief of state in such a tragic way. Two days after the assassination he told an aide, "I always felt sorry for Harry Truman and the way he got the presidency, but at least his man wasn't murdered."<sup>1</sup> Johnson faced an enormous challenge; he had to hold the nation together during a time of panic and confusion. He had to support Kennedy's agenda, including the pending civil rights legislation. Johnson's aides advised him to take immediate action on civil rights. A memorandum from Jesse Unruh, written four days after the assassination, predicted that the new president would not be hurt by a strong civil rights stance because Kennedy had already absorbed most of the shock of opposition. At the same time, however, Johnson could not hesitate because that would give the opposition momentum.<sup>2</sup>

Johnson knew that blacks genuinely needed a strong civil rights bill because Southern states deprived many blacks of their constitutionally guaranteed rights. In many southern states, black college students received only ten percent of the money white students received from the federal government. Johnson's southern background and his history of voting against or watering down civil rights bills did not endear him to blacks. Martin Luther King for one felt a genuine sense of attachment to the dead president, but insisted that he was "not at all pessimistic" about Johnson. King regarded Johnson as "a



## CHAPTER TWO

### FIGHTING THE GOOD FIGHT

At 1 P.M. on 22 November 1963, doctors at Dallas's Parkland Hospital pronounced President John F. Kennedy dead, and catapulted Lyndon Johnson into the presidency. The office had been his goal for some time, but he did not want to be an accidental chief of state in such a tragic way. Two days after the assassination he told an aide, "I always felt sorry for Harry Truman and the way he got the presidency, but at least his man wasn't murdered."<sup>1</sup> Johnson faced an enormous challenge; he had to hold the nation together during a time of panic and confusion. He had to support Kennedy's agenda, including the pending civil rights legislation. Johnson's aides advised him to take immediate action on civil rights. A memorandum from Jesse Unruh, written four days after the assassination, predicted that the new president would not be hurt by a strong civil rights stance because Kennedy had already absorbed most of the shock of opposition. At the same time, however, Johnson could not hesitate because that would give the opposition momentum.<sup>2</sup>

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liberal New Dealer at heart.”<sup>3</sup> In a conference not long after the assassination Johnson gave Roy Wilkins “unmistakable notice that you had a friend and not an enemy in the White House for this legislation.”<sup>4</sup>

Ultimately it became clear that Wilkins, King, and the rest of the black leaders had little to worry about. His past voting record did not document support for civil rights, but he truly believed in them. Speaking to Doris Kearns years later, he explained his evolving views on civil rights: “I’m not prejudiced nor ever was, but I will say that civil rights was not one of my priorities in those days. I had other concerns. . . . But all that changed when I became President. Then I had the power and the obligation to do something. Then it did become my personal priority. Then something could happen.”<sup>5</sup> Not only did Johnson believe in civil rights, but, unlike his predecessor, he also had the skill to get bills through a hostile Congress. He had been one of the most successful Senate Majority Leaders in the nation’s history, with the political savvy to maneuver controversial legislation through Congress. More important, Johnson was a southerner who had for years opposed civil rights in the name of states’ rights. In this he was similar to his successor Richard Nixon. The long time anti-Communist was the only president who could have opened relations with Red China. Unlike his predecessor from New England, Johnson was the only president who could get the Congress to enact a civil rights bill of that magnitude. Historian T. Harry Williams explained: “as a southern President he [LBJ] could not accept compromise . . . if he did, he would be accused of wanting no more than a partial success. The more probable truth is that as a southern President and now a southern reformer, he was resolved to go all the way on this issue, and for the benefit of the whites as well as



the blacks.”<sup>6</sup> Indeed, Johnson did intend to go “all the way” on civil rights, and to use his southern background to cope with Richard Russell, Harry Byrd and other southern politicians who were hell-bent on defeating the legislation.

Johnson knew that he had to rally the nation following Kennedy’s death and assure the American people that the country would not fall apart. He planned to address the nation on the night of 27 November 1963 before a joint session of Congress. To draft the speech, he received suggestions from President Eisenhower, Abe Fortas, Minnesota Senator Hubert Humphrey, Montana Senator Mike Mansfield, and Secretary of State Dean Rusk. Some of his aides advised Johnson not to emphasize civil rights in the address. The final draft of the speech, however, included a special call for civil rights. A bill as controversial as the pending civil rights legislation needed momentum, and Kennedy’s death gave Johnson an opportunity to unite the country behind the bill.<sup>7</sup>

In his memoirs Johnson observed that “every President has to develop a moral underpinning to his power, or he soon discovers that he has no power at all.”<sup>8</sup> His speech on 27 November helped him to establish that “moral underpinning.” He began by vowing that he would have given anything not to be standing there at that moment. He pledged that the United States would not shrink from its responsibilities in the world and at home and asked Americans to support the programs Kennedy had introduced. First on this list was the civil rights bill. Calling on the memory of the fallen president, Johnson remarked, “no memorial oration or eulogy could more eloquently honor President Kennedy’s memory than the earliest possible passage of the civil rights bill for which he fought so long. We have talked long enough in this country about equal rights. . . . It is time now to write the next chapter, and to write it in the books of law.”<sup>9</sup> At the end of the

speech, he asked "Americans of all races and creeds and political beliefs to understand and to respect one another."<sup>10</sup>

The speech had the affect Johnson wanted. Gallup polls taken in December revealed a seventy-nine percent approval rating, and made him the most admired man in the world. Despite this early popularity, it was not clear that Johnson could achieve the goals he set forth in the speech. The rancorous debate over the civil rights bill resumed in the House and continued for another two months. Observers predicted that the House would eventually approve the bill, but Johnson took no chances and negotiated with representatives of both parties to insure its passage.<sup>11</sup>

The real test, however, was to come in the Senate where the South had enough votes to filibuster. On 7 December Johnson invited Richard Russell to the White House. He had served Russell's interests, especially on civil rights, throughout their tenure together in the Senate. Now he made sure that Russell knew this would no longer be the case. He told the Senator, "I'm not going to cavil and I'm not going to compromise. I'm going to pass it just as it is, Dick, and if you get in my way I'm going to run you down. I just want you to know that, because I care about you."<sup>12</sup> Russell responded, "Mr. President you may be right. But if you do run over me, it will not only cost you the South, it will cost you the election."<sup>13</sup>

Johnson had already considered the problem that Russell posed. Although it was still eleven months away, he had already begun planning for the election. The day after the assassination, Florida Senator George Smathers suggested that Hubert Humphrey would be a good choice as a running mate. Johnson knew that the reaction of the nation to his support for civil rights was critical for, as Senator Russell warned, he risked losing

the South. Gallup polls taken during the Senate debate revealed that southern whites stood firmly against the legislation. Strom Thurmond believed that Johnson had forgotten about the South and was concentrating instead on the North. He argued that the only reason Johnson supported civil rights was "to carry the black vote in the big cities of the North."<sup>14</sup> He might have won the election by appealing only to the North and the West, but he did not want to write off an entire section of the country. His opponent, Arizona Senator Barry Goldwater, with his ultra-right views had virtually no chance of winning. Johnson undoubtedly recognized the liabilities of his opponent, yet he refused to take anything for granted. Johnson pushed hard for civil rights, rejecting compromise on any of the major reforms the black leaders had demanded. He truly embraced the cause and was willing to risk his political future to achieve it.<sup>15</sup>

Johnson knew that he could not win the fight for civil rights without help. He had to avoid appearing to interfere because he did not want the Senate to think that he was usurping its power to legislate. Instead, he relied on his aides, many of whom had served Kennedy, to work with the Senate. Johnson avoided too much "arm-twisting" during the debate. Mississippi Senator James Eastland recalled that the White House did not try to pressure him to vote its way, probably because aides knew he would refuse.<sup>16</sup>

Johnson also needed the support of civil right leaders during the battle. In a subtle maneuver to win favor with blacks, he hired Geraldine Whittington, a black lady, to be his secretary, and informed Whitney Young. For fear of alienating southerners further, Johnson did not issue a statement to the press. He also called on civil rights leaders to pressure key senators, telling Roy Wilkins, "unless you get 25 Republicans . . . you're not going to get cloture. . . . they say I'm an arm twister but I can't make a Southerner change

his spots anymore than I can make a leopard change them.”<sup>17</sup> Johnson also urged black leaders to get the support of labor unions and churches. Civil rights leader Bayard Rustin believed that the support of the labor movement and churches made the passage of the civil rights bill likely.<sup>18</sup>

