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LYNDON JOHNSON, CIVIL RIGHTS, AND PARTY
REALIGNMENT IN THE SOUTH

by

Adam L. Warber

A Thesis
Submitted to the
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Adam L. Warber

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REALIGNMENT IN THE SOUTH

Adam L. Warber, M.A.

Western Michigan University, 1996

Lyndon Johnson's decision to place the power of the presidency behind a drive for civil rights of African Americans initiated momentum which by 1994 resulted in a substantial party realignment in the South. First, history; Johnson's personal experience as a Southerner; his knowledge of the political system; his political power, and his political judgement were important elements in making this decision. Secondly, Johnson's considerations in striving for civil rights legislation included: (a) consideration of political difficulties and strategies in framing and in passage of the legislation, (b) his break with Southern Democratic colleagues on civil rights, (c) the pressures which might ensue from Northern liberals if he did not support the civil rights legislation, and (d) support he would lose in the Congress on other legislation if he pressed hard for civil rights legislation. Third, while concerned about re-election and electoral support in the South, Johnson ignored the possibility of party realignment in the South.

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CHAPTER I

INTRODUCTION: LYNDON JOHNSON AND CIVIL RIGHTS

Statement of the Problem

Since the founding of this nation, the American South has been unable to shed the "stain" on its political heritage regarding civil rights for African Americans. Northern resentment of Southern race relations grew out of the South's insistence on the use of black slavery for its economic system of plantations. This economic division of an industrial North vs. an agricultural South also politically divided the two regions. The result was a Northern call for the emancipation of slaves while Southern States rallied around the issue of states' rights as the method to protect their economic system. This led to Southern secession and the Civil War which centered on the political issue of Federal authority vs. State sovereignty.

Following the War, the South was denied participation in drafting Reconstruction policies to reunite the North and South. The "Radical" Republicans in Congress forced the South to accept such provisions in order re-enter the Union as a State. In addition, the Thirteenth, Fourteenth, and Fifteenth Constitutional Amendments were added to promote black equality.

Following the Civil War and Reconstruction, the South overwhelmingly attached itself to the Democratic party. This began the

rise of the "Solid" Democratic South in American politics. Southern politics during this period was marked by a continued opposition to black civil rights along with a strong support for States' rights. The Supreme Court's landmark civil rights cases of Plessy v. Ferguson (1896) and Brown v. Board of Education (1954 and 1955) resulted in further Southern attempts to utilize forms of discrimination, referred to as "Jim Crow" laws, to slow the implementation of laws promoting black rights. In Southern Politics in State and Nation (1949), V.O. Key, Jr. argued that the role of blacks in Southern society was at the heart of shaping Southern politics. Specifically, Key believed that it was those white Southerners who resided in areas which were predominately black, who brought the racial factor into Southern politics. These whites wanted to continue to hold political power over blacks whom they regarded as being inferior to the white race. Thus, the South would experience the growth of white supremacy (Key, Jr., 1949, 5).

It was not until approximately one hundred years following the Civil War that the most significant civil rights policies were developed by the Lyndon Johnson Administration (1963-1968). This was the first time since the Civil War that a president committed his Administration to black civil rights. The Civil Rights Act of 1964 demonstrated to the States that the Federal government could effectively engage in the promotion of civil rights (Carmines and Stimson, 1989, 43-4). When this proposed Act was presented before Congress, approximately ninety percent of Southern Democrats serving voted

against the bill. The reason for this was many Southern Democrats became outraged at the extent of civil rights legislation that the Democratic party was endorsing. They began to feel that Lyndon Johnson, the first Southern president since Reconstruction, had "betrayed" the South (Black and Black, 1992, 149). Johnson, however, resisted Southern pressure to ease up on promoting further civil rights legislation. If the South was angry at the passage of the Civil Rights Act of 1964, it was infuriated with the Voting Rights Act of 1965 since its provisions were aimed mainly at Southern States. In those States, the Federal government became directly involved in increasing the number of registered voters among blacks. A major impact of the Voting Rights Act of 1965 was it politically empowered blacks. This posed a threat to the already established Southern political tradition since this could lead to large numbers of blacks being elected to various governmental offices (Bass and DeVries, 1976, 11-12). Since African Americans viewed the Democratic party as the stronger party on civil rights, they would be much more supportive of the Democrats in contrast to the Republicans.

The Civil Rights Act of 1968 brought closure to Johnson's civil rights policies and mainly focused on racial housing rights. At this time, the political failure of Johnson's presidency was becoming apparent. The war in Vietnam was critical but he lost support in the South in reaction to his civil rights position.

The major political problem for Johnson's civil rights policies was they led to a significant decline in the political support that

Johnson needed from Southern Democrats. This occurred during the 1960's when many white, Southern, liberal Democrats became "alienated" within their party and further identified with the Republican party (Woodward, 1974, 208-9).

Before progressing further, the term "South" used throughout the study will refer to both the Deep South and the Peripheral South. The Deep South consists of ". . . Alabama, Georgia, Louisiana, Mississippi, and South Carolina. The six states of the Peripheral South--Arkansas, Florida, North Carolina, Tennessee, Texas, and Virginia--share memories of fellow membership in the Confederate States of America, but they are less distinctively southern" (Matthews and Prothro, 1966, 169). A common thread shared by the Deep and Peripheral South is their record on race relations.

Hypothesis

Lyndon Johnson's decision to place the power of the presidency behind a drive for civil rights of African Americans initiated momentum which by 1994 resulted in a substantial party realignment in the South.

1. History, Johnson's personal experience as a Southerner, his knowledge of the political system, his political power, and his political judgement were important elements in making this decision.

2. Johnson's considerations in striving for civil rights legislation included: (a) consideration of political difficulties and strategies in framing and in passage of the legislation, (b) his break with Southern Democratic colleagues on civil rights, (c) the pressures

which might ensue from Northern liberals if he did not support the civil rights legislation, and (d) support he would lose in the Congress on other legislation if he pressed hard for civil rights legislation.

3. While concerned about re-election and electoral support in the South, Johnson ignored the possibility of party realignment in the South.

Research Methods

The design for this thesis utilizes a traditional approach to analyzing the Johnson Administration and civil rights and incorporates primary and secondary source material. It not only centers on the Johnson Administration but focuses on viewpoints from various Southern Democrats who either served in Congress during the 1960's or held political office in their respective states. The second chapter makes use of the political writings of John C. Calhoun regarding his states' rights views. One government document which has been extensively used is Congressional Record which provides congressional debates on various civil rights legislation and presents arguments made by Southern Democrats opposed to Johnson's racial policies. The study also utilizes public papers, an autobiography, and biographies of Lyndon Johnson; writings of members in his Administration; as well as certain Southern Democrats. Finally, several scholarly books and journal articles on the civil rights movement in the 1960's and on Southern politics have been referred to in order to add depth to the thesis.

The amount of qualitative literature discussing the nature of

Southern Democratic opposition to Johnson's civil rights legislation is small. This thesis attempts to contribute to the qualitative literature by focusing on the overlooked question as to why Johnson committed his Administration to pursuing civil rights despite knowing at the outset the political damage that would occur to his Administration and the Democratic party? Secondly, it will probe the question as to why Southern Democrats were still adamant to hold on to their Southern heritage regarding civil rights policies approximately hundred years following the Civil War? Furthermore, this study is important since it attempts to "dig" beneath the debris of the Vietnam war during the 1960's. Presidential scholars attribute much of the failure of the Johnson Administration to Johnson's Vietnam policies. However, more research on the Johnson presidency needs to emphasize other policies which directly affected that Administration. Johnson's civil rights policies should not be taken lightly. In the end, they were significantly destructive to the Democrats and Lyndon Johnson. The succeeding chapter begins by briefly tracing the South's support of states' rights and the issue of federalism with respect to civil rights for African Americans by beginning with the Andrew Jackson Administration.

CHAPTER II

FEDERALISM AND THE SOUTHERN STATES

On 13 April 1830, President Andrew Jackson along with members of Congress attended a birthday party to honor the political contributions of the late Thomas Jefferson. Those who were responsible for organizing the party aimed to better ally themselves with the Democratic party. Ironically, the majority of guests who attended were strong advocates of States' rights which ran counter to Jackson's view of a strong Federal union (Ellis, 1987, 48). The climax of the evening occurred when Jackson and his Vice President, John C. Calhoun, both toasted in memory of Jefferson. In his toast, Jackson declared ". . . our Federal Union: It must be preserved." Calhoun, a Southerner, responded ". . . the Union: next to our Liberty the most dear: may we all remember that it can only be preserved by respecting the rights of the States, and distributing equally the benefit and burthen [sic.]" (Benton, 1903, 147). This support for states' rights opened a fault-line in the political relationship between Jackson and Calhoun. Calhoun increasingly believed Southern States had begun to become alienated from the Federal government as well as from the rest of the country which he continually refers to as the "majority" in American politics. Therefore, Calhoun devoted a considerable amount of his political career ensuring that a better equilibrium concerning the exercise of political power between the Southern States (the minority)

and the rest of the United States existed.

Calhoun argued in his writings that political power in the American constitutional system rested ultimately in the States. Specifically, the States not the citizens were the creators of both the Constitution and the Federal government.

The Role of the States in the American Constitutional System

The major catalyst responsible for causing Calhoun to support the idea of States' rights occurred in response to Congress' passage of what became known as the Tariff of Abominations in 1828. The Tariff of 1828 raised taxes on manufactured goods except for wool products developed in the textile industry. The South was predominately opposed since the tariff tended to favor the North in which the textile industry prevailed (Castel and Gibson, 1975, 38-9). Since this tariff did not specifically benefit States in all regions of the country, Calhoun considered it to be unconstitutional. It should be noted that Calhoun did not dispute the Congress levying a tariff for the purpose of raising taxes. However, Calhoun believed it was unconstitutional for one region of the country to be directly taxed in order to support the rest of the nation (Niven, 1988, 158). In a letter to Duff Green on 1 July 1828, Calhoun referred to the tariff question by writing "in its tendency, I consider it, by far the most dangerous question that has ever sprung up under our system; and mainly because its operation is so unequal among the parts" (Hemphill and Wilson, 1977, 392).

In addition to believing that the tariff was unconstitutional,

Calhoun advocated that it resulted in the impoverishment of many Southern planters. In response to this, Calhoun explained in a letter to Samuel D. Ingham of New Hope, Pennsylvania on 23 July 1828 that a majority of the people in the South felt a sense of separation from the rest of the country since the tariff was having its greatest impact on the South. However, at this time, Calhoun was reassured that the South was politically committed to the American Federal system (Hemphill and Wilson, 1977, 402).

After this incident, however, Calhoun attempted to keep his states' rights view from the public as much as possible. This occurred since Calhoun was interested in challenging Jackson in the presidential election of 1832. As time went on, Southern States, especially Calhoun's home state of South Carolina, pressured Calhoun to take a public stand on the issue.

In 1831, Calhoun confronted the greatest political problem of his career. That is, should he seek the office of the presidency in 1832 in order to oust Andrew Jackson or should he publicly embrace and pursue his ideas concerning States' rights? Many South Carolinians believed the "plundering" of the South by the Federal government needed immediate attention and pressured Calhoun to carry out Southern plans for nullification. Nullification was a concept whereby Southern States believed they could declare certain laws unconstitutional and therefore, not have to abide by them. Calhoun's peers also argued that he lacked the necessary political support to become president (Peterson, 1987, 189). On 26 July 1831, Calhoun issued his Fort Hill Address

whereby he publicly announced his decision to vigorously support state interposition (nullification). In this speech, Calhoun explained that the Tariff of 1828 caused a harmful division between the North and South. This division not only occurred in these regions, but also in Congress. Therefore, Calhoun argued that nullification should be a legitimate power to provide Southern States, with a "check" on Northern States concerning congressional legislation (Peterson, 1987, 192).

In his 1987 book, entitled The Great Triumvirate: Webster, Clay and Calhoun, Merrill D. Peterson provides additional reasons as to why Calhoun decided to not seek the presidential office but rather pursue nullification policies. Peterson agrees that Calhoun lacked the needed support to run for the presidency. Peterson supports this argument by explaining that because of Calhoun's views on states' rights and his increased political dissent over Jacksonian policies, he politically isolated himself from the party of Andrew Jackson. Also, Calhoun realized that the issue of nullification could potentially grow into a strong political movement which might completely destroy the Union (Peterson, 1987, 193). In a letter in May of 1832 to Richard K. Crallé, newspaper editor of Richmond, Calhoun wrote that he wanted to ". . . make it the criterion of patriotism not to take office under the Gen[era]l Gov[ernmen]t till the Constitution be restored; and the South liberated from her burdens" (Wilson, 1978, 584).

The question that arises is how did Calhoun reason that state interposition was constitutionally valid? In order to deal with this question, Calhoun's political and theoretical views on his "concurrent

majority" theory and state interposition need to be explored. The significance of Calhoun's Southern view is that in the 1960's during the Lyndon Johnson Administration, the issue of states' rights and federalism were still being addressed by the South in response to the most significant civil rights legislation passed since Reconstruction.

In a letter to Governor James Hamilton, Jr. of South Carolina on 28 August 1832, Calhoun defended his states' right platform by arguing that the Constitution was a document created by the States rather than by individuals. Calhoun pointed out that the constitutional debates as well as the Constitution's ratification were carried out by each State. Calhoun stated ". . . the Union, of which the Constitution is the bond, is a union of States, and not of individuals" (Crallé, 1968b, 147-48). This then leads to the constitutional debate as to what is meant by the phrase "We the People" which begins the Preamble to the Constitution. Calhoun argued that States not individuals hold sovereign power to govern. When preparing his draft on federalism for a speech before the South Carolina General Assembly, Calhoun wrote that the States, not the general population, were responsible for the creation of the Constitution. Calhoun explained, "if there by any historical fact certain, it is that the Constitution is the act of the States, as distinct and separate. . . and not that of the American people, as a single community" (Wilson, 1978, 495). Calhoun continued by arguing that

. . . we have conclusive proof in the 7th and last Article of the Constitution, which provides that the ratification of the convention[s] of 9 States shall be sufficient for the establish[men]t of this Constitution between the States, so ratifying

the same, clearly indicating that "people" in the preamble [sic.] meant the people of the several States, considered as separate Com[munit]ies (Wilson, 1978, 497).

In order for the people to be linked to the Federal government, citizens had to rely on their respective State's decision whether to ratify the Constitution or not. Since the States were responsible for putting their citizens under the control of the Federal government, Calhoun stated, ". . . there is no direct and immediate connection between the individual citizens of a State and the General Government. The relation between them is through the State. The Union is a union of States as communities, and not a union of individuals" (Crallé, 1968b, 148-49).

Calhoun's weakness in his argument occurred when he failed to address the issue of public support for the Constitution. That is, without the backing of its citizens, the States would have had difficulties in the ratification process. Certainly, the political fate of State governmental officials were held in the hands of their citizenry.

Therefore, according to Calhoun, when a constitutional dispute concerning the exercise of power between the States and Federal government occurs, the Federal government cannot inflict its consensus on a State (Crallé, 1968b, 152). In order to support his argument, Calhoun advocated that in reality, the United States is a "confederation" under the Constitution just as it was under the Articles of Confederation. Calhoun pointed out that most Americans erroneously perceived the Federal government as deriving its ultimate

authority from the Constitution rather than from the States. The Articles of Confederation were developed by a confederation of individuals from the States while the United States Constitution was implemented by the States themselves (Crallé, 1968b, 158-59). Because of this, Calhoun argued that all States were equal in both controlling policies passed by the Federal government as well as effectively opposing their implementation. This, therefore, leads to Calhoun's doctrine of the "concurrent majority" in politics.

The "Concurrent Majority" Theory

Calhoun's idea of a "concurrent majority" was to promote unity in society by protecting the political rights of the minorities by allowing their grievances to be fully represented by government. Calhoun argued that in a "concurrent majority" system, ". . . instead of faction, strife, and struggle for party ascendancy, there would be patriotism, nationality, harmony, and a struggle only for supremacy in promoting the common good of the whole" (Calhoun, 1851, 48-9). William W. Freehling wrote in his 1990 article entitled The Road to Disunion: Secessionists at 1776-1854, that "a concurrent majority of all was by definition a disinterested government, continually possessing every minority's consent" (Freehling, 1990, 258). One of the unique qualities of the United States Constitution was the view of the minority would be protected. Calhoun believed the Constitution and the notion of "separation of powers" would fail in providing an equal balance between majority and minority rights. Instead, the majority would

continue to allow its political views to overshadow those of the minority. Calhoun's reason was that the majority were the ones who elect officials to the Federal government, who in turn appoint Federal judges who reflect the viewpoints of the majority. These judges would interpret the meaning of the Constitution in a manner which would benefit the majority but would prevent minority views from having an impact on the political system (Freehling, 1965, 27).

