

The Conscience of Lyndon B. Johnson

The Passing of the Voting Rights Act of 1965



Joanneke van Steenbeek
3617556
MA Thesis, American Studies Program
Utrecht University
14 August 2015

Table of Contents

Introduction	5
Chapter 1 – A Southerner in National Politics	10
Introduction.....	10
1.1 - The Start of Johnson's Political Career.....	11
1.2 - Becoming a National leader and a Liberal.....	15
1.3 - Another Civil Rights Act and the Mississippi Freedom Democrats.....	20
Conclusion.....	27
Chapter 2 – Awakening the Conscious of the Nation and the President	29
Introduction.....	29
2.1 – The insufficiency of the Civil Rights Act of 1964.....	30
2.2 – The Black Vote - Johnson's political agenda.....	32
2.3 – Selma: The Reason Why.....	35
2.4 - March 1965: Bloody Sunday and Turnaround Tuesday.....	39
2.5 – Johnson's response: Dealing with Wallace and the March.....	43
Conclusion.....	46
Chapter 3 – The Voting Rights Act in Congress	48
Introduction.....	48
3.1 – Preparing for Congress.....	48
3.2 – The Voting Rights Act of 1965 in Congress.....	52
3.3 - Change Written into law.....	56
Conclusion.....	58
Conclusion	59
Bibliography	61

Introduction¹

“Their cause must be our cause too. Because it is not just Negroes, but really it is all of us who must overcome the crippling legacy of bigotry and injustices. And... we... shall... overcome.”²

Thus spoke President Lyndon B. Johnson to Congress on the 15th of March, 1965. He was speaking to Congress to present a new voting right bill after several marches in Alabama, and especially the violence used by the police force against the demonstrators, had shocked the nation. The bill would be called the Voting Rights Act (VRA) and it would ensure the basic right of the vote for all Americans.³ An often made assumption which follows this story is that the marches from Selma to Montgomery in March 1965 caused the VRA to come into existence. The marches were held to awaken the conscience of the United States and the president. To have a president as an ally is very important to interest groups such as the Civil Rights Movement and Johnson appeared to be one *after* the marches. In his speech he even used the catchphrase of the movement: “we shall overcome.” This thesis will examine to what extent Johnson's support for the Voting Rights Act of 1965 was a result of the protests in Selma.

Lyndon B. Johnson was born in Texas and therefore in the South of the United States where many politicians and voters did not support civil rights legislation. They believed in segregation and the sanctity of states' rights. Before he became the president, Johnson represented Texas in both the House of Representatives and the United States Senate. Had Johnson, as a southerner, always been a supporter of the Civil Rights Movement or did he change his allegiance? Was he a “closeted liberal” waiting for the right moment to show his liberal colors or did the protests in Alabama force him to act on the Voting Rights Act?

The marches from Selma to Montgomery in March 1965 forced not only President Johnson but the entire country to reevaluate the voting rights of black Americans. Several civil rights organizations came together to protest the lack of protection for black Americans who wanted to register to vote. The march from Selma

1 The two images on the title page are from Irving Bernstein, *Guns or butter: the presidency of Lyndon Johnson* (New York: Oxford University Press, 1996).

2 Lyndon B. Johnson, Speech Before Congress on Voting Rights (March 15, 1965). Retrieved from: <http://millercenter.org/president/speeches/speech-3386> on 17-06-2015.

3 James C. Harvey, *Black Civil Rights During the Johnson Administration* (Jackson: University and College Press of Mississippi, 1973), 31.

to Montgomery was part of a bigger project in which blacks were encouraged to try and register. The violent response of the local sheriff and his men, beating down the demonstrators, was broadcast all over the nation and shortly afterward, the Voting Rights Act was introduced to Congress.