On 10 February 1964 the House of Representatives passed the bill, and minutes later, Johnson began phoning congressmen to thank them for their support. He did not waste time celebrating the victory, but immediately phoned Clarence Mitchell, instructing him and Joseph Rauh to “get on over there to the Senate and get busy because we got it through the House and now we’ve got the big job of getting it through the Senate.”<sup>19</sup>

Southern senators had objections to the bill which Johnson and his aides had to counter. They included the public accommodations clause providing for equal access to all public places including restaurants and hotels, and the creation of a Fair Employment Practice Commission, and the grant of power to the Attorney General to intercede in civil rights violations. To overcome the opposition of the southerners, Johnson depended on his allies in the Senate, led by Hubert Humphrey and Majority Leader Mike Mansfield.<sup>20</sup>

After selecting Humphrey to lead the Senate, Johnson phoned the Senator to discuss strategy. He told Humphrey, “when they [the press] ask you, what does the White House say about it [voting on civil rights] just say we make those decisions up here; the White House has never told us how to handle procedure and we’d be glad to discuss them with us, but they say that it’s a matter for the Senate to decide.”<sup>21</sup> He also instructed Humphrey to win the support of Everett Dirksen, the Senate Minority Leader from Illinois. To beat the southern filibuster, Johnson knew he had to get Republican assistance, and Dirksen was the key to success.

Early in the debate Dirksen opposed the bill. To convince him to support it, Humphrey went on "Meet the Press" and pronounced "Senator Dirksen is not only a great senator, he is a great American, and he is going to see the necessity of this legislation. I predict that before this bill is through Senator Dirksen will be its champion, not its opposition."<sup>22</sup> Johnson also worked to win Dirksen over to civil rights by offering the Minority leader various favors ranging from federal projects to judgeships.<sup>23</sup> Eventually Dirksen agreed to support the bill, but he never admitted that pressure from Johnson brought him around. Assistant Attorney General Burke Marshall, who spent a lot of time convincing Dirksen to support civil rights, thought the Senator did believe "there was a national need for it," but conceded that presidential "politics of 1964 were involved in it in some fashion."<sup>24</sup>

Before they got Dirksen to their side, the administration could not break the filibuster. Johnson wanted to wear down the opposition, continuing the debate for months if necessary until the southerners gave up. Humphrey worked with Thomas H. Kuchel, a Republican from California, to break the talkathon. They decided to keep the pressure on the filibusters by demanding quorum calls. Humphrey organized a team, which he called the military police, to make sure that senators who had pledged to support the bill were present for important votes. Humphrey and Kuchel could not force the southerners to give up, and Johnson had to convince sixty-seven senators to vote for cloture.<sup>25</sup>

Cloture was a device rarely used, and it had never been employed to pass a civil rights bill, leaving Johnson highly skeptical about using it. There were sixty-seven Democratic Senators, but twenty-one of them came from the South. He had to persuade



at least twenty-two Republicans to cooperate. Dirksen gave no indication that he would support the bill, and Johnson remained convinced that he had to keep the pressure on the southerners.<sup>26</sup>

Deputy Attorney General Nicholas Katzenbach believed, however, that Johnson could get cloture. He engaged in a number of verbal sparring matches with the President, one during a White House diplomatic reception. He insisted that the President had to exude confidence that he could get cloture. Johnson began publicly pushing for it, and Katzenbach attributed the success of the bill to Johnson: "We would not have gotten them [votes for cloture] without President Johnson's personal intervention and . . . the very courageous public attitude for a man who was not really persuaded that cloture could be gotten, but who was willing to put his neck right out," and say, "Yes we'll get it."<sup>27</sup>

The filibuster began in early March, and raged on for months. By early May, Dirksen had come around, and for the first time cloture appeared to be a realistic possibility. He held meetings with Republican Senators to convince them to support the bill. Many refused, compelling Dirksen to come out publicly in favor of the bill on 19 May: "No one on that floor is going to stop this. It is going to happen!"<sup>28</sup> He then called several more Republican caucuses and finally convinced his party members to support the bill. Also in May several western Senators from both parties who had been undecided on the bill agreed to vote for cloture in hopes of later gaining federal funding for dams and national parks for their states. As the vote neared Johnson was careful not to press the senators. Republican Senator Karl Mundt phoned Johnson on 9 June to tell him that he was going to vote for cloture: "I appreciate the fact that you didn't call me up and give me the old Texas twist."<sup>29</sup> Cloture finally came up for a vote on 10 June. The night

before, Humphrey assured Johnson that they had at least sixty-eight votes, one more than necessary. Seventy-one senators did vote for cloture and ended the eighty-three day filibuster, the longest in the Senate's history.<sup>30</sup>

With the end of the filibuster, final passage of the civil rights bill was a formality. After another nine days of debate, the Senate voted seventy-three to twenty-seven to pass the most comprehensive civil rights bill in the nation's history without major revisions. It immediately returned to the House for a final vote, passing 289 to 126. All that remained was Johnson's signature. He decided to sign the law on 2 July, the day that it passed the House. He scheduled the signing for 7:00 p.m. so most of the nation would be able to watch it, but the networks insisted on 6:45. He grudgingly complied, and at 6:45 p.m. on 2 July 1964, he signed the Civil Rights Act of 1964 into law in the presence of Congressmen, Senators, aides and civil rights leaders. In his memoir Johnson wrote: "to the extent Negroes were free, really free, so was I. And so was my country."<sup>31</sup>

Johnson's ability to overcome the longest filibuster in history demonstrated to the nation what a political juggernaut he truly could be. If Kennedy had lived, southerners most likely would have defeated the civil rights bill or gutted it of significant reforms. Throughout his administration Kennedy had been reluctant to move on civil rights and did not have the same influence over the Senate. Richard Russell later told Secretary of Agriculture Orville Freeman, "We could have beaten Kennedy on civil rights, but we can't Lyndon."<sup>32</sup> Johnson the President, unlike Johnson the Senator, had refused to compromise. For the victory though he owed thanks to Everett Dirksen and the Republicans. In backing civil rights, even with Republican support, he had, in his own words, "delivered the South to the Republican Party for a long time to come" just as

Russell had predicted.<sup>33</sup> Johnson knew that he created a backlash in his native South that reverberated during subsequent elections. In deciding to go forward he demonstrated his sincerity.

Johnson next wanted to focus on the coming election, but race relations monopolized his time for the remainder of the summer. In May, aide Richard Goodwin and Attorney General Robert Kennedy warned him to expect demonstrations by African-Americans if the South refused to comply with the act. Goodwin predicted that demonstrations would increase because the act would "raise expectations of immediate change and will put the law on the side of the Negro."<sup>34</sup> Kennedy warned that districts in Mississippi would not obey recent court orders to desegregate their schools. Alabama might comply with court orders, but only if Governor George Wallace did not cause trouble - - a most unlikely event in light of Wallace's record on resisting desegregation. Johnson did not like the prospect of black demonstrations during the summer, particularly in the South where his allies were quickly evaporating. He had secured the civil rights bill for blacks and if he wanted to do more for them in the future he needed to win the election in November. He feared, however, that he might not win if demonstrations provoked a large white backlash.<sup>35</sup>