Calhoun was relating his idea of the "concurrent majority" to the Southern States who were the minority in the Federal Union concerning economic issues as well as because of their traditional support of slavery. Because they were in the minority, Southern States strongly opposed Federal legislation directly imposed on them (Spain, 1968, 129-30). This makes reference to the issue of state interposition which will be discussed later in the chapter.

It should be noted that within the framework of "concurrent majority," all groups (States) involved in a political system would have the right to veto any Federal law. Therefore, laws are defined as those supported by all groups which follow the idea of "concurrent majority." Although the possibility exists that a concurrent majority system could end in anarchy, Calhoun argued the benefits would outweigh the negative consequences. Instead, he believed it would lead to "creative compromises" (Freehling, 1965, 27). If the Constitution was created in the hopes of providing stability within a Union, then how could a system following the theoretical ideas behind the "concurrent majority" provide a more unified nation? Calhoun argued there were

indeed several benefits for a union under his idea of a "concurrent majority" system.

In his work entitled A Disquisition of Government, Calhoun differentiated between the benefits of a concurrent majority system and the negative consequences of a numerical majority. The term "numerical majority" simply refers to a system whereby the majority rule society. In the case of a concurrent majority, there is a sense of unity among all groups or interests. In contrast, division occurs more readily within a numerical majority system since major struggles occur between the groups involved regarding the right to control the central government (Crallé, 1968b, 47). Calhoun suggested that a system of concurrent majorities would not result in the dissolution of a union for two specific reasons. First, each group (State) would make sure that the Union was preserved. If there was a crisis which posed an immediate threat to a union, all of the groups (States) would work to ensure that necessary legislation was passed to remedy the situation. The second reason was each group (State) would be composed of the most competent governmental officials who would be entrusted to engage in compromises with other groups (States). These statesmen would vigorously seek to preserve the political system (Freehling, 1965, 27-8). In his 1965 article entitled "Spoilsmen and Interests in the Thought and Career of John C. Calhoun," William W. Freehling argued that Calhoun's "concurrent majority" theory failed to end political corruption among competing politicians. Freehling pointed out that the concurrent majority theory ". . . assumes that the interests control their

politicians. The theory of spoilsmen rests on the premise that demagogues control their constituents. The concurrent majority, in curing the disease of the interests, will not affect the intrigues of the demagogues" (Freehling, 1965, 34). That is, one cannot successfully curb a politician's desire for political power. Once an individual holds political office, the temptation exists for an abuse of powers.

State Interposition, Secession, and the Civil War

If the United States were to adopt and implement the basic notion of the "concurrent majority," the States need to be granted with specific political powers to ensure that each State exercises equal authority. According to Calhoun, States would be given the power of nullification, also referred to as state interposition. On 26 July 1831, Calhoun wrote to Frederick W. Symmes, editor of Pendleton, South Carolina's Messenger concerning his support of state interposition as a major instrument utilized by States that adhered to the idea of the "concurrent majority." Calhoun stated,

. . . should the General Government, and a State come into conflict, we have a higher remedy; the power which called the General Government into existence, which gave it all of its authority, and can enlarge, contract, or abolish its powers at its pleasure, may be invoked (Wilson, 1978, 421).

In a general sense, interposition is defined as ". . . throwing the shield of protection between the citizens of a State and the encroachments of the Government. . . ." (Crallé, 1968b, 160). Specifically, the idea is to allow States to declare laws passed by Congress as unconstitutional. If certain laws are deemed unconstitutional, the States

believe they are not bound to obey them (Crallé, 1968b, 159).

In advocating interposition, Calhoun was not suggesting that this would lead to a rise in Southern supremacy. Instead, there needed to be an equilibrium concerning the exercise of power among States in all regions of the country. That is, the minority (Southern States) should be well represented by having their views heard and considered just like the majority (Northern States) are (Niven, 1988, 160). The issue of state interposition was finally invoked by Southern States on 14 July 1832 in response to Congress' passage of the Tariff of 1832 which lowered rates set by the Tariff of 1828. Since the South did not favor the new tariff either because they still were taxed more than the North, they carried out their nullification threat (Castel and Gibson, 1975, 45). When this crisis occurred, questions of Southern secession also arose.

Southern advocates of states' rights and state interposition believed any State could constitutionally secede from the Union. This could occur if the Supreme Court failed to declare those governmental acts and legislation which were unconstitutional. Thus, since they entered the Union on their own, they could leave at any time when they believed the Federal government was not adhering to constitutional principles. Calhoun believed secession should be used by States as a last resort. The prime reason Calhoun favored state interposition to that of secession was he wanted to safeguard the traditional Southern "social hierarchy" concerning blacks and whites (Freehling, 1990, 258-9). As time progressed, Southern States believed the only alternative

to preserving their "minority" political views was to secede.

A second reason that the South did not want the Federal government to interfere with the authority of the States was the South wanted to protect its economic system. The Southern economic structure during most of the Nineteenth century until the Civil War was based on an agricultural system of plantations which relied on black slavery in stark contrast to Northern industrialization (McPherson, 1992, 26). During the period from 1815 until the Civil War, the most profitable economic resource in the United States was Southern cotton. This era of "King Cotton" grew in response to the Northern textile industries' need for larger quantities of cotton following the development of Eli Whitney's cotton gin in 1793 which further expedited cotton production. This invention and Northern demand increased the South's dependence on its system of slavery since cotton production in this region doubled (McPherson, 1992, 28).

The institution of slavery was one of the major driving forces which led to conflict between the political authority of the Federal government and the rights of States. During a speech before the Senate on 6 February 1837, Calhoun reacted to the issue of the abolition of slavery in the South. He argued that abolition would politically separate the South from the rest of the Union. Furthermore, it would socially disrupt peace and stability between blacks and whites in that region. Calhoun summarized the overall position of the South by stating that slavery, "be it good or bad, it has grown up with our society and institutions, and is so interwoven with them, that to

destroy it would be to destroy us as a people" (Wilson, 1980, 394-5).

One Supreme Court case regarding slavery which received significant attention from both the North and South prior to the Civil War was Scott v. Sandford (1857). This ruling confirmed that the Constitution did not define a Negro as a "citizen." That is, States could provide blacks with State citizenship but could not bestow the rights of United States citizenship to blacks [Scott v. Sandford, (1857), 19 Howard 393]. This case reinforced Southern willingness to continue utilizing black slavery.

It was not until several weeks after the election of Abraham Lincoln to the presidency in 1860, that individual Southern States began to mobilize themselves in an effort to secede from the Union. Each Southern State instructed its voters to select delegates which would form a convention to decide the question of secession. South Carolina was the first state to vote in favor of secession on 20 December 1860. This was the only Southern State to have a unanimous vote among its delegates in support of secession (McPherson, 1992, 131). Eventually, the rest of the South followed suit and on 14 April 1861, the Southern Confederacy officially initiated the Civil War by firing the first shots on Fort Sumter (McPherson, 1992, 149).

Unlike the South, Abraham Lincoln advocated that after the creation of the Constitution, each State gave up certain political rights which they bestowed upon the Federal government. Because of this, States had no legal basis to leave the Union (Stampp, 1965, 25). In his First Inaugural Address on 4 March 1861, Lincoln stated ". . .

no State, upon its own mere motion, can lawfully get out of the Union, . . . and that acts of violence, within any State or States, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances" (Basler, 1953, 265). This led the Lincoln Administration to focus sharply on the preservation of the United States. Even so, questions surrounding black equality continued to surface once Lincoln began to devise a plan for Reconstruction following the Civil War.

Throughout the Civil War, the question of ending slavery and promoting black civil rights was an issue to which the Lincoln Administration needed a prompt response. Lincoln, himself, was apprehensive at emancipating Negro slaves. One reason was he believed that if slaves were free, the threat existed that Northern industrial cities would be flooded with ex-slaves seeking employment. Secondly and most importantly in the eyes of the Lincoln Administration was the preservation of the Union. Therefore, Lincoln reasoned that a hasty decision to emancipate might cause Southern States to further distance themselves from returning to the Union (Meier, 1976, 156). Once the War was over and emancipation had taken place, future presidents were still left to deal with the problem of the White South. The South remained opposed to Federal intervention in racial matters.

Reconstruction and Jim Crow

During the period of Reconstruction (1865-1876), the Democratic party developed into the dominating political party of the South.

Specifically, the Democratic party became the party of the whites who attempted to reassert political; economic; and social control over Southern Negroes. It also emerged as the major party which opposed and could significantly obstruct Republican Reconstruction policies (Rae, 1994, 30). The Republicans, however, reacted by passing the three Civil War Amendments.

The Thirteenth Amendment, ratified on 6 December 1865, prohibited slavery in the United States and gave Congress the authority to pass legislation, if needed, in order to ensure its abolition (United States Constitution, Amend. XII, sec. 1-2). Following passage of this Amendment, Southern States were left with the decision to ratify it. A majority of them were apprehensive since they claimed the Amendment significantly increased the power of the Federal government. They argued this would lead to further attempts by the Federal government to enact legislation which would give itself even greater authority (Foner, 1988, 199).

On 9 July 1868, the ratification of the Fourteenth Amendment occurred. The major provision of the Amendment was it provided citizenship rights for blacks along with the ". . . equal protection of the laws" (United States Constitution, Amend. XIV, sec. 1). In Section three of the Amendment, the Republican-controlled Congress also struck a blow against the South by denouncing the Southern Confederacy. In this section, Southerners who were once supporters of the United States Constitution but then advocated the cause of a "rebellion" such as the Confederacy during the Civil War were forbidden to hold office at the

State or Federal level. The only exception for this stipulation was Congress could disregard this provision in certain cases by a two-thirds majority vote in each House (United States Constitution, Amend. XIV, sec. 3).

One of the problems of the Fourteenth Amendment was its vagueness. For example, several members in Congress such as Senator Charles Sumner of Massachusetts believed the Amendment did not fully protect black citizenship rights. Sumner argued the Amendment would lead to segregation in the South because of its mention of "equal protection" among the races. Therefore, Sumner became an advocate for forcing the Southern States to develop integrated schools for blacks and whites. Sumner also attempted to have Congress pass a Civil Rights Act which would prevent States from declaring that the Fourteenth Amendment constitutionally legitimized segregation (Stamp, 1965, 139). Sumner believed the Federal government was needed to ensure black rights. In a letter to John Bright on 17 August 1866, Sumner wrote ". . . I see small chance of peace & security so long as the freedmen are denied Equality of Rights" (Palmer, 1990, 376). In 1875, Congress passed a Civil Rights Act which called for the government to promote equality among all races. The problem of this legislation was it did not address the issue of integrated schools (Stamp, 1965, 140). The Supreme Court in 1883, however, ruled in several cases referred to as the Civil Rights Cases that discrimination by individuals rather than by States was not addressed by the Fourteenth Amendment [Civil Rights Cases (1883), 109 U.S. 3].

Members of Congress eventually concluded that the Fourteenth Amendment did not serve as a final solution to providing black equality (Franklin, 1994, 82). In response to this, the Fifteenth Amendment was ratified on 3 February 1870 which provided suffrage for African Americans (United States Constitution, Amend. XV, sec. 1). This Amendment, however, still did not guarantee blacks that their rights would be protected.

Following the Civil War, Southern States developed the so-called "black codes" which were attempts to suppress black rights and reassert white control over that race. These codes resulted in continued discrimination for blacks. For example, in some States, codes were enacted which prevented blacks from marrying whites (McPherson, 1992, 509). Various areas in the South also experienced the growth of white supremacist organizations, such as the Ku Klux Klan in 1866, which opposed Radical Republican Reconstruction policies as well as intimidated blacks in an effort to ensure white control over them (Stampp, 1965, 199-200).

The failure of Reconstruction was evident in 1877 when Federal troops were removed from the South by President Rutherford Hayes. Although Southern States had been readmitted to the Union prior to this year, the failure of Reconstruction was a severe blow to the promotion of civil rights. Instead, the end of Reconstruction opened the door for Southern whites to determine for themselves the expediency, if at all, of the progress of black rights (Stampp, 1965, 186-87).

Following the end of Reconstruction, the South experienced the

rise of so-called Jim Crow laws which were Southern attempts to promote further segregation. For example, many Southern States implemented devices such as literacy and character tests, poll taxes, as well as required that potential voters meet a property qualification test before being registered as voters. Furthermore, a "grandfather" clause was implemented as a prerequisite in order to vote in Louisiana; North Carolina; Alabama, and Georgia. This meant that a person was eligible to vote only if they had family members who were registered voters before 1867. Since a majority of the black population was not eligible to vote before this year, the States easily dismissed many unqualified voters. However, it was not until the Supreme Court's ruling in Plessy v. Ferguson in 1896, that Jim Crow laws greatly flourished since the Court's ruling of "separate but equal" accommodations for whites and blacks was in effect, thus, legitimizing Jim Crow (McPherson, 1992, 608).

In Plessy v. Ferguson, the Court ruled that "separate but equal" public facilities for whites and blacks were constitutional. The Court also ruled that it did not have the authority to integrate blacks and whites within society. The initial case stated that a Louisiana law which allowed segregation in railroad cars was constitutional [Plessy v. Ferguson (1896), 163 U.S. 537].

The period between 1896 and 1954 was marked by a few significant Supreme Court rulings which eventually were viewed as rather weak in protecting black rights. In Guinn v. United States, the Court struck down an amendment to Oklahoma's Constitution which placed restrictions

on voter registration. The Supreme Court ruled the amendment violated the Fifteenth Amendment [Guinn v. United States (1915), 238 U.S. 347]. In 1938, the Court ruled in Missouri ex rel. Gaines v. Canada that Lloyd Gaines' Fourteenth Amendment rights were violated when he was denied the right to attend a law school for whites because he was black. The University of Missouri did not provide blacks with a separate facility for law school studies [Missouri ex rel. Gaines v. Canada (1938), 305 U.S. 337].

Southern white primaries received a severe blow to their existence in the Smith v. Allwright case of 1944 which stated blacks could not be denied participation in state primaries [Smith v. Allwright (1944), 321 U.S. 649]. The issue of property was dwelt with in the Shelley v. Kraemer case of 1948 which stated that individuals could draft "covenants" in order to prevent blacks from purchasing property in their neighborhoods. The Court ruled that it was a violation of the Fourteenth Amendment for States to interfere with the development and enforcement of such "covenants" [Shelley v. Kraemer (1948), 334 U.S. 1]. The Sweatt v. Painter case in 1950 once again addressed the issue of equal educational facilities for blacks. The Court ruled an African American had been unlawfully denied the right to attend law school since the University of Texas did not provide a facility for blacks [Sweatt v. Painter (1950), 339 U.S. 629].

In 1954 and 1955, the Supreme Court ruled in two cases in Oliver Brown et al. v. Board of Education of Topeka, Shawnee County, Kansas, et al. that the "separate but equal" doctrine of the Plessy v. Ferguson

case was no longer valid. Specifically, separate schools for blacks were not deemed by the Court as being equal to white schools [Brown v. Board of Education (1954), 347 U.S. 483]. Theoretically, the ruling of this case ". . . would be the precedent for declaring unconstitutional any state-imposed or enforced segregation" (Sitkoff, 1981, 22-3). This case gave the Federal judicial system the responsibility to make sure that local school districts in the South were making necessary efforts to effectively end segregation within educational systems. After the ruling, the South became enraged since it believed the case was a method for the North to further erode the South's political ability to govern (Williamson, 1984, 507).

The problem with the Brown v. Board of Education case was the Court did not set a timetable as to when States were to end segregation. Instead, the Court opted to gradually end segregation in schools rather than providing an immediate ban [Brown v. Board of Education (1955), 349 U.S. 294]. One of the reasons for this approach was to partially appease the approximately eighty percent of Southern whites who were outraged with the Court's decision. The Court wanted to curb sudden Southern opposition and anger to the decision which might result in violence (Sitkoff, 1981, 24). Even the office of the presidency took a neutral position in response to the issue of ending Southern segregation. Dwight Eisenhower did not strongly support the Brown decision since he did not want to disrupt the political support he garnered from Southern whites. Furthermore, Eisenhower advocated that forcing the South to deal with integration in schools would not be the

most effective method to end segregation (Sitkoff, 1981, 25). In his presidential memoirs, Eisenhower explained his reason for not forcing integration in educational facilities. He stated that during the period of the Brown decision, "the recent record of the South seemed to imply a steady though painfully slow improvement in some areas of race relations" (Eisenhower, 1965, 151). As could be expected, the South strongly opposed the Supreme Court's ruling.