Several authors have written about Lyndon B. Johnson's stand on civil rights and his support for voting rights legislation in 1965. However, the passing of the Voting Rights Act is often either researched from the perspective of President Johnson and his administration or that of the Civil Rights Movement. As a result, President Johnson is either the hero in the history of voting rights legislation or the waiting man who was pressured into action. This last opinion on Johnson's leadership is also visible in the movie *Selma*, a movie directed by Ava DuVernay and released this year on the occasion of the 50th anniversary of the marches. This movie and the following discussion about Johnson's portrayal is the direct cause for this thesis. LBJ is portrayed as a frustrated and indecisive man, fighting with Dr. Martin Luther King jr. instead of working together.⁴

A similar argument is made by authors who view the VRA from a civil rights perspective. They often note that the marches in Alabama *forced* President Johnson to make a change. Gary May writes:

“[The first march on Selma] touched the conscience of the nation, forcing President Lyndon B. Johnson to place a voting rights bill at the forefront of his political agenda.”⁵

May directly links the protests in Selma, in March 1965, to the passing of the Voting Rights Act. He discusses the Civil Rights Movement in Selma which “planted the seed” to force the president to make voting rights an important issue. However, May states:

“Torn between his desires and constitutional and political realities, Johnson wavered. (...) voting rights would take a backseat to Johnson's other objectives. Above all, he was intent on doing things his way. If there was to be a voting rights bill, it would be Lyndon Johnson's, and it would come at a time and place of his choosing.”⁶

David J. Garrow, who also uses the perspective of the Civil Rights Movement, claims in his book *Protest at Selma* that the marches in Alabama were essential for the

4 Joseph A. Califano Jr., “The movie ‘Selma’ has a glaring flaw,” *Washington Post*, 26-12-2014. Retrieved from: https://www.washingtonpost.com/opinions/the-movie-selma-has-a-glaring-historical-inaccuracy/2014/12/26/70ad3ea2-8aa4-11e4-a085-34e9b9f09a58_story.html on 10-08-2015

5 Gary May, *Bending Toward Justice: the Voting Rights Act and the Transformation of American Democracy* (New York: Basic Books, 2013), ix.

6 May, *Bending Toward Justice*, 51.

creation of the Act. He writes:

“[N]o one event meant more than the voting rights campaign in Selma, Alabama, in the first three months of 1965. Those three months represent the key period of time in the voting rights story, for it was during those weeks that the bill that was to become the Voting Rights Act of 1965 was drafted and began its path through the Congress.”⁷

However, he also writes that it should be noted that Johnson's administration was already working on a voting rights bill before the marches started.⁸ But he adds to this that:

“In its essence, the bill that was drafted within the Justice Department in early 1965 and then modestly amended by the Congress before its final passage contained three principal provisions and initiatives, all of which represented a dramatic change from the efforts of the preceding year.”⁹

Garrow therefore claims that even though Johnson already started working on a voting rights bill, “its final form and ultimate passage were very much shaped” by the marches in Alabama.¹⁰ Furthermore he points out that Johnson had not set a date for this new voting rights legislation and it can therefore not be said that he would have proposed this new legislation in 1965 without the pressure from the Civil Rights Movement.¹¹

An author that uses the governmental perspective is James C. Harvey. He discusses the relationship between Johnson and the Civil Rights Movement and commends Johnson for ensuring that the Act passed through Congress. He writes:

“The president reacted cautiously to demands for federal protection for the marchers and was heavily criticized for his failure to act. He later claimed that if he had acted strongly, the voting rights bill might have been defeated.”¹²

Harvey states it was Johnson who pushed the bill while the marches in Alabama only helped him do so. In Harvey's book, the VRA is only discussed from a governmental perspective and President Johnson is the hero.

Some authors choose the middle ground and support the “closeted liberal” idea. They claim that Johnson had always been a liberal, and therefore a supporter of civil rights legislation, however, before he became president he did not have the power nor the support to make any changes. For example, Michael Beschloss argues that “LBJ's

7 David J. Garrow, *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965* (New Haven: Yale University Press, 1978), 1.

8 Garrow, *Protest at Selma*, 133. ; David J. Garrow, “The Voting Rights Act in Historical Perspective.” *The Georgia Historical Quarterly* 74.3 (Fall, 1990): 390.