The disappearance on 21 June 1964 of Michael Schwerner, Andrew Goodman, and James Chaney, three civil rights workers in Mississippi, did not help. With the final passage of the civil rights bill imminent, Johnson worried that racial violence might overshadow the event. He pressed FBI Director J. Edgar Hoover to investigate their disappearance. He also tried to get Mississippi Governor Paul Johnson and Senator James Eastland to cooperate. Eastland callously told the president, "I don't believe



there's three missing. I believe it's a publicity stunt."<sup>36</sup> Johnson continued to push the search and in early August investigators found the bodies of the three workers buried in an earthen dam. All three men had been shot to death. The incident damaged the President's standing among blacks; they expected him to push the investigation, but he instead called on Congress for power to bomb North Vietnam in response to a supposed attack in the Gulf of Tonkin. Black activist Robert Moses spoke angrily at the memorial service for the slain civil rights workers, questioning why the United States would intervene in Asia but not protect civil rights leaders at home.<sup>37</sup> Johnson believed the best way to avoid racial violence in the next few months was to appeal to civil rights leaders. Immediately after he signed the Civil Rights Act, the President held a meeting in the cabinet room which included A. Phillip Randolph, James Foreman, Martin Luther King Jr., Whitney Young, and Roy Wilkins. He told the black leaders that the new law secured African-Americans the rights they deserved, and made it unnecessary and even self-defeating for them to demonstrate. Johnson pledged that the Justice Department would initiate tests of the new law, and urged blacks to cooperate. The leaders agreed to cooperate with the Justice Department and to avoid demonstrations. They could not pledge to stop protests if southern states refused to comply with the new law.<sup>38</sup>

The threat of racial violence during the summer loomed, but Johnson was the clear favorite to win the 1964 election, in large part because the Republicans nominated Barry Goldwater. The Republicans held their nominating convention at the Cow Palace in San Francisco in mid-July. Goldwater went into the convention assured of victory because of his triumph over Nelson Rockefeller in the California primary a few weeks

before. The ultra-conservative Senator from Arizona had publicly opposed the civil rights bill. His chance for victory in the November election dissipated during his acceptance speech when he proclaimed that “extremism in defense of liberty is no vice . . . and that moderation in the pursuit of justice is no virtue.”<sup>39</sup> The *Chicago Defender* compared the Republican National Convention to the rise of the Nazi party in 1933, and Gallup Polls taken just after the Republican convention showed that sixty-two percent of all voters supported Johnson, and only twenty-six percent favored Goldwater.<sup>40</sup> Immediately following the Republican Convention, civil rights leaders including King, Wilkins, Randolph, and Young signed a statement criticizing Goldwater as a threat to the “whole climate of liberal democracy of the Civil Rights Act and to subsequent expansion of civil rights gains.”<sup>41</sup> The group called on civil rights organizations around the country to avoid demonstrations or protests until after the election. Their words had little effect; on 18 July, two days after the Republican Convention concluded, violence broke out in New York City after a white police officer shot James Powell, a fifteen year old African-American. The riot that followed resulted in the injury and arrest of hundreds of people. Johnson feared that Goldwater would exploit the riots by insisting that the President’s liberalism led to the violence. Johnson ordered Hoover to investigate. With the help of former New York Governor Thomas Dewey, he convinced the FBI Director that the true causes of the riot were poverty and discrimination. The report Hoover issued not only held Goldwater at bay, but also allowed Johnson to cite a need for more government programs to alleviate poverty and other social problems. Many of these programs would help minorities.<sup>42</sup>

chance. With the violence in New York behind him, Johnson prepared for the Democratic National Convention in Atlantic City, New Jersey. Although there was no question that he would be his party's nominee, his choice of a vice-presidential nominee was a mystery. He wanted the convention to be free of controversy, to create momentum for the campaign. Blacks in Mississippi, frustrated that their state Democratic Party had elected only white delegates, formed the Mississippi Freedom Democratic Party and sent delegates from both races to Atlantic City. In mid-July Johnson learned of the MFDP plans to challenge the seating of the white delegation. He told House Speaker John McCormack to put Mississippi's delegation "near the nearest exit, so that if they want to walk out, let them walk out but not let us throw them out."<sup>43</sup>

away. In late July Johnson began to worry that the MFDP would carry out its plans. He told Texas Governor John Connally that he feared the MFDP controversy would split the Party. To solve the problem he turned to Humphrey, whom he knew was friendly with civil rights leaders. He hinted that if Humphrey arranged a palatable solution he would have him nominated for the vice-presidency. He rejected suggestions that the convention should seat both delegations and told Humphrey, "if we mess with the group of Negroes that were elected to nothing . . . and throw out the Governor and elected officials of the state . . . we will lose fifteen states without even campaigning."<sup>44</sup> Johnson allowed his fears to affect his true convictions on the rights of blacks to sit in the convention. Many southerners would have been furious if he seated the MFDP instead of the regular delegation, but the entire region would not have voted against him. He carried all but five states in the lower South. Goldwater's extremism ensured Johnson victory no matter how many southern states he lost. Nevertheless, Johnson refused to leave anything to

chance. As the convention neared, he gave the FBI permission to bug the rooms of civil rights leaders, giving his aides the information they needed to block the moves of the MFDP.<sup>45</sup>

When the convention got under way on 22 August the MFDP petitioned the Credentials Committee to unseat the regular Mississippi delegation. The most stirring speech in favor of the MFDP's cause was made by Fannie Lou Hamer, a poor black Mississippi sharecropper. Hamer described the horrors that she and other blacks had endured and declared, "we want to register, to become first-class citizens, and if the Freedom Democratic Party is not seated now, I question America."<sup>46</sup> The speech did not sway Johnson. As the convention dragged on, the MFDP appeared to attract attention away from his campaign. On 24 August, King asked the President for his support: "will the Democratic Party stand for fair political representation, against violence and oppression and for those people who are denied the right to vote in Mississippi?"<sup>47</sup> According to several civil rights leaders, there was a mutual respect between King and Johnson but not great admiration. Both had powerful personalities and strong beliefs. Johnson truly believed that the MFDP was hurting his chances for the election, and there was nothing King could say to change his mind.<sup>48</sup>

As the convention neared its close, Johnson convinced the Credentials Committee to adopt a compromise that was acceptable to him but not to the MFDP. The decision seated two MFDP delegates "at large," and gave them full voting privileges. It provided that in the future state Democratic parties could not deny people the right to become delegates based on race. Historian Harold Bass, Jr., explains, "the significance of the compromise can be seen to reside less with the issue of seats at the 1964 convention than

with the commitment to prohibit racial discrimination in state party delegate selection.”<sup>49</sup> The MFDP rejected the compromise. Hamer declared, “We didn’t come all this way for no two seats.”<sup>50</sup> The regular Mississippi Delegation also rejected the compromise and walked out of the convention. Several members of the MFDP used passes of sympathetic delegates from other states to enter the convention and sit in the vacated seats. The protest did not detract from Johnson’s triumph. He named Humphrey his running mate, and left Atlantic City with a commanding lead in the polls.<sup>51</sup>

When Gallup polls taken in the two months leading to the election indicated that more than sixty percent of the nation supported Johnson. The President still took nothing for granted. Knowing that his support of civil rights and other liberal reforms virtually locked up northern support, he attempted to avoid allowing more damage to his popularity in the South. He refused to tout his legislative victory in the civil rights area. Instead, he concentrated on attacking Goldwater, pointing out the Senator’s extremism and volatility.<sup>52</sup>

The campaign did produce one moment when Johnson dealt head on with the civil rights issue. In early October, Lady Bird began a speaking tour of the South, while her husband concentrated on making speeches in the other regions of the country. She ended her tour on 9 October in New Orleans where the President was scheduled to make one of his few speeches in the South. During the address he mentioned the civil rights bill and warned that the Republicans were going to use it to divide the Democratic Party. He reminded listeners, “we have a Constitution and we have a Bill of Rights, and we have the law of the land, and two-thirds of the Democrats in the Senate voted for it and three-fourths of the Republicans.”<sup>53</sup> He asked southerners to “conduct themselves as

Americans," and respect the laws. By framing his speech as a call for patriotism, Johnson shifted the focus from civil rights, and appealed to southerners' respect for the Constitution. Now southerners could respect the civil rights law or they could oppose it and be seen as enemies of the true southern tradition, who were exploiting the civil rights issue for selfish ends. Shocked at first by his message, the crowds quickly erupted into applause lasting five minutes.<sup>54</sup>

During the remainder of the campaign Johnson avoided the issue of civil rights. When election day at last arrived on 3 November, the question was not if Johnson would win, but by what margin. In the end he captured forty-four states and 486 electoral votes. Just as he feared, five of the six states he lost were from the lower South: Mississippi, Alabama, Louisiana, Georgia, and South Carolina. In addition, Republicans picked up seven representatives from lower South states where previously they had none. These figures gave Republicans hope for making inroads into the South. Still, Johnson and the Democrats had won a resounding victory. Johnson captured sixty-one percent of the popular vote, the largest in American Presidential electoral history. Democrats gained decisive margins in both Houses of Congress - - 295 to 140 in the House, and 68 to 32 in the Senate. If ever a president could claim a mandate from the people for his legislative agenda, it was Lyndon Johnson in 1964. The extent to which he would use that mandate to advance his social programs, especially civil rights, was impossible to foresee.<sup>55</sup>



## CHAPTER THREE

### THE PEAK AND THE VALLEY

Going into his first full term as president, Lyndon Johnson had a full agenda of social programs and reforms. High on his list was a bill to eliminate racial discrimination at the polls. Since emancipation the right to vote had been a priority of most black activists. The Fifteenth Amendment provided that the right to vote “not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude,” but southerners used literacy tests, poll-taxes, intimidation and violence to keep blacks from voting.<sup>1</sup> W.E.B. DuBois saw that the right to vote was essential to the African-American pursuit of equal rights. He argued that “Negroes must insist continually, in season and out of season, that voting is necessary to modern manhood.”<sup>2</sup> Southern whites strongly opposed the demand, and by the end of the first decade of the twentieth century every southern state had disfranchised blacks.