In retaliation, one hundred and one Southern congressmen drafted a Southern manifesto, formally referred to as a "Declaration of Constitutional Principles" on 22 March 1956. Specifically, these members of Congress advocated that school desegregation was an issue to be dealt with by the States rather than by the Federal government (Sitkoff, 1981, 26).

Despite Southern opposition to civil rights, there was one significant piece of civil rights legislation passed during the Eisenhower Administration. Eisenhower signed the Civil Rights Act of 1957 into law on 9 September 1957 which was the first major civil rights bill to be passed since Reconstruction. This legislation developed the Commission on Civil Rights to prevent voter discrimination. It also gave authority to the United States' Department of Justice to enforce voting rights (P.L. 85-315; 71 Stat 634). This Act, however, was not successful in ending discrimination in the South.

Lyndon Johnson and the Second Period of Reconstruction

During the beginning of the John Kennedy Administration, the

issue of civil rights was dormant since Kennedy did not want to disrupt the political support he held from the South. Kennedy had advocated the need for an aggressive civil rights policy during his 1960 presidential campaign. Once in office, Kennedy decided not to pursue civil rights legislation since there was a strong coalition of Southerners in Congress who opposed such actions. Although the Democrats controlled both Houses of Congress, there was not enough political strength among them to pass such controversial legislation. Eventually, Kennedy was forced to strongly encourage Congress to enact civil rights policies in 1963 in response to increased racial strife (Weisbrot, 1990, 151).

In a speech before the American public on 11 June 1963, Kennedy announced his Administration's commitment to racial equality and declared his intention to call upon Congress to pass a civil rights bill ending discrimination in public facilities. The significance of Kennedy's pledge was he wanted the Federal government to have a larger role in civil rights policy than in previous presidential administrations. Kennedy demonstrated this by further stating that he wanted ". . . Congress to authorize the Federal Government to participate more fully in lawsuits designed to end segregation in public education" (Public Papers of Kennedy, 1964, 469-70). Thus, the States were to be no longer the main political instruments to establish racial integration. Kennedy's push for such legislation immediately led to a declining support of his Administration from Southern whites. Furthermore, Senator Barry Goldwater (R-Ariz.) received growing support

from the South as a viable Republican nominee to challenge Kennedy in the 1964 presidential election because of his opposition to such a bill (Brauer, 1977, 298-99). This was the beginning point whereby a major political "battle" was to be waged by Southern Democrats in defiance of civil rights for African Americans.

Following the assassination of John Kennedy on 22 November 1963, Lyndon Johnson inherited the presidency and was left to deal with his Southern colleagues on racial issues. This era in civil rights, referred to as the "Second Reconstruction" by historians, would prove to be one of Johnson's greatest challenges as president and would be partially responsible for his failed presidency. At the end of his Administration, Johnson paid the high price of Southern Democratic support in return for eradicating much of the nation from the "grip" of Jim Crow. Thus, to many blacks, Johnson was seen as a modern "emancipator" in civil rights while Southern Democrats viewed Johnson as the ultimate betrayer of the Democratic party and sectional politics.

CHAPTER III

THE CIVIL RIGHTS ACT OF 1964--THE JOHNSON ADMINISTRATION'S COMMITMENT TO CIVIL RIGHTS

Introduction

On 1 October 1962, the United States was confronted with its most serious problem concerning federalism since the Civil War. On this date, Federal marshals gathered at the University of Oxford in Mississippi to ensure the entry of James Meredith who was black. The event led to violence whereby Federal marshals were physically assaulted by white students as well as by individuals outside of the college community (Woodward, 1974, 174-5). It would not be until the Lyndon Johnson Administration (1963-1968) that civil rights would become a strong White House policy which would sharpen the conflict with the South concerning Federal v. State authority. When John F. Kennedy was assassinated on 22 November 1963, the nation went into a period of "traumatic shock." Lyndon Johnson took advantage of this dark period in American history by pushing through Congress a tremendous amount of legislation (Reedy, 1970, 82-3). Johnson realized he needed to obtain the support from a united Democratic party in order to successfully pursue his Great Society. Secondly, Johnson attempted to seek Southern congressional support concerning civil rights since he feared that if he could not further black equality, he risked losing a second bid for the presidency in 1968. For example, blacks could

potentially become frustrated over the Johnson Administration and resort to racial violence as a means to achieve further equality (Wicker, 1968, 176). This could potentially weaken Johnson's political support as well as hurt the Democratic party in future elections. Therefore, Johnson used the Kennedy assassination as a springboard to strongly encourage Congress to pass a civil rights bill by declaring it would be an appropriate tribute to the slain President (Goodwin, 1988, 312).

The most significant civil rights legislation passed during the Johnson Administration were the 1964 Civil Rights Act; Voting Rights Act of 1965; and the Civil Rights Act of 1968. Although the South argued these were direct attempts to force Federal policies upon their region, Johnson argued that since Southern states were not taking the initiative to promote black equality, it was the responsibility of the Federal government to enforce constitutional rights of citizens.

Johnson's Civil Rights Commitment

In a dramatic speech before the Senate on 4 March 1850, John C. Calhoun argued that the North was unjustifiably attempting to impose its oppositional view of slavery on the South. Calhoun believed the only method to ensure the preservation of the Union was by providing Southern States with "simple justice." One of the ways the North could provide Southern justice was

. . . to cease the agitation of the slave question, and to provide for the insertion of a provision in the constitution [sic.], by an amendment, which will restore to the South, in substance, the power she possessed of protecting herself, before

the equilibrium between the sections was destroyed by the action of this Government (Crallé, 1854, 571-72).

In contrast, Lyndon Johnson wrote in a chapter of his autobiography entitled "The Struggle for Justice" that in the 1960's it was the African Americans rather than the South that deserved justice. Shortly after the Kennedy assassination, Johnson wrote in his memoir "I knew that, as President and as a man, I would use every ounce of strength I possessed to gain justice for the black American. . . I recognized that the moral force of the Presidency is often stronger than the political force (Johnson, 1971, 157). In her biography of Johnson, Doris Kearns contended that Johnson pursued black justice because it was a moral issue that needed to be confronted. Kearns quoted Johnson as stating

. . . as President I couldn't make people *want* to integrate their schools or open their doors to blacks, but I could make them feel guilty for not doing it and I believed it was my moral responsibility to do precisely that--to use the moral suasion [sic.] of my office to make people feel that segregation was a curse they'd carry with them to their graves (Kearns, 1976, 306).

Johnson also believed the North was just as guilty as the South for the spread of black racism and therefore, civil rights was a national problem. Johnson asserted that the problem in the North was much greater to solve than in the South since "all too often the same Northern whites who were perfectly willing to grant the Negro his formal rights as a citizen were unwilling or unable to grant the social acceptance and compassion that would make the formal rights meaningful (Johnson, 1971, 167).

At the beginning of his Administration, Johnson believed the time had come to develop strong civil rights legislation because the social

and political atmosphere in American society had warranted it. Johnson explained, "the potential strength of public opinion had first been evident in the march on Washington late in the Summer of 1963. By the spring of 1964 this climate of opinion could be felt by every Senator and Congressman" (Johnson, 1971, 159). Johnson justified his vigorous attempts to secure civil rights legislation by advocating that despite his Southern heritage, as President, he represented the best interests of the nation as a whole (Johnson, 1971, 39). When Johnson was Senate Majority Leader during the Eisenhower Administration, he was not as supportive of civil rights legislation. In his memoirs, Richard N. Goodwin wrote that Johnson explained to him that he was more committed to civil rights as President because as president, his constituency was the entire nation. As Senator, Johnson's main constituency was the South. Therefore, Johnson believed he had more room to maneuver in a civil rights agenda since it was not entirely restrained by Southern politics (Goodwin, 1988, 316). Johnson also needed to seek presidential support from the Northern liberals who were supportive of an Administration committed to civil rights.

Johnson believed the power of the presidency provided him the necessary "springboard" to promote strong civil rights policies. Johnson admitted that as a former Senate Majority Leader he was not as concerned about expanding black civil rights. However, Johnson stated, ". . . 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" (Kearns, 1976, 232).

American society also reinforced the need for a presidential administration committed to such a cause. For example, civil rights workers during the 1960's who went to the South to promote greater equality for blacks, argued it was the Federal government's sole responsibility to enforce civil rights policies. Because of increased racial violence, these workers claimed conflicts over federalism between the Federal and State governments should have no bearing on civil rights policies. Instead, they claimed Federal action was justified because civil rights policies in the 1960's were designed to protect constitutional rights that were not to be denied (Lawson, 1985, 19-20). Increasing Federal authority to deal with civil rights was also supported by Johnson. Johnson argued that the major civil rights problem

. . . was the increasing alienation of the black citizens from American society. Our representative system was based on the joint premise that all citizens would be responsible under the law and that the law would be responsive to the needs of all citizens (Johnson, 1971, 160).

There were several important elements that strongly pressed Congress to pass a civil rights bill in 1964. First, Johnson called for the passage of an uncompromised bill. Johnson stated, "it would be a fight to total victory or total defeat without appeasement or attrition" (Johnson, 1971, 158). Also, the public had become increasingly supportive of such legislation during the latter part of the Kennedy Administration. The major reason for this was they had seen through the media, especially television, the harsh treatment of African Americans by whites opposed to furthering black rights.

Furthermore, religious organizations increasingly supported the Johnson Administration's efforts to focus heavily on civil rights policies (Garrettson III, 1993, 133-4). Johnson also received support from leaders of the civil rights movement. On 29 April 1964, Johnson spoke before an audience of civil rights leaders regarding the pending Civil Rights Act of 1964 in Congress. It was here Johnson summed up his Administration's commitment to civil rights when he stated:

a hundred years ago Lincoln freed the slaves of their chains, but he did not free the country of its bigotry. A hundred years ago Lincoln signed the Emancipation Proclamation, but until education is unaware of race, until employment is blind to color, emancipation will be a proclamation, but it will not be a fact (Public Papers, 1965, 588).

When the Civil Rights Act of 1964 was passed, the South opposed the Federal government interfering with their rights to govern as States. Johnson, however, did not want the South to have this perception once the Act was to be enforced. In his television address before the nation on 2 July 1964 whereby Johnson discussed the Civil Rights bill that he was about to sign, Johnson explained the Federal government would enforce the Act if States did not take the initiative to implement the provisions themselves (Public Papers, 1965, 843). Despite this, the South was infuriated with complying with this legislation which ran counter to traditional, Southern, white politics.

Joseph A. Califano, Jr., chief domestic adviser during the Johnson Administration, wrote in his memoir that Johnson understood the Democratic party would politically suffer following the Civil Rights Act of 1964. Instead of addressing the potential consequences that would arise from this problem, Johnson continued to pursue further

civil rights legislation such as ensuring black voting rights. Califano stated that shortly after the signing of the Act, Johnson remarked to Bill Moyers, who served as Special Assistant to the President, that ". . . I think we delivered the South to the Republican Party for your lifetime and mine" (Califano, 1991, 55). Even so, throughout his Administration, Lyndon Johnson continually advocated the time had come for blacks to achieve full economic, political, and social equality despite ideological differences that existed within the Democratic party.

Summary of Critical Provisions of the Civil Rights Act of 1964

The civil rights legislation which was passed during the Johnson Administration is considered to be the most significant civil rights policies to be developed since the Civil War Amendments. Specifically, it eradicated Jim Crow laws and lawful segregation as discussed in chapter two. The initial enactment was the Civil Rights Act of 1964 which resulted in two general, but significant developments. First, this legislation demonstrated to the States that the Federal government could effectively engage in the promotion of civil rights. Secondly, the Democrats vowed through actions rather than rhetoric to vigorously lead the nation in promoting equality between African Americans and whites (Carmines and Stimson, 1989, 43-4).

The purpose of the Civil Rights Act of 1964 provided the Federal government with significant leverage through congressional law to force the South to end segregation. For example, the law forced the

integration of schools. This was necessary since the Supreme Court's decision in Brown v. Board of Education was never effectively upheld (Miller, 1980, 371). One problem with the Act was it did not effectively solve the problem of increasing black voter registration. Despite this, the Act did serve as a springboard to further civil rights legislation which pressed further for the elimination of Southern segregation.

The Civil Rights Act of 1964 (P.L. 88-352; 78 Stat. 241) also greatly increased the authority of the Federal government to aid blacks in their quest to overcome Southern segregation. For example, the Federal government could cease funding of certain programs such as education if a particular Southern State failed to take the initiative to comply with the Act's provisions (Scher, 1992, 299).

One of the weaker provisions of the Civil Rights Act of 1964 was Title I which attempted to protect black voting rights. Specifically, it prohibited the use of discriminatory devices such as literacy tests as a method for registering voters for Federal elections. Instead, it declared all individuals with a sixth-grade education could register (United States Statutes at Large, 1965, 241-42). The major problem with this Act was it did not provide a strong mechanism to enforce voter registration among blacks and therefore, was generally deemed as ineffective. It was not until the passage of the Voting Rights Act of 1965 (P.L. 89-110) that this flaw would receive serious consideration (Scher, 1992, 299).

The most significant section of the Act was Title II which

declared there could be no discrimination in public accommodations. If an individual believed he/she had been discriminated against, he/she could sue the business accused of practicing discrimination. The Act also gave the Attorney General authority to aid in suing such accommodations if he/she felt the case had national importance in relation to the Federal government's attempt to end discrimination (United States Statutes at Large, 1965, 243-44). In addition, Title VII also prevented discrimination in the workplace. It called for the creation of the Equal Employment Opportunity Commission (EEOC) which consisted of a board of five individuals who would act as arbiters in issues where discrimination at places of employment were called into question. This Commission's actions were held accountable to both the president and Congress (United States Statutes at Large, 1965, 258).

Implementation of Civil Rights Act of 1964

As Johnson began his first full term as president in 1965, he appointed Vice President Hubert Humphrey to oversee White House policies on civil rights. Humphrey not only headed the newly President's Council on Equal Opportunity but Johnson also put him in charge of the President's Committee on Equal Employment Opportunity. One of the major responsibilities undertaken by Humphrey was to monitor the implementation of the Civil Rights Act of 1964. In September of 1965, approximately eight months after Humphrey was appointed to head the civil rights policies, plans were underway in the White House to assign the Attorney General to be responsible for civil rights issues.

Thus, Humphrey was removed by Johnson as the Administration's spokesperson for civil rights. This reorganization plan also called for the dismantling of the President's Council on Equal Opportunity and the President's Committee on Equal Employment. A major reason for this change was Johnson believed Humphrey was too soft on civil rights and thus, would not effectively handle racial riots which might occur in American cities (Califano, 1991, 64-6).

The passage of this 1964 Act, however, had negative repercussions for Johnson and the Democratic party. When the final versions of the Civil Rights Act of 1964 came before both the House of Representatives and the Senate, approximately ninety percent of the Southern Democrats serving in Congress voted against its passage. The reason for this was many Southern Democrats were outraged at the extent of civil rights legislation the Democratic party was endorsing. In response, they felt Lyndon Johnson, the first Southern president since Reconstruction, had "betrayed" the South (Black and Black, 1992, 149). Johnson, however, resisted Southern pressure to ease up on promoting further civil rights legislation.

Southern Response to the Civil Rights Act of 1964

Although he knew Southern Democrats would overwhelmingly oppose the proposed civil rights bill in 1964, Johnson needed to hold on to their overall political support within the Democratic party since many Southern Democrats supported his Vietnam policies. In return, Southern Democrats were also aware of the importance of supporting the Johnson

Administration since many Southern industrial plants, such as Senator Richard Russell's (D-Ga.) state, received contracts from the Pentagon to produce defense materials for the Vietnam war. Because of this, Southern Democrats were not as vocal in their opposition to the pending bill as they would become with the Voting Rights Act of 1965. Although they strongly opposed such an issue, they were not quite prepared to disrupt unity within the Democratic party at this time (Woods, 1995, 329-30). Even so, Johnson planted the destructive seed which would be a significant factor leading to the collapse of the "Solid" Democratic South with the passage of the Civil Rights Act of 1964.