9 Garrow, “The Voting Rights Act in Historical Perspective,” 390.

10 Ibidem, 391.

11 Garrow, *Protest at Selma*, 133.

12 Harvey, *Black Civil Rights During the Johnson Administration*, 30.

genuine and emotional passion for civil rights had been considerably submerged while he was a Senator. Texas was scarcely in the forefront of the battle for equal justice.”¹³ Biographer Doris Kearns also believes that Johnson had to make sacrifices to get the power he needed to make a change. She states that Johnson was not “simply a young Machiavellian” but that he really cared about social issues, including civil rights. However, according to her, Johnson knew that he had to play the game of politics first before he could act.¹⁴

This thesis will explore this duality in Johnson's support for civil rights legislation to find out if his support for the Voting Rights Act of 1965 was indeed a result of the marches on Selma. The research will be based on secondary literature but also on primary sources. My main primary source are the archives of the Roosevelt Study Center in Middelburg, including many memorandums send to the president about civil rights. I will also use the autobiography written by LBJ himself in addition to the biography written by Doris Kearns. However, it has to be stated that (auto)biographies are not objective sources of information. Johnson's autobiography was written after his political career. A time politicians use to explain their political decisions with the knowledge of what happened next. Therefore, because there are no texts written at the time available, it will be hard to find out what Johnson was really thinking during the civil rights protests of his presidency. Telephone records, compiled and edited by Michael Beschloss, will be added as as contemporary primary source.

This thesis is divided into three chapters. In the first chapter I will discuss Johnson's previous stand on civil rights. To find out if his support for civil rights changed over time it is important to look back at his earlier career. Here I will examine his voting behavior while a member of the House of Representatives and the Senate. I will also discuss the first year of his presidency with a focus on the Freedom Summer of 1964 and the Mississippi Freedom Democrats Party. In the second chapter I will research to what extent the VRA was already formed before the actions in Selma and how these protests affected Johnson's policies. The third chapter will examine Johnson's speech to Congress in which he introduces his new voting rights legislation, to see what arguments the president used to convince Congress to pass the bill. The passing of the

13 Michael R Beschloss, ed., *Taking charge: the Johnson White House tapes, 1963-1964* (New York: Simon & Schuster, 1997), 28.

14 Doris Kearns, *Lyndon Johnson & the American Dream* (London: André Deutsch Limited, 1976), 56.

Voting Rights Act by the House and the Senate will also be discussed in this chapter.

Besides the fact that the Voting Rights Act celebrates its 50th anniversary this year, the topic of this thesis is relevant in many other ways. The formation and passing of the Act, in combination with the pressure from the Civil Rights Movement and public opinion, showcases how legislation never stands on its own. It shows how complicated it is to make a change in the (American) political system and how many actors are involved in the process. The history of the VRA can help lobby groups understand what power they have to make presidents into allies. The Act has been amended multiple times and is still a topic of debate. This thesis will not discuss this legacy, nor will it discuss the impact of the Voting Rights Act on black suffrage in great detail. The focus remains on President Johnson's support for the Act, to uncover his conscience considering the Civil Rights Movement. Therefore, only the *formation* of the act will be discussed.

It is impossible to fully analyze someone's conscience, even though this person might be a public figure. There are many factors which influences the political mind to make a stand, some are out in the open but others are hidden. In this thesis I will try to analyze the factors that influenced LBJ and his stand on civil rights. However, due to limited space, I will not discuss the impact of the Vietnam War on Johnson's civil rights policies. This war and Johnson's fear for the reputation of the United States, are a point of further research.

The Civil Rights Movement is not only an interesting topic because of the anniversary of the protests of 1965. The racial struggle in the United States is far from over. The recent protests and the new Black Lives Matter movement are connected to the movement fifty years ago. A good understanding of what happened then, can help the civil rights workers of today to make a change and to gain political support from political leaders. As the support of President Johnson is the topic of this thesis it might help to understand how politicians calculate their moves and how interest groups might awaken their conscience.

Chapter 1 – A Southerner in National Politics.