The poll tax was among the most useful weapons for southerners to keep blacks from voting. Many voting-age blacks in the South were poor, and could not spare the dollar or two it cost to vote. During the Great Depression reformers attempted to remedy this situation. In 1938 the Southern Conference for Human Welfare organized the National Committee to Abolish the Poll Tax. Through the efforts of NCAPT and the NAACP, a proposal to outlaw the poll tax made it to Congress. Throughout the 1940’s Congress debated the issue, each time voting it down. Johnson refused to support a federal law to ban the poll tax, claiming that it violated the states’ prerogatives. The

*Brown* decision forced Congress to reexamine the issue, but the debate continued on and off for almost a decade before Congress finally approved an amendment to the Constitution banning the poll tax in 1962. The states ratified the amendment in 1964.<sup>3</sup>

The Civil Rights Act of 1964 had legally killed Jim Crow. No longer would segregation be legal in public places. The law also included provisions designed to eliminate discrimination at the voting booths. Literacy tests were still permissible. They had to be written and any voter who had at least a sixth grade education was deemed literate. The law gave the Attorney General power to appoint a three-judge Federal panel to investigate violations of voting rights if someone deprived of their voting rights sued. Despite these advances, southerners still found ways to keep blacks away from the polls. Black voting registration increased dramatically from 1960 to 1964, but every southern state except Texas, Tennessee and Florida had registered less than fifty percent of voting age blacks. Fewer than twenty-five percent of blacks were registered in Alabama and Mississippi. Clearly, the fight for equal rights was far from over.<sup>4</sup>

Not long after the 1964 election advisor Lee White and the new Attorney General Nicholas Katzenbach suggested that the President not ask for an additional civil rights bill until 1966. They argued that the country would need at least a year before it would be ready for another assault on racial discrimination. His aides instead wanted him to focus on other important social programs. The previous May, Johnson had announced at the University of Michigan that "in your time we have the opportunity to move not only toward the rich society and the powerful society, but upward to the Great Society."<sup>5</sup> For Johnson, the Great Society encompassed a full range of programs including civil rights. He also wanted to provide federal aid for education and medical care for the elderly,

additional welfare, and a restructuring of the executive branch. The overwhelming Democratic majorities in both Houses of Congress offered him an opportunity to pass the reforms. He wondered which programs should he go after first.<sup>6</sup>

Johnson was determined to work for education and medical care, but he did not want to discard civil rights for a year. Years later he told Walter Cronkite, "after the '64 election I said to the people associated with me, 'We've got to make up our mind what the big problems in this country are and do what we can about them in cooperation with the Congress . . . because we won't have the support of the country that we have in November '64.' The Voting Rights was one of the things that needed doing."<sup>7</sup> Johnson had many reasons for moving forward on a voting rights bill in 1965. In the 1964 election, the President had lost the popular vote in the South, and a study done by aide Larry O'Brien revealed that if more blacks had voted, Johnson would have carried the South. O'Brien estimated that 90 percent of southern blacks would have voted for the President. Pursuing a voting rights bill offered Johnson obvious benefits, but his presidency and even his reputation did not depend on it. He elected to focus on voting rights because he believed that voting was the key to blacks achieving social equality. The momentum from the elections would not last long, and he wanted to take full advantage of his victory to pass the most important of his programs.<sup>8</sup>

In his State of the Union Address on 4 January 1965, Johnson proposed "that we eliminate every remaining obstacle to the right and opportunity to vote."<sup>9</sup> He asked Americans "to throw open . . . the city of promise . . . to Negro Americans, through enforcement of the civil rights law and elimination of barriers to the right to vote."<sup>10</sup> Clearly, Johnson intended to pursue a voting rights bill in 1965. He instructed

Katzenbach to begin drafting the legislation. When in 1965 he planned to submit the legislation was not clear and education and medical care for the elderly remained his first concern. The Justice Department completed a draft of the proposed voting rights bill in early March. He did not send the bill to Congress immediately, perhaps because he wanted to wait till the other major bills had passed. Events in Selma, Alabama, a few days later, convinced Johnson to submit the legislation without delay.<sup>11</sup>

Earlier in the year, Martin Luther King and the SCLC had decided to protest voting rights violations in Selma where only one percent of eligible black voters were registered. King and his followers faced stiff resistance from authorities. Sheriff James G. Clark did not hesitate to use nightsticks, bullwhips and cattle prods to scatter the demonstrators. The sheriff, who often referred to blacks as "the lowest form of white humanity," arrested more than 2,000 protesters including King himself, in the first two months of 1965.<sup>12</sup> From jail King sent instructions to Andrew Young to ask Johnson to send a personal emissary to Selma "to evaluate the situation and report back to the President."<sup>13</sup> The violence worsened. On 18 February sheriff's deputies and state troopers broke up another protest and shot and killed Jimmie Lee Jackson, a black protester. Outraged, King organized a massive protest march from Selma to Montgomery and asked the President for help. Johnson was reluctant to violate state sovereignty, and he elected not to send Federal troops, hoping that law and order would prevail during the march.<sup>14</sup>

On the morning of 7 March, the protesters began their march. Alabama Governor George Wallace feared allowing the march to continue and ordered state troopers led by Al Lingo to block the marchers when they reached the Edmund Pettus Bridge. The

troopers used tear-gas, electric cattle prods and billy clubs. Cameramen captured much of the violence on tape, even recording Sheriff Clark yelling, "Get those god-damned niggers! And get those god-damned white niggers!"<sup>15</sup> Wallace refused to condemn the violence, and the situation got worse two days later when James Reeb, a Boston Unitarian minister, was clubbed to death. The public outrage that followed finally convinced Johnson that he had to act.<sup>16</sup>

Pressure mounted in Washington for Johnson to intervene. Protesters milled around the White House, singing and chanting, "LBJ just you wait/See what happens in 68."<sup>17</sup> SNCC leader John Lewis publicly criticized the President: "I don't see how President Johnson can send troops to Vietnam . . . and can't send troops to Selma, Alabama."<sup>18</sup> On 11 March twelve demonstrators conducted a sit-in inside the White House. Not wanting to draw attention, Johnson ordered visitors to be taken to other areas of the house while plain-clothed policeman took the protesters to jail. Johnson wanted desperately to end the violence in Selma without using federal troops. To succeed he needed Wallace's cooperation. On 12 March in a meeting of the Council on Equal Opportunity Humphrey reported how several members expressed concern that "confidence of the civil rights movement in the federal government is threatened and stressed the need for making known in a positive and affirmative manner the concern of the federal government."<sup>19</sup> In addition, one member proposed that the President invite the Alabama Governor to the White House, in order to work out an agreement. The idea appealed to Johnson. He assumed that Wallace would not accept his invitation.<sup>20</sup> Wallace though desired a meeting with Johnson. He hoped that he could divert attention from the violence at Selma and focus it instead on the lawlessness of the

protesters. Wallace had little fear of Johnson. In 1963 he had taken on the Kennedy administration that supported the integration of the University of Alabama and wanted to stop the violence in Birmingham. In a meeting with Robert Kennedy, he defiantly held his ground, frustrating the Attorney General. Unfortunately for Wallace, Lyndon Johnson was not Robert Kennedy. The Alabama Governor soon discovered that agreeing to a meeting with LBJ was an error.<sup>21</sup>