Johnson understood that by publicly committing his Administration to develop and implement strong civil rights legislation for blacks, he risked losing significant political support from Southern Democrats. Therefore, during the beginning period of his Administration, Johnson attempted to develop a cooperative working atmosphere with Republican Senator Everett Dirksen who served as the Minority Leader in the Senate in order to win passage of his 1964 civil rights legislation. The major reason for this was Johnson needed to win over as many supporters, especially from moderate Republicans, on civil rights to prevent a lengthy filibuster from occurring by the Southern Democrats (Johnson, 1971, 158). No longer could he completely control politically, his Southern congressional colleagues.

"Sectional" vs. "Regional" Legislation

It appears that during Senate debate on the proposed civil

right's bill, Richard Russell (D-Ga.) was resigned to the fact that Southern Democrats had lost their grip on preventing its passage. At one point during the Senate debate on 17 June 1964, Russell stated "It seems that all the amendments proposed to the bill are found to be most excellent and worthy of everything except adoption and approval" (Congressional Record, 1964a, 14200). Although Southern Democrats appeared to have understood that they no longer had the political "muscle" to block civil rights legislation, these modern "Calhounites" still declared the proposed 1964 Act to be unconstitutional based on fundamental American political principles.

The major argument made by Southern Democrats throughout the Johnson Administration was his civil rights policies were in reality, sectional, rather than national legislation. That is, Congress was given the authority to create legislation for the welfare of the nation as a whole rather than for specific regions. Representative Gillis Long (D-La.) argued on 10 February 1964 that the Civil Rights bill has as its intention to focus mainly on the South. Since the Civil Rights Commission would be given authority to analyze voter registration in areas it believed widespread discrimination occurred, Long argued the South would be the major target for Federal investigations because of its past record on racial issues. Thus, the bill which is to effectively deal with racial discrimination, would actually cause more discrimination by concentrating its implementation efforts on the South rather than on other regions of the country. Long stated the bill ". . . is obviously to be used as a weapon against areas of some

Southern States which the [Civil] Rights Commission has said in the past have a low ratio of Negro voters compared to the size of the Negro population" (Congressional Record, 1964b, 2759).

Senator James Eastland (D-Miss.) argued this sectional bill would actually backfire and adversely affect the rest of the nation apart from the South. Eastland referred to the proposed Civil Rights bill as a "hydraheaded monster" since he believed if passed, the bill would lead to serious consequences of racial strife. According to Eastland, the rest of the nation outside of the South would not be immune from racial disturbances since no law could be devised to significantly deal with America's race problem (Congressional Record, 1964a, 14226). Eastland expressed this outrage when reacting to a substitute bill proposed by Senators Dirksen (R-Ill.) and Michael Mansfield (D-Mont.) which was an attempt to redesign the Civil Rights Act that was recently passed by the House. On 17 June 1964, Eastland argued the proposal

. . . is adroitly and skillfully designed to point a pistol loaded with live ammunition at the hearts of the Southern States, while at the same time filling a gun with black ammunition to be shot in the direction of most of the States in the Union outside the South (Congressional Record, 1964a, 14227).

Eastland's concern of future rioting in American cities is credible since the nation was to be confronted with this problem beginning primarily in 1966 and 1967. The political impact of such riots on the Johnson Administration will be discussed in chapter four.

Although the South ranked behind the rest of the nation in the progress of civil rights, it cannot be ignored that the South was indeed the major cause for the development of the Civil Rights Act of

1964. Senator Richard Russell (D-Ga.) who led the Southern Democratic opposition in the Senate, however, argued in an extreme matter as to portray himself as a States' righter such as those during the period of Jacksonian politics. According to Russell, Southern whites, not African Americans, were the minority in the United States who have been the most poorly treated by both the Federal government and the rest of the nation. Even though the South was a minority, the proposed Civil Rights bill of 1964 would be ignoring the fact that all minorities under the American political system could exercise certain rights as well as have them protected by the government (Congressional Record, 1964a 14301). This argument lends itself to the question as to whether the Federal government overstep the power of the States by passing the Civil Rights Act of 1964? Southern Democrats believed this was the case.

The Future of American Federalism

Senator James William Fulbright (D-Ark.) was one of the Southern Democrats whose voting record in the Senate during the 1960's opposed the Johnson Administration. Fulbright personally began to believe African Americans did need governmental aid to protect their basic civil rights. However, issues of achieving racial integration in the South would need to occur slowly over a period of time. Ironically, according to Fulbright, the decision to deal with racial problems was to be left to the discretion of the States (Woods, 1995, 331-32). Although this argument appears to be a bit extreme, the general feeling

among Southern Democrats was the Civil Rights bill would severely disrupt the equilibrium of power between the Federal and State governments. Representative John Williams (D-Miss.) maintained States were losing some of their political power to the Federal government. Williams argued that original limitations placed on Federal authority were eroding to the point the Federal government was beginning to have some political leverage over the States. The Civil Rights Act of 1964 would be one more attribute which would benefit the power of the Federal government. Thus, the nation had pulled away from the ideas of the Framers of the Constitution regarding the issue of supremacy (Congressional Record, 1964b, 2785).

Richard Russell (D-Ga.) further clarified Williams' argument by specifically stating how the Federal government was increasing its political authority over the States. If passed, the bill would be giving significant policing powers to the United States Attorney General to implement the legislation. Because of this, Russell further contended that this would disrupt (or at least further damage) the balance of power between the president and Congress. Thus, the proposed bill was not only unconstitutional because it violated States' rights but it also was eroding the system of "checks and balances" between the executive and legislative branches (Congressional Record, 1964a, 14300). Russell's argument in a broad sense runs counter to the overall arguments advocated by Calhoun supporters of States' rights. That is, although Russell believed the Federal government was intruding on State authority, he still upheld the basic principles of a Federal

government unlike the "Calhounites" who eventually began to advocate secession as an alternative once the idea of nullification failed. This is one major difference between supporters of the States' rights movement under John C. Calhoun and supporters of the movement during the 1960's. Specifically, the States' rights movement in the 1960's did not pose a severe threat to the American Federal System.

Overall, Southern Democrats were concerned that the Civil Rights bill would unnecessarily strengthen the Executive Branch, thus causing an imbalance among the three branches of government. Representative James Haley (D-Fla.) argued before the House on 10 February 1964 that passage of the bill would provide the office of the presidency with "dictatorial powers" which would be an assault on the Constitution. The reason being is it would allow the Attorney General to have a larger role in its implementation. Haley criticized the proposed legislation for providing a "quick fix" regarding black civil rights. According to Haley, this bill would not effectively promote black civil rights nor would it attempt to overcome racism. (Congressional Record, 1964b, 2723). Senator George Smathers (D-Fla.) reiterated Florida's stand on the bill by stating the legislation ". . . clenches the heavy hand of the Federal Government into a fist; crushes the dual system of Federal-State division of powers; and seeks to impose absolute equality among men, when, in fact, there is no such thing" (Congressional Record, 1964a, 14445). It is ironic that Southern Democrats felt the Federal government was suppressing the rights of States when in fact, some States continued to suppress the rights of their black citizens.

The general consensus among many Southern Democrats was that since the First Reconstruction, their States were more progressive than even the North in promoting the rights of African Americans. Therefore, they believed such legislation advocated by the Johnson Administration would only inflame racial unrest and obstruct the progress made by the South in race relations.

The major problem with the arguments made by Southern Democrats was the rest of the nation as well as Lyndon Johnson were no longer willing to accept them as rational grounds for stalling the improvement of black civil rights. Southern Democrats ignored this and continued to advocate their disgust with the civil rights policies. However, they agreed to comply with the enforcement of the Civil Rights Act of 1964 because they believed Johnson would be satisfied with one comprehensive bill on civil rights and would move on to other policy issues in his Great Society program. Tables 1,2, 3 and 4 on the following pages provide Southern and non Southern congressional votes on the House and Senate versions of the Civil Rights Act of 1964 by party. In the House, 89.58% of all Southern Democratic Representatives voted against the 1964 Act, while 95.24% of Southern Democrats in the Senate voted against the bill's passage. In contrast, 89.51% of Democratic Representatives who represented regions outside of the South voted for the bill, while 97.78% in the Senate were supportive of the legislation. The Southern Democrats and Republicans were the most opposed to Johnson's civil rights legislation demonstrating broad Southern unity regarding civil rights policies.

Table 1
House Democratic Voting on Civil Rights Act of 1964
(HR 7152)

Region	Total Votes	Support Votes	%Support	Opposition Votes	%Opposed
South	93	7	7.29	86	89.58
Non South	155	145	89.51	10	6.17

*Three Southern and seven non Southern votes were unaccounted for.

Source: Congressional Quarterly Almanac. (1965). 88th Cong., 2d sess. Vol. 20, 606-7.

Table 2
House Republican Voting on Civil Rights Act of 1964
(HR 7152)

Region	Total Votes	Support Votes	%Support	Opposition Votes	%Opposed
South	10	0	0.00	10	100.00
Non South	163	138	82.63	24	14.37

*Five non Southern votes were unaccounted for.

Source: Congressional Quarterly Almanac. (1965). 88th Cong., 2d sess. Vol. 20, 606-7.

Table 3
Senate Democratic Voting on Civil Rights Act of 1964
(HR 7152)

Region	Total Votes	Support Votes	%Support	Opposition Votes	%Opposed
South	21	1	5.00	20	95.24
Non South	45	44	97.78	1	2.22

Source: Congressional Quarterly Almanac. (1965). 88th Cong., 2d sess. Vol. 20, 696.

Table 4
Senate Republican Voting on Civil Rights Act of 1964
(HR 7152)

Region	Total Votes	Support Votes	%Support	Opposition Votes	%Opposed
South	1	0	0.00	1	100.00
Non South	33	28	84.85	5	15.15

Source: Congressional Quarterly Almanac. (1965). 88th Cong, 2d sess. Vol. 20, 696.

Unfortunately for Southern Democrats, this legislation was only

a prelude to Johnson's civil rights policies which would eventually lead to many opposing both the Johnson Administration and the Democratic party in general. The beginning of the decline of "Johnsonian" support from the Southern Democrats was seen in the presidential election of 1964 whereby the Democratic South began to "experiment" with the Republican party.

Southern Politics and the 1964 Election

The presidential election of 1964 proved to be a milestone in Southern politics since it marked a period after the First Reconstruction whereby Southern States began to shift their vote for Republicans who sought the Oval Office. In this election, Republican presidential candidate Senator Barry M. Goldwater (R-Ariz.) won the support of ". . . the five states of the Deep South--Mississippi, Alabama, Georgia, Louisiana, and South Carolina. . ." (Rae, 1994, 42). Goldwater's success in the South was in part to his opposition to the Civil Rights Act of 1964.

Senator Goldwater argued the proposed Civil Rights Act of 1964 violated States' rights as enunciated in the Tenth Amendment of the Constitution. Furthermore, Goldwater reasoned that the States and local communities would be better equipped in successfully promoting black civil rights than the Federal government. Because of this, Goldwater was accused by the Democratic party as representing the view of Southern Democrats regarding civil rights (Goldwater, 1988, 172). It should be noted that Goldwater has contended that the media was the

major force for wrongfully charging that he was a strong advocate against civil rights policies. Goldwater had voted against the proposed bill in 1964 but supported nine of its provisions. Specifically, he reasoned Titles II and VII of the Act were unconstitutional. Goldwater argued he did not support the overall legislation since ". . . it contained 'no constitutional basis for the exercise of Federal regulatory authority' in the areas of employment and public accommodations" (Goldwater, 1988, 193-94). The fact remained, however, that Goldwater's vote on the bill was appealing to the "Solid" Democratic South and was a significant factor for his success in the 1964 general election.

Prior to supporting the Goldwater campaign, Southern Democrats were attentive to the efforts of Alabama's Governor George Wallace to become a presidential contender. During the 1964 presidential campaign, Southern Senators were pleased with Wallace's support from Northern states in the primaries. For example, "Wallace won 29.8 percent of Indiana's Democratic presidential primary votes, and on May 19 [1964] he carried over 42.7 percent of the Democratic vote in Maryland" (Stern, 1992, 179). Southern Senators believed if Wallace continued to receive such support, it would help their opposition to the proposed Civil Rights bill in 1964. Wallace's success in the polls, however, did not "kill" the proposed bill but his support did demonstrate that Johnson's future civil rights policies would indeed be met with continued resistance, especially from Southern Democrats (Stern, 1992, 179). Shortly after the Republican party nominated Barry

Goldwater as its presidential candidate, Wallace ended his bid for the presidency and supported Goldwater (Stern, 1992, 195). Perhaps Wallace realized that in order to retain some of their authority in politics, Southern Democrats needed to look outside of the Democratic party and seek another party for support. Since Southern Democrats have appeared to be conservative on issues of race and the economy, the Republican party was the next best alternative.

As it became clear that Johnson and Goldwater would be the major contenders for the presidency in 1964, both developed a "Southern strategy" in order to win the support of the South. Johnson's Southern strategy was also developed to maintain his fragile support with many Southern Democrats. Johnson's plan consisted of four elements to seek such support. First was the necessity for Johnson to encourage Southern blacks to vote Democratically in the election. Johnson reasoned many blacks would not vote for Barry Goldwater because of his vote on the Civil Rights Act of 1964. Furthermore, on 2 August 1964, the Southern Regional Council reported that certain areas in the Peripheral South had sizable numbers of blacks who were registered to vote than in other States that made up the Deep South. In some Southern States just outside of the Deep South, ". . . the proportion of Negroes registered varied from 27.7 per cent in Virginia to 67.2 per cent in Tennessee. In the Deep South, the proportions varied between 6.7 per cent in Mississippi and 39.1 per cent in Georgia" (Kessel, 1968, 232). The second and third elements of Johnson's strategy was the so-called "Lady Bird Special" whereby Johnson's wife Lady Bird

toured Southern States to gain support from Democrats as well as from Southern Democratic governors. The fourth component executed by Johnson was to include in his campaign rhetoric the need to expand the strength of the Southern economy (Kessel, 1968, 233-34). Despite Johnson's efforts to seek Southern support in his campaign, the major issue which politically hurt him in the South was his civil rights policies.

Goldwater understood the importance of the race issue in the South when devising his "Southern strategy." During the 1960's, it was Goldwater not Johnson who became a pivotal figure in developing the "Southern strategy" which would shape future elections. Goldwater and the Republican party sought support from Southern white Democrats who advocated the Democratic party had alienated them because of its strong support of black civil rights. One technique used by Goldwater to win their support consisted of advocating to the South that the Federal government had superseded the Constitution in its exercise of authority to deal with the civil rights problem (Goldfield, 1990, 195-6). This strategy was needed in order to rekindle Southern anger toward black civil rights and was shown to be a successful election ploy.

Decline in Southern Democratic Support

Even though Johnson won the presidential election of 1964 by a landslide, Southern voting posed a potential problem regarding future elections and the Democratic party. Following the election, the Southern Regional Council assessed this risk and noted that during the

election, Johnson was unable to win states in the Deep South ". . . 'with less than 45 percent of [age] eligible Negroes registered'" (Stern, 1992, 214). Johnson viewed this as a major problem and attempted to effectively pursue it by strongly encouraging Congress to move beyond the Civil Rights Act of 1964 and pass a comprehensive voting rights bill. Although much of the South eventually succumbed to the passage of the Civil Rights Act of 1964, the election of 1964 demonstrated that Southern Democrats had not fully conceded their power of obstruction on racial issues to Johnson's Democratic party. Table 5 provides the electoral votes cast by Southern States in the 1964 presidential election. In this election, Republican candidate Barry Goldwater dominated the votes from the Deep South indicating this region was reassessing their support of the Johnson Administration. The total number of electoral votes Johnson received from the South was eighty-one while Goldwater obtained forty-seven.

Table 5
Southern Electoral Votes in the 1964 Presidential Election

State	Johnson(D) Vote	Goldwater(R) Vote
Alabama	0	10
Arkansas	6	0
Florida	14	0
Georgia	0	12

Table 5--Continued

State	Johnson(D) Vote	Goldwater(R) Vote
Louisiana	0	10
Mississippi	0	7
North Carolina	13	0
South Carolina	0	8
Tennessee	11	0
Texas	25	0
Virginia	12	0

Source: Congressional Quarterly's Guide to U.S. Elections. (1994).
(3rd ed.). Washington: Congressional Quarterly Inc., 403.

Despite initial warnings of declining Southern Democratic support, Johnson pushed on to securing passage of the Voting Rights Act of 1965. It is this legislation along with the American commitment in Vietnam which would significantly disrupt much of Johnson's support from Southern Democrats.