Introduction

“These Negroes, they're getting pretty uppity these days and that's a problem for us since they've got something now they never had before, the political pull to back up their uppityness. Now we've got to do something about this, we've got to give them a little something, just enough to quite them down, not enough to make a difference. For if we don't move at all (...) It'll be Reconstruction all over again.”¹⁵

This was Johnson's way of convincing his mentor Senator Russell to vote for the bill that would become the Civil Rights Act of 1957. When examining quotes like this, it is hard to believe that Johnson truly supported civil rights legislation in his early career. However, he used these harsh words to convince a southern Senator to vote *for* the bill. The words he used are part of a southern segregationist rhetoric but the goal he was trying to achieve was to let the Civil Rights Act of 1957 pass. This ambivalence in Johnson's political career will be the topic of this chapter. To find out how Johnson's stand on civil rights changed by the protests in Alabama in 1965, it is important to look at his earlier stands on civil rights. Was Johnson a supporter of civil rights legislation before 1965? To answer this question this chapter will cover important moments from his life from his childhood to 1964. A focus will be on those moments in which Johnson had considerable power; when he was a Senate Majority Leader and President.

Before he became president, Johnson was a member of the House of Representatives and a Senator. In both positions he represented the state of Texas, a southern and conservative state. Because of this, Johnson's voting behavior had to be conservative too. Steven F. Lawson writes: “He was not a Negrophobe, but until 1957 he faithfully followed the southern congressional coalition in opposition to civil rights legislation.”¹⁶ However, LBJ wanted to become president and for this he needed not only the support of his Texan or southern voters but also of the northern liberals. He therefore had to balance the demands of the South and the North in his policies towards civil rights. This chapter will deal with this struggle for balance. It will also reveal the political tactics Johnson used to achieve this balance.

15 Doris Kearns, *Lyndon Johnson & the American Dream* (London: André Deutsch Limited, 1976), 148.

16 Steven F. Lawson, “Civil Rights,” in *Exploring the Johnson Years*, ed. Robert A. Divine (Texas: The University of Texas Press, 1981), 96.

1.1 - The Start of Johnson's Political Career

Lyndon B. Johnson grew up in Johnson City, Texas, near the Pedernales river. His family was not rich but there was enough money for a good education for the children. Both Lyndon's parents were interested in politics. Sam Johnson was a politician himself. He taught his son the importance of maintaining personal relationships as a politician. His mother focused on the “intellectual” side of politics, teaching her son to debate and how to be a good public speaker. LBJ's father had no ambitions to go into national politics. He was mainly interested in local political problems. During the height of his political career he served in the Texas state legislature where he fought hard for anti-Ku Klux Klan legislation.¹⁷ LBJ grew up in an environment without obvious racial struggles. Mark Stern points out how Johnson's home county, Gillespie County, was against secession from the Union at the start of the Civil War and how the area never had a plantation culture. Stern concludes: “Overt racism was not a part of LBJ's family background or early social environment. Sympathy for those who were down-and-out was part of the Johnson family inheritance.”¹⁸ This last characteristic would result in Johnson's continuous battle against poverty.

In college Lyndon developed many of his talents as a politician as he learned how to influence people and how to debate. In addition, he used unimportant jobs to get power. For example, as special assistant to the college president's personal secretary he was supposed to deliver messages from the president to the department heads and other staff. In reality, he transformed the job in such a way that the staff used him personally to communicate and as such he became a “funnel to the president.” In students' politics Johnson knew exactly what language to use to convince his opponents. He would use a different tone and approach for every individual or group after carefully studying their needs and wishes.¹⁹ Biographer Doris Kearns writes that Johnson would use the same techniques in his political career.

“In the late 1950s, as Senate Majority Leader, he would utilize a decade of investigation into the political imperatives and personal qualities of individual Senators to devise civil rights legislation that members could support for different, often contradictory, reasons.”²⁰

17 Kearns, *Lyndon Johnson & the American Dream*, 35-36. ; Mark Stern, *Calculating visions: Kennedy, Johnson, and civil rights* (New Brunswick: Rutgers University Press, 1992), 115-116.