On 13 March, the two men met in the Oval Office. Wallace called on the President to stop the demonstrations led by “malcontents, many of them trained . . . in Moscow or New York.”<sup>22</sup> Johnson wasted little time. Sitting just inches from him, Johnson asked Wallace why he was resisting black rights. He complained that protesters outside the White House were keeping his daughters up all night and wondered, “Why don’t you let the niggers vote?”<sup>23</sup> Wallace pointed out that in Alabama county registrars were in charge of voting. Johnson suggested that the Governor order the officials to register blacks. Wallace responded, “I don’t think that would be easy, Mr. President, they’re pretty close with their authority.”<sup>24</sup> Johnson replied, “Don’t you shit me, George Wallace.”<sup>25</sup>

The meeting was a triumph for Johnson and a disaster for Wallace. Afterwards, with a dejected Wallace standing by, the President addressed the press. Johnson insisted that the violence in Selma was not the fault of the protesters and insisted that “the demonstrations in Selma have a much larger meaning. They are a protest against a deep and very unjust flaw in American democracy itself.”<sup>26</sup> To help blacks exercise their constitutional right to vote, Johnson announced, he would send legislation to Congress to enforce the Fifteenth Amendment of the Constitution.



The next day Johnson met with Senators and Congressmen from both parties to discuss the details of the legislation. Speaker John McCormack suggested that the President address a joint session of Congress the next day. Everett Dirksen feared that such a speech would give the people the impression that Johnson was proposing legislation only because he was scared by events in Selma. McCormack and others in the meeting insisted however that an address to Congress would not show panic but rather bipartisanship. The group finally decided that Johnson should give the address the next evening before the resumption of the march from Selma to Montgomery. Johnson invited King, Young, and Wilkins to the speech.<sup>27</sup>

On 15 March 1965, Johnson addressed a joint session of Congress, giving what historian Robert Dallek called his “greatest speech and one of the most moving and memorable presidential addresses in the country’s history.”<sup>28</sup> The President argued that the issue before Congress was not a black problem, or a southern problem, but an American problem. He described the methods states used to deny blacks the right to vote, and demanded a law to prevent such injustices. The bill, he argued, should “strike down restrictions to voting in all elections. . . . establish a simple, uniform standard which cannot be used . . . to flout our Constitution,” and “provide for citizens to be registered by officials of the United States Government if the State officials refuse to register them.”<sup>29</sup>

Johnson linked the cause of blacks to the rights of all Americans: “Their cause must be our cause too. Because it is not just Negroes, but really it is all of us, who must overcome the crippling legacy of bigotry and injustice. And we shall overcome.”<sup>30</sup> Johnson then called African-Americans the “real hero of this struggle. . . . His actions and protests, his courage to risk safety and even to risk his life, have awakened the conscience

of this Nation.”<sup>31</sup> He closed by suggesting that God would approve the actions the Congress was about to take. Members of Congress repeatedly interrupted the President with applause, and many cried openly. Martin Luther King, who did not attend the speech, choosing instead to watch on television in Birmingham, also cried.<sup>32</sup> Two days later, Johnson sent the legislation to the Congress. In the meantime, he had to contend with the march from Selma and the determination of George Wallace to resist. A federal court allowed the Selma march to go forward on 21 March. Wallace answered by addressing the State Legislature and calling the protesters “mobs, employing the street warfare tactics of the Communists.”<sup>33</sup> In a final act of defiance the Governor informed Johnson that he did not have funds to protect the marchers from attacks of white protesters. The President then federalized the Alabama National Guard. The march went ahead as planned, concluding peacefully in Montgomery on 25 March where King gave a stirring speech, proclaiming, “We are on the move now. . . . We are moving to the land of freedom.”<sup>34</sup>

With the demonstrations at last concluded, Johnson directed his attention toward the Voting Rights Act. With the momentum created by his moving speech, the President had reason to believe that the bill would pass Congress more quickly than had the previous year’s civil rights bill. Johnson knew, however, that southerners would launch another filibuster, but this time he did not hesitate to work for cloture. Senate Democrats led by Majority Leader Mansfield cooperated closely with Minority Leader Dirksen, even though the Illinois Senator exacted a price for his support. Eric Goldman has pointed out that Dirksen “liked to leave the Republican stamp, not to mention the Dirksen stamp” on the legislation.<sup>35</sup> He demanded two changes. The bill’s standards for determining

discrimination in voting rights did not include four southern states, because their tests for eligibility were not “rigged.” These states accounted for about twenty-five percent of the nation’s unregistered blacks, and Dirksen successfully demanded an amendment that applied the formula to every state, excluding only counties “which could prove in court that at least 60 percent of their voting age citizens were registered, or less than 20 percent of the population was ‘non-white.’”<sup>36</sup>

Another aspect of the bill Dirksen wanted altered concerned the poll tax. The Twenty-fourth Amendment to the Constitution prohibited poll taxes in national elections but did not restrict their use in state or local elections. The Republican leader wanted to eliminate the poll tax from all elections. Johnson opposed the measure claiming that it was impossible to determine if state and local governments used poll taxes for discriminatory purposes. Not wanting to alienate Dirksen, the President agreed to compromise. The bill would instruct the Attorney General to bring suit against poll taxes in the four states where such provisions still existed.<sup>37</sup>

The debate continued in the Senate for two months. Robert Kennedy, then the Senator from New York, proposed the legislation ban English literacy tests for any student who had at least a sixth-grade education in American schools. Puerto Ricans in New York had appealed to Kennedy and Johnson pleading that they not be excluded from the benefits of the voting rights bill. Puerto Rican leaders wanted to meet with the President, but Johnson refused. He did, however, agree to support the amendment which Congress included in the final bill. Dirksen was not pleased because he did not “look kindly on adding 500,000 or 600,000 Democratic votes in New York City.”<sup>38</sup>

The Senate worked out the final amendments, and on 21 May voted seventy to thirty to invoke cloture. Five days later it voted seventy-seven to nineteen to pass the bill. The House tried to begin debate immediately, but Virginia Congressman Howard Smith held the bill in the Judiciary Committee. After five weeks Republican William McCulloch of Ohio offered an amendment to eliminate the bill's "automatic triggering" device where a single complaint of voting rights violations would lead to an investigation by federal registrars. Instead, McCulloch proposed that investigations take place only after twenty-five complaints were filed in a district. The administration refused to accept the compromise, and Johnson, who always denied that he "arm-twisted" Congressmen to get civil rights legislation passed, worked hard with civil rights leaders to defeat the amendment. James Farmer, president of the Congress of Racial Equality, claimed later that he was in the Oval Office when Johnson was "cajoling, threatening, everything else, whatever was necessary" to pass the act.<sup>39</sup>

Southerners and Republicans supported the McCulloch amendment, in part because of a rousing speech by Virginia Representative William Tuck. Johnson still refused to give up. He assured Walter Reuther, President of the United Auto Workers, that he would not let the bill die or be gutted. The President concluded, the "promised land is in sight but it has been a long trek and until we are on the other side I hope no one will relax."<sup>40</sup> The administration's maneuvers paid off. The House voted down the McCulloch amendment, and on 9 July voted 333 to 85 to pass the bill. A House-Senate committee met during the rest of July to iron out the differences between the two bills, and the President signed it into law on 6 August.<sup>41</sup>

Passage of the Voting Rights Act of 1965 was Johnson's greatest contribution to the civil rights movement, and perhaps the most significant legislation he signed as president. In one of his last press conferences Johnson remarked that the Voting Rights Act was his "greatest accomplishment." He had proven once again that a master politician could overcome even the bitterest of sectional opposition, and that the country did not have to wait for major civil rights legislation.