CHAPTER IV

THE "SECOND RECONSTRUCTION"

If the South was angry at the passage of the Civil Rights Act of 1964, it was infuriated with the Voting Rights Act of 1965 (P.L. 89-110, 79 Stat. 437). Following the passage of the Voting Rights Act of 1965, the period referred to by historians as the "Second Reconstruction" began in American politics. The "First Reconstruction" immediately following the Civil War was developed by a Congress consisting of Northern Republicans since the South was not immediately received into the Union. Southern States were required to accept Reconstruction policies before being allowed to re-enter the Union as a State. Unlike the Reconstruction after the Civil War, the "Second Reconstruction" was marked by a Congress whereby the South was fully represented when deliberations on Johnson's civil rights policies occurred. This Reconstruction period had the potential of being more successful in ensuring black civil rights since Southern members of Congress had the opportunity to vent their opposition and fears concerning such legislation. In addition, they could also vote on such bills (Lawson, 1976, 340). Historian Howard Rabinowitz further defined the "Second Reconstruction" by stating ". . . there is a world of difference between the call for equal opportunity that dominated the First Reconstruction and the demand for equality of condition which threatened to control the Second" (Goldfield, 1990, 167-8).

Led by Dr. Martin Luther, King, Jr. of the Southern Christian Leadership Conference, the Selma march on 7 March 1965 was the major event in the civil rights movement which caused Congress to discuss a strong voting rights act. King advocated that a new bill needed to be passed to fully ensure a black's right to vote. In The Bench and the Ballot: Southern Federal Judges and Black Voters, Charles V. Hamilton argued the Selma protests demonstrated that new Federal legislation was imperative in order to protect black voting rights. Hamilton stated, "the Selma protests made it clear that no large number of black people would be registered quickly as long as the Southern federal courts were relied on to implement the process" (Hamilton, 1973, 232-3). Therefore, stronger voting laws than those enunciated in the Civil Rights Act of 1964 were necessary to force many Southern communities to comply with registering black voters.

The Southern Christian Leadership Conference (SCLC) decided that Selma, Alabama provided an effective setting for blacks to protest such rights. Voter registration opportunities for blacks were still rather limited because potential voters were required to pass discriminatory voting tests prior to registration for State and local elections. On average, Selma provided approximately two registration days a month. Also, as was common in most Southern communities, literacy tests were the norm in Selma. Finally and more importantly, Selma's sheriff, James G. Clark, Jr., was known for his use of brutal force to curb racial protests carried out by blacks (Davidson and Grafman, 1992, 15). The idea behind the march was to promote conflict between citizens and

the law to graphically show the public, through television, that blacks were still not granted constitutional rights guaranteed to them as well as were continually assaulted physically by whites.

As the march in Selma began, Alabama's Democratic governor, George Wallace used force to disband the protestors. Johnson's immediate reaction to the incident was that of apprehension since he was already pressing for voting rights legislation in Congress. Any further attempt to fuel the South's anger over civil rights legislation might have jeopardized the future passage of the Voting Rights Act of 1965. Secondly, Johnson believed strong Federal reaction to the Selma incident could further fuel support for the States' rights movements in the South (Kearns, 1976, 228). As this problem grew in intensity, Johnson realized that he could no longer remain passive on the issue of voting rights.

During 1965, Johnson advocated it was imperative to pass a comprehensive voting rights bill to ensure a citizen's right to vote guaranteed by the Fifteenth Amendment. Since States, especially in the South, were not complying with the Amendment, Johnson argued it was his responsibility as President to enforce the Constitution. He also advocated that without a new law, the Federal government lacked the necessary means to force States to uphold one's constitutional rights (Public Papers, 1966, 287-8).

On 15 March 1965, Johnson addressed a joint session of Congress whereby he announced his intentions to send a voting rights bill to Congress which would end all discriminatory practices used to prevent

citizens from voting in any election. Johnson justified his actions by stating "there is no issue of States rights or national rights. There is only the struggle for human rights" (Public Papers, 1966, 283).

Tables 6, 7, 8, and 9 at the bottom of this page and on the following pages provide Southern and non Southern voting on the Voting Rights Act of 1965 in both the House and Senate. In the House, 67.4% of all Southern Democrats voted against the voting bill, while 80.00% of Southern Democratic Senators did not support passage of the legislation. In contrast, 97.07% of all House Democrats serving in States outside of the South voted in favor of the bill, while 93.75% of them in the Senate supported the legislation.

Table 6

House Democratic Voting on Voting Rights Act of 1965
(HR 6400)

Region	Total Votes	Support Votes	%Support	Opposition Votes	%Opposition
South	82	22	24.72	60	67.42
Non South	200	199	97.07	1	0.49

*Seven Southern votes and five non Southern votes were unaccounted for.

Source: Congressional Quarterly Almanac. (1966). 89th Cong., 1st sess. Vol. 21, 976-77.

Johnson signed the Voting Rights Act of 1965 into law on August 6. As a tribute, the bill was signed in the room where Lincoln signed

his Emancipation Proclamation in 1863 (Cohodas, 1993, 377).

Table 7
House Republican Voting on Voting Rights Act of 1965
(HR 6400)

Region	Total Votes	Support Votes	%Support	Opposition Votes	%Opposition
South	17	1	5.88	16	94.12
Non South	119	111	89.52	8	6.45

*Five non Southern votes were unaccounted for.

Source: Congressional Quarterly Almanac. (1966). 89th Cong., 1st sess. Vol. 21, 976-77.

Table 8
Senate Democratic Voting on Voting Rights Act of 1965
(S 1564)

Region	Total Votes	Support Votes	%Support	Opposition Votes	%Opposed
South	20	4	20.00	16	80.00
Non South	46	45	93.75	1	2.08

*Two non Southern votes were unaccounted for.

Source: Congressional Quarterly Almanac. (1966). 89th Cong., 1st sess. Vol. 21, 1063.

Table 9
Senate Republican Voting on Voting Rights Act of 1965
(S 1564)

Region	Total Votes	Support Votes	%Support	Opposition Votes	%Opposition
South	1	0	0.00	1	50.00
Non South	30	30	100.00	0	0.00

*One Southern vote was unaccounted for.

Source: Congressional Quarterly Almanac. (1966). 89th Cong., 1st sess. Vol. 21, 1063.

Significance of the Voting Rights Act of 1965

In his article "The Voting Act as an Intervention Strategy for Social Change: Symbolism or Substance?," Mark H. Jones argued the Voting Rights Act of 1965 included an "intervention strategy." Jones explained this Act was an attempt to change American society by setting it on a new course regarding equal rights for blacks (Foster, 1985, 67). The Johnson Administration viewed the Act as necessary to completely end Jim Crow.

The provisions of the Voting Rights Act of 1965 were more precise and better enforced than the Civil Rights Act of 1964. The Act prohibited the use of literacy tests, poll taxes, and other methods utilized primarily by the South to prevent blacks from exercising their

constitutional right to vote at all election levels. In order to achieve this, Southern States were to seek prior approval either from the United States Attorney General or a United States Court of Appeals when they decided to make changes in their state voting laws (United States Statutes at Large, 1966, 438-39). This provision was stated in Section 5 of the bill and was referred to as "preclearance". The purpose of this was to prevent the South from developing new voting tests as a method to continue preventing blacks from registering to vote (Ball, Krane, and Lauth, 1982, 16). The issue of the increased role of the Attorney General in the registration of black voters in the South will be discussed later in this chapter.

Section four of the Act states the use of such methods as literacy tests were banned for a total of five years. Eventually, the Federal government changed this stipulation by prohibiting the literacy test until 2002 (Foster, 1985, 67). The Act also reiterated a provision of the 1964 Act linking voter eligibility to a sixth-grade education. The difference was that unlike the Civil Rights Act of 1964 which dealt with Federal elections, the Voting Rights Act of 1965 stated this requirement was also to be applied to State and local elections (Wolk, 1971, 37-8). Even though there were some legal "loopholes" regarding discriminatory tests, the Voting Rights Act of 1965 was a more effective tool in fostering black voter registration. The problem for the Johnson Administration would be seeking Southern support for the legislation and keeping Southern Democrats intact within the Democratic party.

Voting Rights and the South

"Discrimination" Against the South by the Federal Government

The provisions of the voting bill were aimed mainly at Southern States whereby the Federal government became directly involved in increasing the number of registered voters among blacks. For example, the Act called for Federal voting examiners to monitor voter registration in areas ". . . less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964" (United States Statutes at Large, 1966, 438). The South was a prime target because of its history of voter discrimination. Federal examiners that were to be used to oversee voter registration at designated sites in the South were to be selected by the Department of Justice and the United States Civil Service Commission (United States Statutes at Large, 1966, 437). During the Johnson Administration, Attorney General Nicholas Katzenbach endorsed the Act's attempts to use the Federal government to directly deal with Southern voting practices. In The Presidency and Black Civil Rights: Eisenhower to Nixon (1971), Allan Wolk states "Katzenbach said that the Justice Department 'embarrassed Southerners with facts showing voting deprivation,' because, he believed, Southerners were not against giving Negroes the vote, but 'rather the way it was done--taking away states rights, with this clearly regional legislation" (Wolk, 1971, 60).

One of the strategies of the Johnson Administration was to apply

this bill to the South to increase the number of potential voters who would vote for the Democratic party. This plan grew out of concern regarding much of the South's support of Republican presidential candidate Barry Goldwater in the 1964 national election (Carmines and Stimson, 1989, 49-50). Johnson realized the Democratic party was losing support from the Southern White Democrats and needed to seek African American voters for support.

Steven F. Lawson said in Black Ballots: Voting Rights in the South, 1944-1969 (1976) that Johnson was devoted to increasing the number of black voters in the South. However, Johnson was quite apprehensive in encouraging these individuals to take an active role in Democratic party politics. His rationale was that ensuring a black's political right to vote would create a springboard whereby blacks would be able to secure successfully other civil rights long denied them (Lawson, 1976, 300). At the same time, he feared this would cause a "second" departure among many loyal white Southerners as well as States who might support the Republican party. This is exactly what transpired during the rest of Johnson's Administration. As pointed out in Nicol Rae's Southern Democrats (1994), the impact of the Voting Rights Act of 1965 led to the end of the traditional Democratic "Solid South." Instead, the political stage was set for a competitive two-party system in the South (Rae, 1994, 44).

A second impact of the Voting Rights Act of 1965 was to politically empower blacks. This posed a threat to the established Southern political tradition (Bass and DeVries, 1976, 11-12). This

occurred since African Americans viewed the Democrats as the party of civil rights. Therefore, African Americans as a whole in the South would be much more supportive of the Democratic party in contrast to the Republicans. The Voting Rights Act of 1965 did significantly increase the number of black voters and thus was successful in empowering them as a voting group. A recent study reported by Chandler Davidson and Bernard Grofman showed that

between 1964 and 1988 the percentage of voting-age blacks registered in the eleven southern states increased from 43.3 percent to approximately 63.7 percent. Black registrants in the five Deep South states increased in the same period from 22.5 percent to about 65.2 percent (Davidson and Grofman, 1992, 43).

The Johnson Administration was met with Southern resistance to the voting bill's implementation. The Federal government did not send the needed number of Federal examiners to effectively register blacks in the South. Instead, the Justice Department under Nicholas Katzenbach advocated that Southern States were to take the initiative to implement the Act. It is only when there was a refusal by the States to register blacks that the Federal government would force compliance (Lawson, 1976, 333-4). It appears the Johnson Administration was not attempting to force Federal authority upon the States. The South, however, believed otherwise.

One of the major reasons for Southern opposition to the Voting Rights Act of 1965 was it directly identified the problem in Southern States rather than having its provisions affect the entire country as a whole. Under this Act ". . . the states of Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina, Virginia, twenty-six counties

in North Carolina, and one county in Arizona were therefore subject to federal intervention" (Scher, 1992, 301). Thus, the South believed its region was in turn being discriminated upon by the Federal government.

Senator John Sparkman (D-Ala.) verbally attacked Congress as an institution that had lost sight of its constitutional responsibilities by passing such a law. First, Congress was violating the Constitution since the voting bill was merely an *ex post facto* bill. The reason for this according to Sparkman was Congress used statistical data from the 1964 presidential election to determine which areas, especially in the South, had low numbers of registered black voters. Therefore, the bill was an attempt by Congress to pass immediate legislation which was to be mainly applied to the South which Congress deemed as "guilty" regarding race relations. Sparkman stated Congress has gone beyond its legislative authority since "The bill is designed to punish the South and the South only. This is regional and punitive legislation--not national legislation. Congress should concern itself with matters on a national basis" (Congressional Record, 1965b, 11727).

Representative Davis (D-Ga.) argued the proposed voting bill was devised to punish the South for their past transgressions on racial matters. In order for the bill to be much more effective as well as more acceptable by Southern Democrats, its intentions should be to provide changes to promote better race relations. Davis also declared before the House on 9 July 1965 that the increased role of Federal judges in the District of Columbia superseded the sovereignty of the States and its citizens. Davis argued this legislation

. . . 'Balkanizes' Virginia, South Carolina, Georgia, Alabama, Mississippi, and Louisiana. It says to the citizens of those States, 'you have no right to have your day in court before a judge whom you elected or even before a judge who was reared in the same State with you. You must go to a particular jurisdiction many miles away from your home if you desire your day in court' (Congressional Record, 1965a, 16212).

The South not only believed it was being discriminated against as a region but that its people were also being treated unfairly by the Federal government.

Senator Jacob K. Javits (R-N.Y.) referred to the attempts by Southern Democrats to argue their region was being punished by the Federal government for past racial "sins." Javits said on 26 May 1965, ". . . that argument impliedly admits that there are sins and deprivations of voting, as indeed there have been" (Congressional Record, 1965b, 11741).

Representative Sidney R. Yates (D-Ill.) argued that the South was quite guilty of continually curbing the rights of blacks especially with respect to voting rights. Yates argued before the House on 9 July 1965 that ". . . because of their [Southern blacks] inability to participate in the basic processes of democracy, they have been confined to second-class citizenship" (Congressional Record, 1965a, 16229). On that same day in the Senate, Richard Dean McCarthy (D-N.Y.) pinpointed the two elements which the Federal government needed to eradicate in the South--the poll tax and all forms of literacy tests. McCarthy argued that as long as these two practices existed, blacks would be unable to exercise their Constitutional rights stated in the Fifteenth Amendment (Congressional Record, 1965a, 16220).

Unlike the period following the passage of the Civil Rights Act of 1964, the South was unwilling to peacefully accept this voting legislation. The Voting Rights Act of 1965 was instrumental in ending discriminatory techniques to prevent many blacks from voting, but it did not completely cure racism in the South. Immediately following its passage, Southern States developed new methods to prevent large numbers of blacks from being elected to political office. The idea of Southern politicians was to create political leverage to control black voting. Some of the more common methods were the redrawing of districts in an effort to garner greater political support for white candidates running for office while making it difficult for blacks to meet necessary requirements when attempting to place their names on ballots. The State that led the South in promoting new forms of discrimination was Mississippi (Parker, 1990, 1). Although the 1965 Act did increase the number of registered voters among Southern blacks, African Americans still had a difficult time in winning various state, local, and Federal elections. In Black Votes Count: Political Empowerment in Mississippi after 1965 (1990), Frank R. Parker termed this period after the bill's passage as the "realization gap." (Parker, 1990, 30). Parker used Mississippi as an example by stating

in the first statewide elections after the Voting Rights Act became law, held in 1967, despite the fact that blacks had population majorities in 28 counties and that black voters constituted twenty-eight percent of the statewide electorate, they were successful in electing only 22 black candidates to office. By 1968, taking into account the 1967 elections, school board elections, and other off-year elections, there were only 29 black elected officials in the entire state, or only 0.6 percent of the total number of elected officials (Parker, 1990, 31).

The role of the South in elections will be further discussed in Chapter V. As public opinion of Johnson's exercise of power in his Vietnam policies turned sour, the South decided to capitalize by publicly arguing the Johnson civil rights policies were a mere attempt to increase Federal authority. These, according to Southern Democrats were dangerous to the livelihood of democratic principles.

The Southern States' Cry For Limited Role of Federal Authority

The most extreme criticism of the proposed voting bill in the House came from Representative Jack Edwards (R-Ala.). Edwards compared the passage of this bill with the rise of Adolf Hitler and the National Socialist party in German politics during the 1930's and 1940's. Edwards stated that activity in Germany's government at this time was a period whereby the executive branch was increasing its political power over the legislative branch. According to Edwards, the United States Congress in 1965 would be giving significant power to the Executive Branch regarding their handling of race relations in the South if it passed the voting bill (Congressional Record, 1965a, 16279). Even though Edwards' assumption was inaccurate, the South believed the Federal government was significantly increasing its authority which threatened the ability of the States to govern. There were two basic arguments made by Southern Democrats in Congress concerning the issue of Federal authority. First, Federal authority was superseding State authority. Second, the Executive Branch by way of the Justice Department was showing signs of increasing its exercise

of power over Congress which would upset the balance among the separation of powers.