18 Stern, *Calculating visions*, 116.

19 Kearns, *Lyndon Johnson & the American Dream*, 48, 52.

20 Ibidem, 74.

To complete his education Johnson earned some extra money by teaching Mexican-American children in Cotulla, Texas. He would later claim that this job influenced the rest of his career because these children inspired him to fight poverty. As their teacher, Johnson wanted to change the world for them. He created special projects to improve their prospects in life. Contests like spelldowns, public speaking tournaments but also sports were organized and mostly financed by Johnson himself. He invited the parents of the children to watch and to drive them to neighboring schools for competitions. However, Johnson's biographer Doris Kearns doubts whether the population of Cotulla really wanted their teacher to change the world for them. According to her the people were more concerned with survival than learning how to compete. The year Johnson left the schools, all projects stopped.²¹

Even though Johnson liked to teach, he taught high school in Houston for fifteen months after his graduation, his ambition to become a politician never disappeared. In 1930 the election for candidates for state and local office offered him the first opportunity to showcase his talents. When the master of ceremonies called out the name of former governor Pat Neff, no one responded. Neff had given Sam Johnson a job as a railway inspector only three months before and the young Lyndon felt obliged to defend him. He got on the stage and began to explain why Neff was the right candidate. His enthusiasm and skills in public speaking were noted by Willy Hopkins, a politician running for the state senate. He talked to Johnson after his speech and hired him to manage his campaign for the legislature. After winning this election Hopkins suggested Lyndon's name to Richard Kleberg, a Texas Congressman. Johnson was hired as Kleberg's legislative secretary and left for Washington in 1931.²²

Being a secretary to someone else in power was not enough for LBJ. When President Franklin D. Roosevelt created the National Youth Administration in 1935, Johnson was the first to apply for the post of Director for the Texas NYA. The NYA had broad public support as the goal of the program was to provide jobs for young people. During his time as Kleberg's secretary, LBJ had already befriended many powerful and wealthy Texans who helped him get the job with the NYA. However, he also understood that if one day he wanted to attain office through election, he also needed the support of the common people. According to Doris Kearns this is the main reason why Johnson

²¹ Ibidem, 64-66.

²² Kearns, *Lyndon Johnson & the American Dream*, 69-70. ; Stern, *Calculating visions*, 117-118.

applied for the NYA job. “He saw in the NYA an ideal vehicle for building the constituency from which he could return to Washington on his own.”(Kearns84) Johnson's task was to get sponsors for the NYA's projects and in doing so he was also helping the poor black population of Texas, but only through economic aid. Johnson never appointed an black American to the NYA.²³

Johnson's political ambitions did not disappear. When Johnson heard that Congressman Buchanan of Texas had died he immediately announced his candidacy and became a Representative for Texas. In the House, Johnson tried to change the lives of the people in his 10th District. He believed he should be a “people's Congressman, representing all the people, not just the ones with money and power.”²⁴ For example, through the Rural Electrification Administration he brought electric power to the people in the hills of Texas. In addition, new post offices and roads were built. However, Johnson was not happy in his role as Representative. According to Doris Kearns the House “governed by seniority (...) was very slow. The House was no institution for a young man in a hurry.”²⁵

Getting into the Senate was not easy for LBJ. In his first run in 1941 he was defeated by a small margin of votes. In his second run in 1948, “Johnson deliberately chose to downplay his liberal ties.”²⁶ He openly attacked President Truman and his civil rights legislation, using a federalist argument in which he defended the right of states to manage their own affairs. Johnson reminded his white Texan voters that he had voted against every civil rights bill while a Representative and he promised to keep doing so as a Senator. He won only by a margin of 87 votes out of 900,000 cast and his opponent immediately charged him with illegal ballot-stuffing. This fight was eventually decided in the Supreme Court where it was decided that the Court had no jurisdiction to review the counting of ballots for a Texas state election. “Although he secured the office, he had wanted so long, the legitimacy of his power was left in question.”²⁷

To strengthen his position in the Senate, Johnson joined the powerful alliance of conservative Republicans and southern Democrats who voted against President Truman's social and economic legislation. This coalition of Republicans and Democrats