A month and a half after Johnson signed the act, South Carolina officials filed suit before the Supreme Court to prevent Attorney General Katzenbach from enforcing its provisions. They argued that it was unconstitutional because it denied the states' rights to establish voting qualifications. The next year in *South Carolina v. Katzenbach*, the Supreme Court unanimously upheld the act. Chief Justice Earl Warren concluded that the Congress had a right to pass legislation to enforce the Fifteenth Amendment of the Constitution: "against the reserve powers of the states Congress may use any rational means to effectuate the constitutional prohibition against racial discrimination."<sup>42</sup>

Johnson's successful championship of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 may have made him, in his own words, "the greatest [president] of them all, the whole bunch of them."<sup>43</sup> Unfortunately, the President had already planted the seeds of destruction for his own administration. For more than a year, Johnson had been increasing United States involvement in Vietnam. Just weeks before the signing of the Voting Rights Act, he had agreed to send fifty thousand troops to Southeast Asia. He had not wanted to escalate the conflict, but he felt he had little choice. American involvement in Vietnam stretched back to the Truman administration,

and under each successive president, the amount of American aid to the country had increased.<sup>44</sup>

By 1965 the situation in Vietnam had worsened, and Johnson concluded that for the U.S. to have any chance of victory he had to increase American participation yet again. The decision created another terrible dilemma for Johnson. He could either pull America out of Vietnam, thus exposing himself to vicious attacks from the right, or he could commit more troops and money to a war he did not want to fight. He later explained to Doris Kearns, "I knew from the start that I was bound to be crucified either way I moved. If I left the woman I really loved-the Great Society-in order to get involved with that bitch of a war on the other side of the world, then I would lose everything."<sup>45</sup> If he "left that war and let the Communists take over South Vietnam, then I would be seen as a coward and my nation would be seen as an appeaser and we would both find it impossible to accomplish anything for anywhere on the entire globe."<sup>46</sup> Johnson believed that it would be political suicide for a president to "lose" a country to Communism. Both the Democrats and the Republicans had lost presidential elections because other countries had fallen to the Communists. Johnson gambled that a substantial escalation would end the war quickly, and not jeopardize his beloved Great Society.

In addition to Vietnam, Johnson faced other immediate problems in August 1965. The two civil rights acts had done much to ensure equal rights under the law for African-Americans, but years of discrimination had left many of them in poverty and ignorance. Every city had its black ghetto in which conditions were deplorable. Frustrated blacks had rioted in New York City in 1964. Johnson's popularity had not fallen as a result of that riot in large part because J.Edgar Hoover's report blamed discrimination and poverty.



Urban conditions did not improve. Tensions continued to build up until finally erupting on 12 August 1965 in the Watts district of Los Angeles.<sup>47</sup>

The Watts Riot lasted six days, thirty-four people died, more than a thousand were injured, and millions of dollars of property was damaged. Almost immediately, telegrams flooded the White House pleading for federal relief. The violence shocked Johnson. Aide Joseph Califano remembered that the President did not look at the cables and refused to deal with the problem. He could not understand why only six days after he signed the Voting Rights Act blacks lashed out so violently. The mayhem threatened to ruin all the gains that blacks had made. He told Doris Kearns that it "simply wasn't fair for a few irresponsible agitators to spoil it for me and for all the rest of the Negroes, who are basically peace-loving and nice."<sup>48</sup> He tried to correct some of Los Angeles's problems by allocating \$29 million to several federal agencies to improve the conditions for blacks.<sup>49</sup>

The riots did not end with Watts. Racial clashes plagued the nation during the next two years, most notably in 1967 in Detroit. Johnson appealed directly to Martin Luther King and other civil rights leaders to quell the violence. As the turbulence persisted more white Americans stopped supporting civil rights legislation. The riots also took their toll on Johnson. He postponed a special conference on civil rights, called "To Fulfill These Rights," from the fall of 1965 to June 1966.<sup>50</sup>

Johnson tried to get Congress to pass another civil rights bill in April 1966. But with most of his attention diverted to the war in Vietnam, he could not fervently support the bill the way he had the two previous civil rights bills. Congress, resentful over the war, no longer had a desire to cooperate with the administration. Many members took

exception to Title IV which declared “national policy against racial discrimination in the sale or rental of housing” and created “remedies against that discrimination in every part of America.”<sup>51</sup> The House amended the bill to include only “large apartment buildings and developments and to certain classes of new construction in the housing field.”<sup>52</sup> As a result only forty percent of housing in the country was covered by the act. Civil rights activists, including Fannie Lou Hamer and Stokeley Carmichael, criticized the bill for being too weak. When it reached the Senate, southerners again filibustered. This time Dirksen refused to cooperate with the administration because he believed the latest legislation was unconstitutional. Without his help, northern Democrats could not get cloture and the bill died.<sup>53</sup>

In 1967 Johnson failed in another attempt to get a housing bill through Congress. The only civil rights law passed that year was one extending the life of the Civil Rights Commission for another five years. 1967 did see the appointment of the first African-American Supreme Court Justice. In February, Associate Justice Tom Clark announced his resignation because his son Ramsey had just been approved as the new Attorney General. The dearth of civil rights legislation in the last two years compelled Johnson to nominate an African-American. Thurgood Marshall immediately came to mind. He had served on the U.S. Court of Appeals for the Second Circuit and was currently Johnson’s Solicitor General. Further, his tenure as an attorney for the NAACP (he had successfully argued the *Brown* case) endeared him to the black communities. His confirmation hearings took over two and a half months, but on 30 August the Senate approved the nomination by a vote of sixty-nine to eleven. His appointment was well received within the civil rights camp with A. Phillip Randolph calling it “epoch making.”<sup>54</sup>

Marshall's appointment could not make up for the poverty in which African-Americans lived. In June 1966 the organizers of the conference "To Fulfill these Rights" issued a report proposing more federally funded programs to improve living conditions for blacks. Though Johnson wanted to implement the findings of the conference he lacked the necessary funds because of the war. Martin Luther King had supported Johnson throughout his administration, but now he lashed out at the government's current support of the war effort in lieu of correcting the pain and suffering at home. In April 1967 King called the U.S. government "the greatest purveyor of violence in the world today."<sup>55</sup> Johnson resented the anti-war protest and was particularly chagrined by King's remarks. He declared 5 April a national day of mourning. Riots broke out all over the

The President had respected King a great deal and always appreciated his readiness to cooperate on civil rights matters. Louis Martin speculated later that King was "under pressure from the rising black militants himself, in his leadership role in the United States."<sup>56</sup> Johnson, remembering his days as a Senator, understood the responsibility of civil rights leaders to their constituencies and thus he did not normally mind if they publicly criticized him. But King's remarks seemed particularly harsh and his inability to continue social programs because of the war further embittered Johnson toward the civil rights leader and the movement. In late July 1967 he created the Kerner Commission to investigate the riots. The Commission reported the next February that social problems in the United States accounted for the rise in black militancy. Citing budgetary constraints, Johnson refused to implement the commission's findings.<sup>57</sup>

Despite the lack of civil rights legislation, Johnson still believed more had to be done for African-Americans. By 1968 however it appeared he no longer had the

resources or the will to fight for these reforms. The war had drained much of Johnson's earlier enthusiasm. The continuing strain of the job, along with the possibility of losing the November election or not even getting the Democratic nomination, prompted Johnson to announce on 31 March 1968 that he would not seek reelection. The President was determined to spend the remaining months of his administration ending the war, but on 4 April, the assassination of Martin Luther King in Memphis compelled Johnson to try for another civil rights bill.<sup>58</sup>

King's assassination shocked Johnson. Fearing that King's murder would lead to more riots, the President asked civil rights leaders to advise urban blacks against more bloodshed. He declared 5 April a national day of mourning. Riots broke out all over the nation, despite the black leaders' efforts. The President did not waste time condemning the agitators, but rather urged Congress to pass a fair housing bill. Congress had debated the issue for several months with only the Senate having passed it. But King's death, like Kennedy's death four and a half years earlier, gave Johnson the momentum to push through another piece of controversial legislation. On 10 April the House voted 250-172 to pass the bill. The new act prohibited discrimination in the selling and renting of houses in over eighty percent of the country's housing. Though not as momentous as its two predecessors, the Fair Housing Act was an important contribution to the civil rights movement. It showed that Johnson, though he had no political motivations for supporting the act, still genuinely believed in the cause.<sup>59</sup>