The major problem regarding federalism for Southern Democrats was the issue of changing election laws. Prior to the voting bill, States had significant control over the registration of black voters. This led to the increased use of discriminatory tests. The Johnson Administration's passage of the Act put the registration process under close scrutiny of the Federal government which was an institution removed from the local white politics of the South (Fairclough, 1995, 312-13).

States that wanted to change their voting laws were first required to have them reviewed by a Federal court in the District of Columbia consisting of a panel of three judges. Thus, only Federal judges in Washington D.C., not those serving in the States, determined the fate of new election laws advocated by the State governments. The Justice Department under Attorney General Nicholas deB. Katzenbach claimed this was necessary to establish a system of uniformity in the nation regarding the acceptance of new laws. Katzenbach argued that by only utilizing Federal judges in the District of Columbia, it was not an attempt by Johnson to exert political leverage over the South by curbing the power of Southern Federal judges (Congressional Quarterly Almanac, 1965, 540). Southern Democrats disagreed and felt their States' rights to govern themselves were in peril. Representative Horace Kornegay (D-N.C.) summed it up by contending the 1965 voting legislation was providing the United States Attorney General with a

veto power to be exercised against State governments (Congressional Record, 1965a, 16259).

Senator Stennis (D-Miss.) argued the 1965 Act would restrict the constitutional rights of States since they were given full authority by the Constitution to regulate elections at the Federal and State level. Thus, by allowing the Attorney General to intervene with voter registration and the nature of election laws in the South, the Constitution was being violated. Stennis believed the proposed voting bill should be defeated in the Senate in order to preserve the notion of federalism whereby those powers not granted to the Federal government by the Constitution rest with the States (Congressional Record, 1965b, 11725).

Southern Democrats found that their arguments which centered on the changing of election laws also dealt with the concept of separation of powers. Senator Stennis further argued that the bill violated the separation of powers since the legislation would give significant legislative authority to the Executive Branch by way of the Attorney General. Stennis stated before the Senate on 26 May 1965, "never before in the history of this Republic has an executive officer of the Federal Government been given power to either approve or disapprove an act of a State legislature, but this bill would do so" (Congressional Record, 1965b, 11726). The Executive Branch was increasing its power over Congress in its ability to completely destroy the remnants of Jim Crow.

Southern Democrats, however, understood that they were losing the

political battle which centered on black civil rights. They reasoned that they needed to go beyond the confines of Congress to make one last effort to revive the dying traditional White Southern politics. They did not have to go far. The civil rights legislation during the Johnson Administration not only provided blacks with better civil rights enforcement, but it also led to greater hostility among both whites and blacks. As a result, violence caused in part to rising racism was the norm during the middle and late 1960s. This type of racism referred in part to the frustration held by blacks because of the slow progress regarding civil rights. Second, racism flared in response to black opposition to "white control." Therefore, at the local level, black anger and frustration were directed to whites, especially those who were police officers, who represented to many blacks the presence of white authority (Bennett, Jr., 1965, 293-94).

White Backlash vs. Black Backlash

It has been debated as to the initial political damage incurred on the Johnson presidency by both a white and black backlash regarding civil rights. One of the greatest problems as discussed throughout this thesis for the Johnson Administration was the growing intensity of a backlash within its own party by White Southern Democrats (Milkis, 1993, 199). These so-called "backlashes" which developed from the American public demonstrated that growing opposition to the Johnson civil rights policies were not just limited to the Southern Democrats.

Prior to the passage of the Voting Rights Act of 1965, opinion

polls demonstrated that a majority of Americans supported the racial policies of the Johnson Administration. This support for Johnson was short-lived since dissension among the American public on this issue rapidly declined following the bill's passage when the infamous Watts riot broke out on 11 August 1965. This riot, as would future ones, demonstrated that black frustration over Johnson's civil rights policies greatly existed. The problem which would adversely affect the rest of Johnson's Administration was public perception towards his civil rights policies would "sour" as an increase in this type of "black backlash" continued (Edsall, 1991, 48).

As the number of riots gradually increased, The National Advisory Commission on Civil Disorders, commonly referred to as the Kerner Commission, was created by Lyndon Johnson in 1967 to analyze the problems of the race riots. In general, the Commission asserted that these riots occurred because ". . . our Nation is moving toward two societies, one black, one white--separate and unequal" (Report of The National Advisory Commission on Civil Disorders, 1968, 1).

The Kerner Commission pinpointed several elements which led to an unstable political and social atmosphere which caused increased rioting. One of the major reasons was the continued existence of white racism whereby efforts were made in society to segregate blacks from whites in places of employment and public facilities. This occurred in response to many whites believing their race was superior to that of the black race. Furthermore, many blacks came to believe that violence was the only solution to increasing their political and social status

in American society. The result of this was the growth of the Black Power movement (Report of The National Advisory Commission of Civil Disorders, 1968, 91-3). Another major cause of increased rioting concerned the civil rights policies during the Johnson Administration. The Kerner Commission stated, "The expectations aroused by the great judicial and legislative victories of the civil rights movement have led to frustration, hostility, and cynicism in the face of the persistent gap between promise and fulfillment" (Report of The National Advisory Commission of Civil Disorders, 1968, 92).

One of the significant "trigger mechanisms" responsible for igniting riots was the local police since many blacks associated officers of the law with "white power." That is, blacks viewed them as attempting to protect a white society rather than ensuring equal protection for whites and blacks (Report of The National Advisory Commission of Civil Disorders, 1968, 93).

Many whites in all regions of the nation grew weary of the physical results these riots could potentially yield. In his 1970 study entitled Crime in America: Observations on Its Nature, Causes, Prevention and Control, Ramsey Clark, former Attorney General during the Johnson Administration, explained riots broke out in the last half of the 1960's in response to black frustration. That is, the civil rights legislation and the rest of the Great Society programs did bring hope to the nation's poor and black. Instead, many did not experience the fruits of the legislation which led to even further outrage by the recipients and culminated in the spread of riots (Clark, 1970, 165).

A type of backlash also occurred from black leaders of the civil rights movement, especially from Martin Luther King, Jr. Although Johnson and King, Jr. attempted to cooperate in their pursuits of black rights, they increasingly disagreed as to the types of approaches that should be used. King supported non-violent methods such as sit-ins and peaceful demonstrations. Johnson was apprehensive about these tactics because he feared they could disturb the peace by further inflicting anger among whites opposed to his civil rights policies. This could in turn, politically hurt public support of the overall Johnson Administration. Therefore, Johnson supported the use of less direct methods to achieve racial harmony. Specifically, he argued that congressional legislation along with a judicial system committed to promoting black rights were necessary for a successful White House policy on civil rights (Divine, 1994, 88).

Martin Luther King, Jr. argued the Federal government was partially responsible for the increased growth of frustration among blacks regarding civil rights. One of the consequences was the development of black militant movements such as the rise of "Black Power" which advocated the government could not be relied upon for securing full black rights. One of the problems which fueled the Black Power movement was Johnson's commitment in Vietnam. Many blacks believed Johnson made Vietnam more of a priority rather than focusing on social conditions at home such as with civil rights. There was also the issue of non-violence vs. violence. Many supporters of Black Power argued Johnson was hypocritical by sending troops consisting of both

blacks and whites to wage war in Vietnam. At the same time, Johnson tolerated black movements which utilized non-violence tactics instead of the more violent groups as the most efficient method to overcoming racial oppression (Ansbro, 1982, 213-14).

As riots continued to sporadically flare from 1965 until the final year of the Johnson Administration, it became evident that Johnson would have an uphill battle in his efforts to win re-election in 1968. Although he declined to seek a second term as President, the problems associated with his Administration's civil rights policies did have an adverse affect on Hubert Humphrey's bid for the White House.

Before completing his term as President and despite growing opposition to his Administration, Johnson wanted Congress to pass one more monumental piece of civil rights legislation. Although he was successful in the passage of the Civil Rights Act of 1968, the political damage to his Administration on the issue of race from the Civil Rights Act of 1964 and the Voting Rights Act of 1965 was irreversible. The Southern Democrats, themselves, clearly understood this. In fact, when one reads the pages of debate in Congressional Record when Congress deliberated on the 1968 bill, Southern Democrats did not vehemently argue their opposition to the bill. Perhaps they understood the permanent damage Johnson had incurred on his own party. More importantly, Southern Democrats realized that Southern politics would be forever changed because of Johnson's civil rights policies. This change, which would be gradual, would be long-lasting for the Democratic party.

Civil Rights Act of 1968

One final piece of civil rights legislation which deserves to be mentioned is the Civil Rights Act of 1968 (P.L. 90-284; 82 STAT. 73), also referred to as the Fair Housing Act of 1968, which was signed into law on 11 April 1968. Lyndon Johnson had been attempting to have Congress pass a fair housing bill since 1966 but was unsuccessful. As Johnson failed in obtaining a bill in that year, the strength of the Democratic party in Congress was also diminishing. For example, forty-seven seats held by Democrats were lost during the mid-term elections of 1966. A majority of these seats were strong supporters of Johnson's civil rights policies and were Northern Democrats (Congressional Quarterly Almanac, 1968, 153). Johnson, however, ignored the severity of this loss in Congress.

Johnson again addressed Congress on 15 February 1967 regarding the need to end housing discrimination for African Americans. In the latter part of his speech, Johnson referred to this issue along with the Vietnam war of which 10.2 percent of the American forces were black. Johnson stated "the bullets at the battlefront do not discriminate--but the landlords at home do. The pack of the Negro soldier is as heavy as the white soldier's--but the burden his family at home bears is far heavier. . ." (Public Papers, 1968, 194). It would not be until a year later when Johnson could convince Congress to pass such a bill.

On 5 April 1968, one day following the assassination of Dr. Martin Luther King, Jr., Johnson strongly encouraged Congress to pass

such a bill in memory of the martyred civil rights leader of which they did (Public Papers, 1970, 497). Although not as significant as the Voting Rights Act of 1965, the 1968 Act attempted to deal with two major issues--fair housing and race riots.

The need for a fair housing bill occurred when more residential areas in the nation were becoming segregated, thus disrupting efforts by the Federal government to integrate schools and public accommodations. That is, many whites moved as more black families set up permanent residencies in their communities. Johnson attempted to encourage Congress to pass legislation promoting fair housing but was unable to have a bill produced until 1968 since the nation and perhaps Congress as a whole, was not prepared for such action. Eventually, Congress passed the Civil Rights Act of 1968 which was implemented in December of 1969. The problem with the Act was it appeared to be too broad and contained very little strength regarding its enforcement (Nieman, 1991, 185-86). The major thrust of the Act was to prohibit discrimination in housing either provided by the Federal government or obtained through Federal financial assistance (United States Statutes at Large, 1969, 82). Any forms of housing discrimination were to be monitored by the Department of Housing and Urban Development (United States Statutes at Large, 1969, 81). Secondly, those financial institutions such as banks and insurance companies which provided assistance for those purchasing homes were not allowed to utilize discriminatory practices when providing loans (United States Statutes at Large, 1969, 83). Although some forms of discrimination occurred at times, the Act

was successful in diminishing widespread discrimination in the sale of housing.

The Act also contained a provision that attempted to prevent racial rioting which had significantly increased since the summer of 1967. Individuals initiating a riot could receive a five-year jail sentence in addition to having a potential fine of ten thousand dollars (United States Statutes at Large, 1969, 76).

Tables 10, 11, 12, and 13 present Southern and non Southern voting on the Civil Rights Act of 1968 in the House and Senate. Even with the last major civil rights legislation to become law under the Johnson Administration, the South continued to resist civil rights policies. Of all Southern Democrats serving in the House, 73.49% voted against the Fair Housing Act, while 89.47% of all Southern Democrats in the Senate did not approve of the legislation. In contrast, 89.63% of Democratic House members representing States outside of the South supported the bill, while 88.64% of the Non-Southern Democratic Senators favored the bill. These voting records demonstrated that both Southern Democrats and Republicans in the House were strongly united in their opposition to the Fair Housing Act. In the House, 73.91% of all Southern Republicans voted against the bill. The Northern Democrats and Republicans continued to remain supportive of Johnson's civil rights commitment. This was crucial since without strong support from the Southern Democrats, Johnson needed the support of the Northern liberals in order to accomplish his goal of securing passage of the 1968 Act.

Table 10
House Democratic Voting on Civil Rights Act of 1968
(HR 2516)

Region	Total Votes	Support Votes	%Support	Opposition Votes	%Opposed
South	78	17	20.48	61	73.49
Non South	154	147	89.63	7	4.27

*Five Southern votes and ten non Southern Votes were unaccounted for.

Source: Congressional Quarterly Weekly Report. (18 August 1967). 25 (33), Washington: Congressional Quarterly, Inc., 1636-37.

Even though Southern Democrats in Congress appeared to be less vocal in their opposition to the Civil Rights Act of 1968, they did present one major argument in order to refute the proposed bill. The concept of one's right to acquire and possess property has been a fundamental ideal held by Americans since the founding of this nation. According to Representative Tom Bevill (D-Ala.), this right would be seriously jeopardized by the passage of the proposed 1968 bill. Bevill argued this bill violated the Fourteenth Amendment since American citizens would not have complete freedom to choose the buyers of their home. Bevill argued the Federal government had increasingly bowed to the African Americans who were a minority group rather than supporting the majority of Americans who were white. Instead, the government actually

believed that by offering pieces of civil rights legislation from time to time, it hoped to quiet racial unrest. For Bevill, each new bill on civil rights would only cause more racial uprising since blacks will demand further civil rights policies (Congressional Record, 1968, 9553). In addition, each new civil rights law passed by the Johnson Administration led to further "uprising" in the Democratic party by the Southern Democrats.

Table 11
House Republican Voting on Civil Rights Act of 1968
(HR 2516)

Region	Total Votes	Support Votes	%Support	Opposition Votes	%Opposed
South	23	6	26.09	17	73.91
Non South	164	156	94.55	8	4.85

*One non Southern vote was unaccounted for.

Source: Congressional Quarterly Weekly Report. (18 August 1967). 25(33), Washington: Congressional Quarterly, Inc., 1636-37.

The 1968 Act marked the last major civil rights legislation to be enacted under the Johnson Administration. However, because of his role in the Vietnam war, Johnson's presidency was perceived at this time as a failed presidency.

Table 12
Senate Democratic Voting on Civil Rights Act of 1968
(HR 2516)

Region	Total Votes	Support Votes	%Support	Opposition Votes	%Opposed
South	19	2	10.53	17	89.47
Non South	39	39	88.64	0	0.00

*Five Non Southern Votes were unaccounted for.

Source: Congressional Quarterly Weekly Report. (15 March 1968). 26
(11), Washington: Congressional Quarterly, Inc. 572.

Table 13
Senate Republican Voting on Civil Rights Act of 1968
(HR 2516)

Region	Total Votes	Support Votes	%Support	Opposition Votes	%Opposed
South	2	1	33.33	1	33.33
Non South	30	28	82.35	2	5.88

*One Southern vote and four non Southern votes were unaccounted for.

Source: Congressional Quarterly Weekly Report. (15 March 1968). 26
(11), Washington: Congressional Quarterly, Inc., 572.

Presidential Election of 1968

The failure of the Johnson presidency was manifested in the 1968 presidential election whereby Johnson was met with great opposition across the entire country over both his domestic and foreign policies. Because of this, Johnson left the political stage by simply not seeking re-election. A major problem was Southern Democratic opposition toward Johnson was also directed on Hubert Humphrey who was selected as the Democratic nominee for president.

As early as 1966, Southern governors were unclear as to whether Johnson should be nominated again by the Democratic party for the 1968 election. This issue was first enunciated by Missouri Governor Warren Hearns who argued that it was Johnson's civil rights platform that distanced him from Southern Democrats. Hearns contended that the Democratic party was no longer unified (Califano, 1991, 177).

Table 14 provides Southern electoral voting during the 1968 presidential election. The only Southern State to support the Democratic party at the presidential level was Lyndon Johnson's home State of Texas. In this election, Humphrey received a total of twenty-five electoral votes from the South while Nixon won fifty-eight. American Independent party candidate George Wallace received forty-five electoral votes from that region.

The presidential election of 1968 marked a milestone in Southern voting since it provided a severe blow to the traditional Democratic South in party politics. The rest of the South apart from Texas either supported Richard Nixon or George Wallace of the American Independent

party. Probably most damaging to the Democrats was the fact that the electoral votes in South Carolina, the leading States' rights advocate, were cast in favor of Nixon (Strong, 1971, 244).

Table 14
Southern Electoral Vote in the 1968
Presidential Election

State	Humphrey(D) Vote	Nixon(R) Vote	Wallace(AIP) Vote
Alabama	0	0	10
Arkansas	0	0	6
Florida	0	14	0
Georgia	0	0	12
Louisiana	0	0	10
Mississippi	0	0	7
North Carolina	0	13	0
South Carolina	0	8	0
Tennessee	0	11	0
Texas	25	0	0
Virginia	0	12	0

Source: Congressional Quarterly's Guide to U.S. Elections. (1994). (3rd ed.). Washington: Congressional Quarterly Inc.

Despite the irreparable political relations between Johnson and the Southern Democrats, the issue that needs some discussion is what

impact did this have on the role of the South in future elections. The following chapter briefly assesses the role of the South in national elections since the 1960s as well as the impact of the civil rights legislation of the Johnson Administration on elections since 1968. The major civil rights laws during the 1960's not only improved the political and social status of many African Americans but it also changed the nature of elections to some degree. Specifically, they led to an increasingly competitive two-party system in the South.

CHAPTER V

PARTY REALIGNMENT IN THE SOUTH: 1964-1994

The civil rights policies of the Johnson Administration weakened the "grip" the Solid Democratic South had on Southern elections. The long term result was that Southern party realignment occurred.

The term "realignment" has received various definitions from political scientists. Aaron Wildavsky and Nelson W. Polsby provide as one of their definitions that ". . . 'party realignment' is usually taken to mean a massive change in voter loyalties from one of the major parties to another" (Polsby and Wildavsky, 1991, 199). The realignment that occurred in the South in wake of Johnson's civil rights policies was Southern voters were not completely "tied" to the Democratic party. Instead, many began to support the Republican party. This type of realignment, however, did not result in a "massive change" regarding electorate loyalty but led to a gradual change that continues to the present. The Democratic party appears to win a majority of the elections in the South, but the Republican party has taken strong root in the South since the 1960's and has been building a steady coalition of supporters in that region. This has lead to an increasing number of Southern Republicans winning elections especially at the Federal level.

James Sundquist explains in Dynamics of the Party System: Alignment and Realignment of Political Parties in the United States (1983) that Southern realignment first occurred at the national level

and then proceeded to Southern State and local elections. One of the impacts of realignment was the increase in ticket-splitting by Southern voters at all election levels (Sundquist, 1983, 373). That is, no longer could the Democratic party be assured of Solid support from the South.

In addition to disillusioned Southern Democrats over Johnson's civil rights policies, Republican ascendancy in the South also occurred in response to a "vacuum" that was created by the eventual disintegration of the Southern segregationist party headed by George Wallace. Following the 1968 presidential election, Wallace left his American Independent party to again become a Democrat. Wallace hoped this move would help him once again win the governor's seat of Alabama in 1970. Although the American Independent party still existed, it eventually became an insignificant party in election outcomes because without Wallace, it had no charismatic and well-known leader with which to identify with. When this occurred, Southern whites who formerly supported this segregationist party looked for another party. The Republican party was at an advantage to gaining such individuals for support because of the recent strong Democratic support of black civil rights (Sundquist, 1983, 364).

From 1964 until 1994, Southern Republicans have been increasingly successful in national elections. This party became even stronger in the 1980s following the presidential electoral successes of Republicans Ronald Reagan and George Bush. In response, the Republican party in the South significantly mobilized to seek new members, especially from

former Democrats (Grantham, 1988, 191). There was a short period in the 1970s whereby Republican support had decreased in the South in response to the Watergate scandal during the Richard Nixon Administration. Democratic candidates throughout the nation capitalized on the scandal to diminish the support of their Republican opponents (Lamis, 1990, 31). This lull period regarding Southern Republican support lasted only through the Jimmy Carter Administration.

Table 15 on the following pages presents the Southern electoral vote in presidential elections from 1960 until 1992. Republican growth in the South since the Johnson Administration was most evident at the presidential level. In this table, (R) represents Southern support for the Republican candidate based on the electoral votes cast by each State. A symbol of (D) represents the Democrats while an (I) refers to support of an independent presidential candidate. Although a few Southern States voted for a Republican presidential candidate in the 1960 election, the number and consistency of Southern States voting for Republican candidates significantly increased beginning during the Johnson Administration and continued to the 1992 presidential election. Since 1964, South Carolina which has historically been the Southern State most resistant to black civil rights had overwhelmingly supported Republican presidential candidates. The only exception was in the 1976 election when it supported Democratic candidate Jimmy Carter.

Elections in the United States Congress show that although Southern Democrats were still successful in maintaining a majority of the seats, Republicans have been able to gradually win an increased

number of seats since the Johnson Administration. Tables 16 and 17 on pages ninety to ninety-two present the increase of Southern support for Republicans by displaying the number of seats during each election year that Southern Republicans have won. In the case of the Senate, figures for the Republicans, Democrats, and independents have been given. The percentage figures refer to only Southern senators or representatives serving in Congress and thus, do not reflect the entire composition of Congress. In the Senate elections, Southern Republican candidates have been increasingly winning seats. In 1982, 50.00% of all Southern Senate seats were held by Republicans. Following the 1992 election year, 54.55% of all Southern Senate seats were controlled by the Republican party. In the House of Representatives, Southern Republicans have been more successful in winning seats following the Johnson Administration. The greatest victory for Southern Republicans in the House was in the 1994 election whereby 51.20% of Southern House members were Republican.

Table 15
Southern State Electoral Vote in Presidential Elections
1960-1992

State	'60	'64	'68	'72	'76	'80	'84	'88	'92
Alabama	D/I ¹	R	I	R	D	R	R	R	R
Arkansas	D	D	I	R	D	R	R	R	D
Florida	R	D	R	R	D	R	R	R	R

Table 15--Continued

State	'60	'64	'68	'72	'76	'80	'84	'88	'92
Georgia	D	R	I	R	D	D	R	R	D
Louisiana	D	R	I	R	D	R	R	R	D
Mississippi	I	R	I	R	D	R	R	R	R
North Carolina	D	D	R/I ²	R	D	R	R	R	R
South Carolina	D	R	R	R	D	R	R	R	R
Tennessee	R	D	R	R	D	R	R	R	D
Texas	D	D	D	R	D	R	R	R	R
Virginia	R	D	R	R/I ³	R	R	R	R	R

¹Five electoral votes went to Kennedy while six were cast for an Independent candidate.

²Twelve of North Carolina's electoral votes were cast for Nixon while one vote went to George Wallace of the American Independent party.

³Virginia cast eleven electoral votes for Nixon while one vote went to an Independent candidate.

Source: Congressional Quarterly's Guide to U.S. Elections. (1994). (3rd ed.). Washington: Congressional Quarterly Inc., 402-10.

Table 18 provides the gubernatorial election results based on available seats in the South from 1960 until 1994. Although the Democratic party has been rather successful in these races, the Republicans begin to sporadically win Southern governorships beginning in 1966. In 1960, 1962, and 1964, the Democratic party won all the Southern governor seats that were up for election that year.

Table 16

United States Southern Senators by Election Year, Number
of Seats, and Total Percent of Southern Senators
by Party

Year	Republicans		Democrats		Independents	
	Seats	Percent	Seats	Percent	Seats	Percent
1956	0	0.00	22	100.00	0	0.00
1958	0	0.00	22	100.00	0	0.00
1960	0	0.00	22	100.00	0	0.00
1962	1	4.55	21	95.45	0	0.00
1964	2	9.09	20	90.91	0	0.00
1966	3	13.64	19	86.36	0	0.00
1968	4	18.18	18	81.82	0	0.00
1970	5	22.73	16	72.73	1	4.55
1972	7	31.82	14	63.64	1	4.55
1974	6	27.27	15	68.18	1	4.55
1976	5	22.73	16	72.73	1	4.55
1978	6	27.27	15	68.18	1	4.55
1980	10	45.45	11	50.00	1	4.55
1982	11	50.00	11	50.00	0	0.00
1984	10	45.45	12	54.55	0	0.00
1986	6	27.27	16	72.73	0	0.00
1988	7	31.82	15	68.18	0	0.00

Table 16--Continued

Year	Republicans		Democrats		Independents	
	Seats	Percent	Seats	Percent	Seats	Percent
1990	6	27.27	16	72.73	0	0.00
1992	7	31.82	15	68.18	0	0.00
1994	12	54.55	10	45.45	0	0.00

*Number of Senators in the South=22

Source: Congressional Quarterly's Guide to U.S. Elections. (1994).
(3rd ed.). Washington: Congressional Quarterly Inc., 815-43.

Table 17

Southern Republican Representatives in the
United States House by Year, Number of
Republican Seats Held, Percent of
Southern Republican Senators, and
Total Southern House Seats

Year	Republican Seats	Republican Percent	Total Southern Seats
1956	8	7.55	106
1958	8	7.55	106
1960	7	6.60	106
1962	11	10.38	106
1964	18	16.98	106

Table 17--Continued

Year	Republican Seats	Republican Percent	Total Southern Seats
1966	23	21.70	106
1968	26	24.53	106
1970	27	25.47	106
1972	34	31.48	108
1974	27	25.00	108
1976	27	25.00	108
1978	31	28.70	108
1980	39	36.11	108
1982	34	29.31	116
1984	43	37.07	116
1986	39	33.62	116
1988	39	33.62	116
1990	39	33.62	116
1992	48	38.40	125
1994	64	51.20	125

Sources: Congressional Quarterly's Guide to U.S. Elections. (1994). (3rd ed.). Washington: Congressional Quarterly Inc., 921-24.

Congressional Quarterly Weekly Report. (12 November 1994), 52(44). Washington: Congressional Quarterly, Inc., 3299-3300.

Table 18

Southern Gubernatorial Elections by Year, Number of Available
Seats, Percent Won by Party and Total Elected
1960-1994

	Republican		Democrat		Total Elected
Year	Seats	Percent	Seats	Percent	
1960	0	0.00	5	100.00	5
1962	0	0.00	6	100.00	6
1964	0	0.00	5	100.00	5
1966	2	28.57	5	71.43	7
1968	1	25.00	3	75.00	4
1970	1	14.29	6	85.71	7
1972	1	25.00	3	75.00	4
1974	1	14.29	6	85.71	7
1976	0	0.00	2	100.00	2
1978	2	28.57	5	71.43	7
1980	1	50.00	1	50.00	2
1982	1	14.29	6	85.71	7
1984	1	50.00	1	50.00	2
1986	4	57.14	3	42.86	7
1988	1	100.00	0	0.00	1
1990	2	28.57	5	71.43	7
1992	0	0.00	1	100.00	1

Table 18--Continued

Year	Republican		Democrat		Total Elected
	Seats	Percent	Seats	Percent	
1994	4	57.14	3	42.86	7

*Louisiana, Mississippi, and Virginia elected governors in odd years. Louisiana elected Democratic governors in 1975, 1983, and in 1991. In 1979, that State elected a Republican. Mississippi elected Democratic governors in 1963; 1967; 1971; 1975; 1979; 1983, and 1987. The State elected a Republican governor in 1991. Virginia elected Democratic governors in 1961; 1965; 1981; 1985, and 1989. The State elected Republican governors in 1969; 1973; 1977, and 1993.

Sources: Congressional Quarterly's Guide to U.S. Elections. (1994). (3rd ed.). Washington: Congressional Quarterly, Inc., 667-713.

Congressional Quarterly Weekly Report. (12 November 1994), 52(44), Washington: Congressional Quarterly, Inc., 3250.

A significant impact of the realignment was both an increased number of black voters in the electorate as well as some African Americans being elected to government positions as a result of the Voting Rights Act of 1964. Significant numbers of Southern blacks viewed the Democratic party as the only party which would continue to ensure their rights and thus, became strong supporters of that party. In his article "Realignment: New Party Coalitions and the Nationalization of the South" (1987), John R. Petrocik believes realignment can also refer to ". . . transformations of the social

group profile of party supporters" (Petrocik, 1987, 352). As stated earlier, the Democratic party in the South went through a change since the 1960s whereby an increasing number of traditional white supporters became disillusioned with it. At the same time, those whites who "exited" the Democratic party by supporting Republican candidates were being replaced with new black voters. Not only have large numbers of blacks registered to vote, but more Southern whites have also registered to perhaps, prevent black voters from "controlling" the once white electorate (Grantham, 1988, 195). Grantham Dewey points out in The Life & Death of the Solid South: A Political History (1988) that a "new" Democratic party emerged which was marked by these large numbers of black supporters (Grantham, 1988, 192).

Since the 1960s, an increasing number of blacks have been elected at the Federal, State, and local levels in the South which, in the eyes of Southern Democratic whites, has further eroded the Solid Democratic South. This is also partially responsible for causing the growth of the Republican party in that region. From 1970 until 1993, two hundred and seventy-eight Southern blacks have either been elected to the United States Congress or won seats in their State legislatures. At the local level, four thousand, six hundred and forty-six have been elected to various posts. This demonstrates that growth among black governmental officials have been strongest at the local level. During these years, of all the black elected officials from the South, 5.65% served at the Federal and State level while 94.35% of them served at the local level. The greatest growth of black governmental officials

has occurred in the Deep South whereby Johnson's civil rights policies were predominately aimed. Of all the Southern black officials, 62.37% are from the Deep South (Alabama, Georgia, Louisiana, Mississippi, and South Carolina) while only 37.43% reside in the Peripheral South (U.S. Department of Commerce, 1994, 284).

At the national level, seventeen Southern blacks held seats in the United States Congress following the 1994 elections. All of these black representatives were members of the Democratic party. The Senate contained no Southern blacks (Congressional Quarterly Weekly Report, 12 November, 1994a, 10). This is yet another indication that the political control of the South by white Southern Democrats has been diminished.

Lyndon Johnson may have damaged his political support from Southern Democrats, but he also helped to realign the Southern party system into one that was not fully dominated by the Solid Democratic South. Because of his civil rights legislation, Johnson gave the Republican party the chance to compete with Southern Democrats in elections.

CHAPTER VI

CONCLUSION

Lyndon Johnson's decision to place the power of the presidency behind a drive for civil rights of African Americans initiated momentum which eventually resulted in a substantial party realignment in the South. Approximately one hundred years following the Civil War the strongest civil rights measures to be developed were done so under a Southern President. This further inflamed those Southern Democrats who remained completely opposed to black civil rights. Many Southern Democrats in the 1960's continued to strongly adhere to States' rights in an effort to resist Johnson's efforts to increase Federal authority to deal with black equality. A major problem for the Johnson Administration was Southern history had been deeply rooted in the advocacy of States' rights which was strongly articulated by John C. Calhoun and other Southerners beginning in the late 1820's. Calhoun's defense of a "concurrent" majority system and state interposition were the "vehicles" used by the South to defend such rights. Southern Democrats who argued for States' rights during the 1960's reflected these views of former "Calhounites" but they possessed one striking characteristic. Although the South in the 1960's and beyond did not secede from the Union, many Southern Democrats "seceded" from the Democratic party by increasingly supporting the Republican party.

Despite his Southern heritage, Johnson was determined to force

his Southern Democratic colleagues to either support his civil rights policies or move out of the way of his attempts to significantly weaken the "grip" of Jim Crow. Scholarly works as well as primary source material on Johnson's commitment to civil rights at times suggest that Johnson was working from altruistic goals. This may appear to run counter to a general perception of Johnson as a politician who is driven by and for political power. However, Johnson's underlying motivations in the area of civil rights will remain unknown despite what other biographers write.

In the end, many Southern Democrats believed Johnson went too far with his civil rights policies and began to become disillusioned with the Democratic party. The problem they posed for the Johnson Administration was they were unwilling to have their traditional Southern Democratic politics disrupted by the Democratic party itself. As President, Johnson also needed to garner support from Democrats outside of the South such as from Northern liberals who increasingly supported civil rights policies in order to maintain some sort of unity within the Democratic party. As was seen with congressional voting records on the Civil Rights Act of 1964, Voting Rights Act of 1965, and the Civil Rights Act of 1968, a majority of Johnson's political support came from Democrats outside of the South. The price Johnson paid was he became politically isolated from the region he once represented in the United States Senate.