For the rest of his administration Johnson focused on ending the Vietnam War. He had little success and his popularity plummeted. He had less than a fifty-percent approval rating when he left office. His reputation, which he cared so much about, was

greatly damaged. Johnson could only speculate as to how history would ultimately judge him. Would he be remembered for the great triumphs of civil right and other social programs early in his presidency, or would the failures surrounding Vietnam dominate

judgments of him?<sup>60</sup>

About a month before Johnson's death in January 1973, a symposium on civil rights was held at the newly completed Lyndon Baines Johnson Presidential Library in Austin, Texas. Prominent civil rights leaders and government officials attended. They included Thurgood Marshall, Roy Wilkins, Earl Warren, Hubert Humphrey, Julian Bond, and Barbara Jordan. Despite his ailing health, Johnson made a speech. He remarked how his work on civil rights held for him the "most intimate meanings," and he echoed many of the same sentiments he captured in his "We Shall Overcome" speech: "The black problem today, as it was yesterday, is not a problem of region or states or cities or neighborhoods. It is a problem, a concern and responsibility of this whole nation. . . . To be black in a white society is not to stand on level and equal ground."<sup>61</sup> He concluded by calling for more work to be done to ease the plight of blacks. The dearth of civil rights legislation since Johnson's administration demonstrates that subsequent president's have not answered his battle cry.

Clearly Johnson wanted to be remembered for his work on civil rights. This, frankly, has not been his legacy. When he retired, a majority of Americans held negative views of Johnson because of his role in widening the Vietnam War. Such beliefs remained at the time of his death. The Hyannis, Massachusetts *Standard Times* perhaps best captured the nation's views of Johnson: "Bitter irony lies in the fate of Lyndon Baines Johnson, a President who could have been among the greatest ever in this country, but who left office in 1969, reviled and repudiated by millions."<sup>62</sup>

## CONCLUSION

About a month before Johnson's death in January 1973, a symposium on civil rights was held at the newly completed Lyndon Baines Johnson Presidential Library in Austin, Texas. Prominent civil rights leaders and government officials attended. They included Thurgood Marshall, Roy Wilkins, Earl Warren, Hubert Humphrey, Julian Bond, and Barabara Jordan. Despite his ailing health, Johnson made a speech. He remarked how his work on civil rights held for him the "most intimate meanings," and he echoed many of the same sentiments he captured in his "We Shall Overcome" speech: "The black problem today, as it was yesterday, is not a problem of region or states or cities or neighborhoods. It is a problem, a concern and responsibility of this whole nation. . . . To be black in a white society is not to stand on level and equal ground."<sup>1</sup> He concluded by calling for more work to be done to ease the plight of blacks. The dearth of civil rights legislation since Johnson's administration demonstrates that subsequent president's have not answered his battle cry.

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His is an unfair legacy for a man who fought harder and risked more for oppressed citizens than any president in American history. He displayed genuine concern for minorities throughout his life. Having to balance these sentiments with political realities, Johnson veiled his true convictions for years. But when he became president he used his power to ensure minorities equal rights. He could have easily won the election in 1964 and held a high approval rating throughout his presidency even if he had only put in a fraction of the effort he invested in civil rights. Had he not sincerely believed in the cause, he could have found a way to water-down the civil rights bills and still claimed them as major triumphs. He pursued civil rights vigorously not because he wanted to win a popularity contest among African-Americans and northern liberals but because he wanted to make a difference and "overcome" the past.

The civil rights bills passed under Johnson made a difference. The Civil Rights Act of 1964 and the Fair Housing Act of 1968 legally eliminated discrimination in most areas of American life. To be sure, discrimination still occurs, but now minorities have the legal means to counter it. The most measurable significance comes from the Voting Rights Act of 1965. In the South the percentage of registered voting age blacks steadily increased after the act's passage. In 1947 it was just 12 percent. It went up to 24.9 percent in 1956, 43.1 percent in 1964, 62 percent in 1968, and 63.1 percent in 1976. The increase in registered blacks resulted in more elected black officials. In Mississippi, for example, there were only 6 black office holders in 1965. By 1989 this number increased to 646. In fact, in the South by 1985 the percentage of blacks serving in offices of any level except Congress was higher than in any other region of the country.<sup>3</sup>

Historians will continue to debate Lyndon Johnson's place in history. Many will view the disaster of Vietnam as the most compelling legacy of his presidency and forever judge him by his tragic mistakes. But not all will or do share this view. Most civil rights leaders, for example, though bitter over the decline in civil rights legislation in the second half of his presidency, still hold Johnson in high regard, crediting him with doing more for civil rights than any president in history. Thurgood Marshall expressed those sentiments best when he said, "I just think Lyndon Johnson, insofar as minorities, civil rights, people in general, the inherent dignity of the individual human being-I don't believe there has ever been a President equal to Lyndon Johnson-bar none!"<sup>4</sup> Johnson needs to be remembered for both his failures and triumphs. Though the country was ripped apart by his escalation of the Vietnam War, it also became a more just nation because of his leadership in civil rights. While Johnson's contemporaries remember his administration with scorn because of its involvement in war abroad, it should not be forgotten that his presidency showed genuine compassion for the oppressed at home.

## I. THE REALIST

<sup>1</sup> Dallek, *Lone Star Rising*, 22-24, 30, 62, 77-78.

<sup>2</sup> *Ibid.*, 91, 108-109, 123-124.

<sup>3</sup> *Ibid.*, 137-139; Monroe Billington, "Lyndon B. Johnson and Blacks: The Early Years," *The Journal of Negro History* 62 (January 1977): 29, 31.

<sup>4</sup> Dallek, *Lone Star Rising*, 144, 155, 168.

<sup>5</sup> *Ibid.*, 168-169; Billington, "The Early Years," 32.

<sup>6</sup> Patrick Cox, "Nearly A Statesman: LBJ and Texas Blacks in the 1948 Election," *Social Science Quarterly* 74 (June 1993): 243, 250.

<sup>7</sup> *Ibid.*, 247; Dallek, *Lone Star Rising*, 288.

<sup>8</sup> *Ibid.*, 277; Cox, "LBJ and Texas Blacks," 247-250.

## NOTES

### INTRODUCTION

<sup>1</sup> Michael R. Beschloss, ed., *Taking Charge: The Johnson White House Tapes, 1963-1964* (New York: Simon & Schuster, 1997), 37.

<sup>2</sup> *Ibid.*, 38.

<sup>3</sup> Robert Dallek, *Flawed Giant: Lyndon Johnson and His Times, 1961-1973* (New York and Oxford: Oxford University Press, 1998), 120, 220; James C. Harvey, *Black Civil Rights During The Johnson Administration* (Jackson: University and College Press of Mississippi, 1973), 54; Robert Dallek, *Lone Star Rising: Lyndon Johnson and His Times, 1908-1960* (New York and Oxford: Oxford University Press, 1991), 168; Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944-1969* (New York: Columbia University Press, 1976), 167, 246.

<sup>4</sup> Robert A. Caro, *The Years of Lyndon Johnson: The Path to Power* (New York: Alfred A. Knopf, 1982), xix.

<sup>5</sup> Paul R. Henggeler, *In His Steps: Lyndon Johnson and the Kennedy Mystique* (Chicago: Ivan R. Dee, 1991), 9.

<sup>6</sup> Irving Bernstein, *Guns or Butter: The Presidency of Lyndon Johnson* (New York and Oxford: Oxford University Press, 1996), 45.

<sup>7</sup> Dallek, *Lone Star Rising*, vii, 8-9.

<sup>8</sup> Steven F. Lawson, "'I Got It From the *New York Times*': Lyndon Johnson and the Kennedy Civil Rights Program," *Journal of Negro History* 67 (Summer 1982): 159.

### 1. THE REALIST

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<sup>2</sup> *Ibid.*, 91, 108-109, 123-124.

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<sup>6</sup> Patrick Cox, "'Nearly A Statesman': LBJ and Texas Blacks in the 1948 Election," *Social Science Quarterly* 74 (June 1993): 243, 250.

<sup>7</sup> *Ibid.*, 247; Dallek, *Lone Star Rising*, 288.

<sup>8</sup> *Ibid.*, 277; Cox, "LBJ and Texas Blacks," 247-250.