While the Vietnam war would prove to be an immediate destructive liability to Johnson's Administration as well as to Democratic hopes to

holding onto the White House following the 1968 presidential election, Johnson's civil rights policies had a long-lasting affect on the Democratic party in the South. Even though the Democratic party has remained competitive in Southern elections at the Federal, State and local levels, the Solid Democratic South has been significantly weakened. Since the Johnson Administration, the Republican party has continued to win some Southern elections of which they have been most successful at the Federal level. While Johnson was concerned about re-election and Southern electoral support, he was not troubled by party realignment in the South. Instead, he advocated that American society was ready for a leader to vigorously pursue civil rights for African Americans. Therefore, Johnson opted for the national interest by devoting a significant amount of his Administration's efforts to providing further black equality.

As the nation approaches the 1996 presidential election, the issue of black civil rights is still important and will be addressed, but it is no longer the defining issue which will cause a sharp division in the Democratic party at the electorate. Southern elections, however, will most likely be marked by a competitive "field" among the two major parties since Southern Democratic victories can no be longer guaranteed. Indeed, Johnson's landmark civil rights legislation has given the Republican party the chance to compete with Southern Democrats in elections.

BIBLIOGRAPHY

- Abramowitz, Alan I. (May 1980). Is the Revolt Fading? A Note on Party Loyalty Among Southern Democratic Congressmen. The Journal of Politics, 42(2), 568-72.
- Ansbro, John J. (1982). Martin Luther King, Jr.: The Making of a Mind. Maryknoll, New York: Orbis Books.
- Ball, Howard, Dale Krane, and Thomas P. Lauth. (1982). Compromised Compliance: Implementation of the 1965 Voting Rights Act. Westport, Conn.: Greenwood Press.
- Basler, Roy P. (Ed.). (1953). The Collected Works of Abraham Lincoln. New Brunswick, N.J.: Rutgers University Press.
- Bass, Jack, and Walter DeVries. (1976). The Transformation of Southern Politics: Social Change and Political Consequence Since 1945. New York: Basic Books, Inc.
- Bennett, Jr., Lerone. (1965). Confrontation: Black and White. Chicago: Johnson Publishing Company, Inc.
- Benton, Thomas Hart. (1903). Thirty Years' View (Vol. 1). New York: D. Appleton and Company.
- Black, Earl, and Merle Black. (1992). The Vital South: How Presidents Are Elected. Cambridge: Harvard University Press.
- Brauer, Carl M. (1977). John F. Kennedy and the Second Reconstruction. New York: Columbia University Press.
- Brown v. Board of Education. (1954). 347 U.S. 483.
- Brown v. Board of Education. (1955). 349 U.S. 294.
- Calhoun, John C. (1851). A Disquisition on Government and a Discourse on the Constitution and Government of the United States. Columbia: A.S. Johnston.
- Califano, Jr., Joseph A. (1991). The Triumph & Tragedy of Lyndon Johnson: The White House Years. New York: Simon & Schuster.
- Carmines, Edward G., and James A. Stimson. (1989). Issue Evolution: Race and the Transformation of American Politics. Princeton: Princeton University Press.

Castel, Albert, and Scott L. Gibson. (1975). The Yeas and the Nays: Key Congressional Decisions, 1774-1945. Kalamazoo: New Issues Press.

Civil Rights Act of 1957, Pub. L. No. 85-315, 71 Stat. 634 (1957).

Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241 (1964).

Civil Rights Act of 1968, Pub. L. No. 90-284, 82 Stat. 73 (1968).

Civil Rights Cases. (1883). 109 U.S. 3.

Clark, Ramsey. (1970). Crime in America: Observations on Its Nature, Causes, Prevention and Control. New York: Simon and Schuster.

Cohodas, Nadine. (1993). Strom Thurmond and the Politics of Southern Change. New York: Simon & Schuster.

Congressional Quarterly Almanac. (1965). 88th Cong., 2d sess. Vol. 20.

Congressional Quarterly Almanac. (1966). 89th Cong., 1st sess. Vol. 21.

Congressional Quarterly Almanac. (1968). 90th Cong., 2d sess. Vol. 24.

Congressional Quarterly Weekly Report. (18 August 1967). 25(33), Washington: Congressional Quarterly, Inc., 1636-37.

Congressional Quarterly Weekly Report. (15 March 1968). 26(11), Washington: Congressional Quarterly, Inc., 572.

Congressional Quarterly Weekly Report. (12 November 1994). 52(44), Washington: Congressional Quarterly, Inc., 3201-3312.

Congressional Quarterly Weekly Report. (12 November 1994), 52(supplement to no. 44), Washington: Congressional Quarterly, Inc.

Congressional Quarterly's Guide to U.S. Elections. (1994). (3rd ed.). Washington: Congressional Quarterly, Inc.

Congressional Record. (1964). 88th Cong., 2d sess. Vol. 110, pt. 1.

Congressional Record. (1964). 88th Cong., 2d sess. Vol. 110, pt. 2.

Congressional Record. (1964). 88th Cong., 2d sess. Vol. 110, pt. 11.

Congressional Record. (1965). 89th Cong., 1st sess. Vol. 111, pt. 1.

- Congressional Record. (1965). 89th Cong., 1st sess. Vol. 111, pt. 9.
- Congressional Record. (1965). 89th Cong., 1st sess. Vol. 111, pt. 12.
- Congressional Record. (1968). 90th Cong., 2d sess. Vol. 114, pt. 8.
- Crallé, Richard K. (1854). Speeches of John C. Calhoun, Delivered in the House of Representatives, and in the Senate of the United States. New York: D. Appleton and Company.
- Crallé, Richard K. (Ed.). (1968). The Works of John C. Calhoun (Vol. 1). New York: Russell & Russell. (Original work published 1851).
- Crallé, Richard K. (Ed.). (1968). The Works of John C. Calhoun. (Vol. 6). New York: Russell & Russell. (Original work published 1855).
- Davidson, Chandler, and Bernard Grofman. (Eds.). (1992). Controversies in Minority Voting: The Voting Rights Act in Perspective. Washington: The Brookings Institution.
- Divine, Robert A. (Ed.). (1994). The Johnson Years, Volume Three: LBJ at Home and Abroad. Lawrence: University Press of Kansas.
- Edsall, Thomas Byrne. (1991). Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics. New York: W. W. Norton & Company.
- Eisenhower, Dwight D. (1965). The White House Years: Waging Peace 1956-1961. Garden City, N.Y.: Doubleday & Company, Inc.
- Ellis, Richard E. (1987). The Union at Risk: Jacksonian Democracy, States' Rights, and the Nullification Crisis. New York: Oxford University Press.
- Fairclough, Adam. (1995). Race & Democracy: The Civil Rights Struggle in Louisiana, 1915-1972. Athens: The University of Georgia Press.
- Feagin, Joe R. (May 1972). Civil Rights Voting by Southern Congressmen. The Journal of Politics, 34(2), 484-99.
- Fisher, Louis. (1990). Constitutional Rights: Civil Rights and Civil Liberties (Vol. 2). New York: McGraw-Hill Publishing Company.
- Foner, Eric. (1988). Reconstruction: America's Unfinished Revolution 1863-1877. New York: Harper & Row, Publishers.
- Foster, Lorn S. (Ed.). (1985). The Voting Rights Act: Consequences and Implications. New York: Praeger.

- Franklin, John Hope. (1994). Reconstruction After the Civil War (2nd ed.). Chicago: The University of Chicago Press.
- Freehling, William H. (June 1965). Spoilsmen and Interests in the Thought and Career of John C. Calhoun. The Journal of American History, 52(1), 25-42.
- Freehling, William W. (1990). The Road to Disunion: Secessionists at Bay 1776-1854 (Vol. 1). New York: Oxford University Press.
- Garrettson III, Charles Lloyd. (1993). Hubert H. Humphrey: The Politics of Joy. New Brunswick: Transaction Publishers.
- Goldfield, David R. (1990). Black, White, and Southern: Race Relations and Southern Culture 1940 to the Present. Baton Rouge: Louisiana State University Press.
- Goldwater, Barry M. (1988). Goldwater. New York: Doubleday.
- Goodwin, Richard N. (1988). Remembering America: A Voice From the Sixties. New York: Harper & Row, Publishers.
- Grantham, Dewey W. (1988). The Life & Death of the Solid South: A Political History. Lexington: The University Press of Kentucky.
- Guinn v. United States. (1915). 238 U.S. 347.
- Hamilton, Charles V. (1973). The Bench and the Ballot: Southern Federal Judges and Black Voters. New York: Oxford University Press.
- Hemphill, W. Edwin, and Clyde N. Wilson. (Eds.). (1977). The Papers of John C. Calhoun 1825-1829 (Vol. X). Columbia: University of South Carolina Press.
- Johnson, Lyndon Baines. (1971). The Vantage Point: Perspectives of the Presidency 1963-1969. New York: Holt, Rinehart and Winston.
- Kearns, Doris. (1976). Lyndon Johnson and the American Dream. New York: Harper & Row.
- Kessel, John H. (1968). The Goldwater Coalition: Republican Strategies in 1964. New York: The Bobbs-Merrill Company, Inc.
- Key, Jr., V. O. (1949). Southern Politics in State and Nation. New York: Alfred A. Knopf.
- Lamis, Alexander P. (1990). The Two-Party South. 2nd ed. New York: Oxford University Press.

- Lawson, Steven F. (1976). Black Ballots: Voting Rights in the South, 1944-1969. New York: Columbia University Press.
- Lawson, Steven F. (1985). In Pursuit of Power: Southern Blacks and Electoral Politics, 1965-1982. New York: Columbia University Press.
- Matthews, Donald R., and James W. Prothro. (1966). Negroes and the New Southern Politics. New York: Harcourt, Brace & World, Inc.
- McPherson, James M. (1992). Ordeal By Fire: The Civil War and Reconstruction (2nd ed.). New York: McGraw-Hill, Inc.
- Meier, August, and Elliott Rudwick. (1976). From Plantation to Ghetto (3rd ed.). New York: Hill and Wang.
- Milkis, Sidney M. (1993). The President and the Parties: The Transformation of the American Party System Since the New Deal. New York: Oxford University Press.
- Miller, Merle. (1980). Lyndon: An Oral Biography. New York: G.P. Putnam's Sons.
- Miroff, Bruce. (1981). Presidential Leverage Over Social Movements: The Johnson White House and Civil Rights. The Journal of Politics, 43(1), 2-23.
- Missouri ex rel. Gaines v. Canada. (1938). 305 U.S. 337.
- Nieman, Donald G. (1991). Promises to Keep: African-Americans and the Constitutional Order, 1776 to the Present. New York: Oxford University Press.
- Niven, John. (1988). John C. Calhoun and the Price of Union: A Biography. Baton Rouge: Louisiana State University Press.
- Palmer, Beverly Wilson. (Ed.). 1990. The Selected Letters of Charles Sumner (Vol. 2). Boston: Northeastern University Press.
- Parker, Frank R. (1990). Black Votes Count: Political Empowerment in Mississippi After 1965. Chapel Hill: The University of North Carolina Press.
- Peterson, Merrill D. (1987). The Great Triumvirate: Webster, Clay, and Calhoun. New York: Oxford University Press.
- Petrocik, John R. (1987). Realignment: New Party Coalitions and the Nationalization of the South. The Journal of Politics, 49(2), 347-75.

Plessy v. Ferguson. (1896). 163 U.S. 537.

Polsby, Nelson W. and Aaron Wildavsky. (1991). Presidential Elections: Contemporary Strategies of American Electoral Politics (8th ed.). New York: The Free Press.

Public Papers of the Presidents of the United States, John F. Kennedy, Containing the Public Messages, Speeches, and Statements of the President, January 1 to November 22, 1963, 1963. (1964). Washington: United States Government Printing Office.

Public Papers of the Presidents of the United States: Lyndon B. Johnson, Containing the Public Messages, Speeches, and Statements of the President 1963. (1964). Washington: United States Government Printing Office.

Public Papers of the Presidents of the United States: Lyndon B. Johnson, Containing the Public Messages, Speeches, and Statements of the President 1963-64. (1965). Book I. Washington: United States Government Printing Office.

Public Papers of the Presidents of the United States: Lyndon B. Johnson, Containing the Public Messages, Speeches, and Statements of the President 1965. (1966). Book II. Washington: United States Government Printing Office.

Public Papers of the Presidents of the United States: Lyndon B. Johnson, Containing the Public Messages, Speeches, and Statements of the President 1965. (1966). Book I. Washington: United States Government Printing Office.

Public Papers of the Presidents of the United States, Lyndon B. Johnson, Containing the Public Messages, Speeches, and Statements of the President 1967. (1968). Book I. Washington: United States Government Printing Office.

Public Papers of the Presidents of the United States, Lyndon B. Johnson, Containing the Public Messages, Speeches, and Statements of the President 1968-69. (1970). Book I. Washington: United States Government Printing Office.

Rae, Nicol C. (1994). Southern Democrats. New York: Oxford University Press.

Reedy, George E. (1970). The Twilight of the Presidency. New York: The World Publishing Company.

Reichley, A. James. (1992). The Life of the Parties: A History of American Political Parties. New York: The Free Press.

- Scher, Richard K. (1992). Politics in the New South: Republicanism, Race, and Leadership in the Twentieth Century. New York: Paragon House.
- Scott v. Sandford. (1857). 19 Howard 393.
- Shelley v. Kraemer. (1948). 334 U.S. 1.
- Sitkoff, Harvard. (1981). The Struggle for Black Equality 1954-1980. New York: Hill and Wang.
- Smith v. Allwright. (1944). 321 U.S. 649.
- Spain, August O. (1968). The Political Theory of John C. Calhoun. New York: Octagon Books, Inc.
- Stampp, Kenneth M. (1965). The Era of Reconstruction, 1865-1877. New York: Alfred A. Knopf.
- Stern, Mark. (Fall 1991). Lyndon Johnson and Richard Russell: Institutions, Ambitions and Civil Rights. Presidential Studies Quarterly, 21, 687-704.
- Stern, Mark. (1992). Calculating Visions: Kennedy, Johnson, and Civil Rights. New Brunswick: Rutgers University Press.
- Strong, Donald S. (1971). Further Reflections on Southern Politics. The Journal of Politics, 33(2), 239-56.
- Sundquist, James L. (1983). Dynamics of the Party System: Alignment and Realignment of Political Parties in the United States. Washington: The Brookings Institution.
- Sweatt v. Painter. (1950). 339 U.S. 629.
- Sylvia, Ronald D. (Summer 1995). Presidential Decision Making and Leadership in the Civil Rights Era. Presidential Studies Quarterly, 25(3), 391-411.
- United States Kerner Commission. (1968). Report of the National Advisory Commission on Civil Disorders. Washington: U.S. Government Printing Office.
- United States Statutes at Large: Containing the Laws and Concurrent Resolutions Enacted During the Second Session of the Eighty-Eighth Congress of the United States of America, 1964, and Twenty-Fourth Amendment to the Constitution and Proclamations. (1965) (Vol 78). Washington: United States Government Printing Office.

United States Statutes at Large: Containing the Laws and Concurrent Resolutions Enacted During the First Session of the Eighty-Ninth Congress of the United States of America, 1965, and Reorganization Plans, Proposed Amendment to the Constitution, and Proclamations. (1966) (Vol. 79). Washington: United States Government Printing Office.

United States Statutes at Large: Containing the Laws and Concurrent Resolutions Enacted During the Second Session of the Ninetieth Congress of the United States of America, 1968, and Reorganization Plans and Proclamations. (1969) (Vol. 82). Washington: United States Government Printing Office.

U.S. Department of Commerce. (1994). Statistical Abstract of the United States 1994. Washington: U.S. Department of Commerce.

Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 437 (1965).

Weisbrot, Robert. (1990). Freedom Bound: A History of America's Civil Rights Movement. New York: W.W. Norton & Company.

Wicker, Tom. (1968). JFK and LBJ: The Influence of Personality Upon Politics. New York: William Morrow & Company, Inc.

Williamson, Joel. (1984). The Crucible of Race: Black-White Relations in the American South Since Emancipation. New York: Oxford University Press.

Wilson, Clyde N. (Ed.). (1978). The Papers of John C. Calhoun 1829-1832 (Vol. 11). Columbia: University of South Carolina Press.

Wilson, Clyde N. (Ed.). (1980). The Papers of John C. Calhoun 1835-1837 (Vol. 13). Columbia: University of South Carolina Press.

Wolk, Allan. (1971). The Presidency and Black Civil Rights: Eisenhower to Nixon. Rutherford: Fairleigh Dickinson University Press.

Woods, Randall Bennett. (1995). Fulbright: A Biography. New York: Cambridge University Press.

Woodward, C. Vann. (1974). The Strange Career of Jim Crow. (3rd ed.). New York: Oxford University Press.