- <sup>9</sup> Ibid., 248, 253.
- <sup>10</sup> Ibid., 257.
- <sup>11</sup> Dallek, *Lone Star Rising*, 366-367; Lawson, *Black Ballots*, 123.
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- <sup>21</sup> George Reedy, "The True Dawn of Civil Rights," *The Washington Monthly* 14 (May 1982): 48.
- <sup>22</sup> Hale Boggs, Oral History, LBJL; Everett Dirksen, Oral History, LBJL.
- <sup>23</sup> Chappell, *Inside Agitators*, 159; Fite, "Russell and Johnson," 132; Mayer, "Eisenhower and the Civil Rights Act of 1957," 146.
- <sup>24</sup> Ibid.
- <sup>25</sup> Reedy, "The True Dawn of Civil Rights," 50.
- <sup>26</sup> Mayer, "Eisenhower and the Civil Rights Act of 1957," 147-148; Dallek, *Lone Star Rising*, 526.
- <sup>27</sup> Mayer, "Eisenhower and the Civil Rights Act of 1957," 149.
- <sup>28</sup> Stephen E. Ambrose, *Eisenhower: Soldier and President* (New York and London: Simon & Schuster, 1990), 445; Dallek, *Lone Star Rising*, 527.
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- <sup>30</sup> Roy Wilkins, Oral History, LBJL.

- <sup>31</sup> Joseph Rauh, Oral History, LBJL.
- <sup>32</sup> *Ibid.*
- <sup>33</sup> Dallek, *Lone Star Rising*, 549; Lawson, *Black Ballots*, 223; Stern, "Lyndon Johnson and Richard Russell," 696; Chappell, *Inside Agitators*, 170.
- <sup>34</sup> Lawson, *Black Ballots*, 298.
- <sup>35</sup> *Ibid.*, 246; Chappell, *Inside Agitators*, 171.
- <sup>36</sup> *Ibid.*, 172.
- <sup>37</sup> Lyndon Baines Johnson, interview by Walter Cronkite, video tape recording, 12 January 1973, Lyndon Baines Johnson Library, Austin, Texas.
- <sup>38</sup> Dallek, *Lone Star Rising*, 555, 568, 573.
- <sup>39</sup> *Ibid.*, 490-491.
- <sup>40</sup> *Ibid.*, 577-578.
- <sup>41</sup> *Ibid.*, 582.
- <sup>42</sup> Mark Stern, "Calculating Visions: Civil Rights Legislation in the Kennedy and Johnson Years," *Journal of Policy History* 5, no. 2 (1993): 233.
- <sup>43</sup> Dallek, *Flawed Giant*, 23, 27, 30, 36; Minutes of CEEO Meetings, 18 July 1963, Arthur M. Schlesinger, Jr. Papers, Civil Rights: Box W-56; LBJ, interview by Cronkite.
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- <sup>45</sup> Vaughn Davis Bornet, *The Presidency of Lyndon B. Johnson* (Lawrence: University Press of Kansas, 1983), 96.
- <sup>46</sup> Michael P. Riccards, "Rare Counsel: Kennedy, Johnson and the Civil Rights Bill of 1963," *Presidential Studies Quarterly* 11 (Summer 1981): 395.
- <sup>47</sup> *Ibid.*, 396.
- <sup>48</sup> *Ibid.*, 397.
- <sup>49</sup> Whitney Young, Oral History, LBJL.
- <sup>50</sup> Dallek, *Flawed Giant*, 37; Richard Reeves, *President Kennedy: Profile of Power* (New York and London: Simon & Schuster, 1993), 528.

## 2. FIGHTING THE GOOD FIGHT

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- <sup>2</sup> Jesse Unruh to LBJ, November 26, 1963, Legislative Background, Civil Rights Act of 1964, Box 1, Folder 2, Lyndon Baines Johnson Papers (hereafter cited as LBJP), LBJL.



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<sup>5</sup> Kearns, *Johnson and the American Dream*, 232.

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<sup>11</sup> George H. Gallup, *The Gallup Poll: Public Opinion, 1935-1971*, volume 3: 1959-1971 (New York: Random House, 1972), 1858-1859; Dallek, *Flawed Giant*, 116.

<sup>12</sup> Branch, *Pillar of Fire*, 187.

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<sup>14</sup> Strom Thurmond, Oral History, LBJL.

<sup>15</sup> Beschloss, *Taking Charge*, 25; Gallup, *The Gallup Poll*, 1863, 1867, 1881.

<sup>16</sup> James Eastland, Oral History, LBJL.

<sup>17</sup> Beschloss, *Taking Charge*, 147; LBJ-Roy Wilkins, January 6, 1964, 5:12 p.m., Telephone Tape (hereafter cited as TT).

<sup>18</sup> Bayard Rustin, Oral History, LBJL.

<sup>19</sup> Dallek, *Flawed Giant*, 116.

<sup>20</sup> Eric F. Goldman, *The Tragedy of Lyndon Johnson* (New York: Dell, 1968), 76, 81.

<sup>21</sup> LBJ-Hubert Humphrey, February 25, 1964, 11:00 a.m., TT.

<sup>22</sup> Hubert Humphrey, Oral History, LBJL.

<sup>23</sup> Kearns, *Johnson and the American Dream*, 192.

<sup>24</sup> Everett Dirksen, Oral History, LBJL; Burke Marshall, Oral History, LBJL.

<sup>25</sup> Goldman, *The Tragedy of Lyndon Johnson*, 81-82.



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- <sup>27</sup> *Ibid.*, 125-127; Stern, "Calculating Visions," 239; Nicholas Katzenbach, Oral History, LBJL.
- <sup>28</sup> Whalen and Whalen, *The Longest Debate*, 185.
- <sup>29</sup> LBJ to Karl Mundt, June 9, 1964, 4:55 p.m., TT.
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- <sup>31</sup> *Ibid.*, 215, 226-227; Beschloss, *Taking Charge*, 449; Johnson, *The Vantage Point*, 160.
- <sup>32</sup> Henggeler, *Johnson and the Kennedy Mystique*, 114.
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- <sup>40</sup> Branch, *Pillar of Fire*, 404; Gallup, *The Gallup Poll*, 1894.
- <sup>41</sup> James C. Harvey, *Black Civil Rights During the Johnson Administration* (Jackson: University and College Press of Mississippi, 1973), 22.
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- <sup>43</sup> Dallek, *Flawed Giant*, 161-162; LBJ to John McCormack, June 13, 1964, TT.
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<sup>51</sup> Sally Belfrage, *Freedom Summer* (Charlottesville and London: University Press of Virginia, 1990), 245; Gallup, *The Gallup Poll*, 1899.

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<sup>53</sup> PPP: LBJ, 1963-1964, vol. 2: 1285-1286.

<sup>54</sup> David Zarefsky, "Subordinating the Civil Rights Issue: Lyndon Johnson in 1964," *The Southern Speech Communication Journal* 48 (Winter, 1983): 110, 114.

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### 3. THE PEAK AND THE VALLEY

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<sup>3</sup> Patricia Sullivan, *Days of Hope: Race and Democracy in the New Deal Era* (Chapel Hill and London: The University of North Carolina Press, 1996), 6, 13; Kyvig, *Amending the U.S. Constitution*, 356.

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<sup>8</sup> Stern, "Calculating Visions," 240.

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<sup>11</sup> Dallek, *Flawed Giant*, 212; David J. Garrow, *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965* (New Haven: Yale University Press, 1978), 134.

<sup>12</sup> Dallek, *Flawed Giant*, 213.

<sup>13</sup> Lee White to LBJ, February 3, 1965, Legislative Background, Voting Rights Act of 1965, Box 1, Folder 1, LBJP, LBJL.

<sup>14</sup> Dallek, *Flawed Giant*, 214; Schulman, *LBJ and American Liberalism*, 108.

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- <sup>18</sup> Lawson, *Black Ballots*, 310.
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- <sup>20</sup> Garrow, *Protest at Selma*, 93; Carter, *Politics of Rage*, 251.
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- <sup>23</sup> Ibid., 253.
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- <sup>27</sup> Garrow, *Protest At Selma*, 103-105.
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- <sup>35</sup> Goldman, *The Tragedy of Lyndon Johnson*, 385-386.
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## CONCLUSION

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