23 Kearns, *Lyndon Johnson & the American Dream*, 84-85. ; Stern, *Calculating visions*, 117-118.

24 Kearns, *Lyndon Johnson & the American Dream*, 91.

25 Ibidem, 93.

26 Ibidem, 101.

27 Kearns, *Lyndon Johnson & the American Dream*, 93. ; Stern, *Calculating visions*, 121.

had secured key committee chairmanships and had some talented leaders, among whom Richard Russell of Georgia. Unlike Johnson, Russell had grown up in a segregated society and he believed in this separation of races. Johnson wanted Russell's guidance and copied Russell's conservative voting behavior. Another motivation for Johnson to vote conservative was the change in his constituency. He no longer only represented the 10th District but he now represented the whole of Texas. As a result, Johnson supported the oil and gas industry and defended the Taft-Harley Act. This Act limited the power of labor unions.²⁸

Doris Kearns claims that Johnson chose civil rights to show that he had not completely copied the ideas of Russell and was in fact a liberal. However, her argument is not very strong as she starts by writing about Johnson's maiden speech in the Senate. This speech supported a southern filibuster against President Truman's plan for a permanent Fair Employment Practices Commission, a commission that would make sure that companies with government contracts would not discriminate on the basis of race or religion. A filibuster is used to extend debate over a proposed bill to delay or even prevent a vote on the issue. Kearns claims that even though Johnson's speech and voting behavior supported the segregationists, his social behavior did not. She supports this by showing that Johnson did not join the "southern caucus," a club of southern Senators that met each week. Kearns apparently believes that by not joining this club, Johnson proved himself to be different.²⁹

Nonetheless, Johnson did vote according to the southern "standards and values" of segregation and it is therefore hard to believe that by not joining a club he could prove to be liberal. Johnson voted against anti-lynching proposals in 1938 and 1940; poll tax abolition bills in 1942, 1943 and 1945; a fair employment bill in 1946; and an anti-discrimination amendment to the federal school lunch program, also in 1946.³⁰ Johnson believed that he had to keep fighting for the South and segregation until he *did* have the power to change the law. In his autobiography he writes:

"I did not think there was much I could do as a lone Congressman from Texas. I represented a conservative constituency. One heroic stand and I'd be back home defeated, unable to do any good for anyone, much less the blacks and the underprivileged. As a Representative and a Senator, before I became Majority

28 Kearns, *Lyndon Johnson & the American Dream*, 102-105. ; Stern, *Calculating visions*, 122-123.

29 Kearns, *Lyndon Johnson & the American Dream*, 106.

30 Stern, *Calculating visions*, 120.

Leader, I did not have the power. That is a plain and simple fact.”³¹
To get this power he needed the southern vote and the support of his southern political friends.

1.2 - Becoming a National leader and a Liberal

In November 1952 Johnson won the position of Democratic Minority Leader with the help of Senator Russell and other southern Senators. In 1955 he became the Majority Party Leader when the U.S. Senate came into Democratic hands. In this position he made use of all his political talents. Through careful study of his fellow Senators he knew exactly what they wanted to achieve and what he would be able to “grant” them if he wanted their support for legislation. These services included committee assignments and political information. Through conversations, parties and investigations Johnson wanted to make sure that he got all the required information to figure out the stand of each Senator on each bill. In addition, “Johnson did not overlook the strength of affection.” Through personal attention he made friends and, more importantly, allies.³²

As a leader Johnson had to keep the Democratic Party together and there were many different standpoints represented in this party. On the one end of the spectrum there were the northern Democrats, who (for the most part) were liberals. On the other end where the Dixiecrats, Democrats from the South who supported segregation. LBJ had to master the art of compromise to keep the party together and to do so he used a different tactic for every Senator after carefully evaluating his wishes and interests. Doris Kearns states that he had to present “different faces on each issue to each of the different Senators.” On every piece of legislation that was important to the Democrats, Johnson counted votes and if there were not enough he persuaded Senators to change their minds by “courting” them.³³

During the 1940s and 1950s six different civil rights bills were defeated in Congress. This was because the House and the Senate were dominated by southerners and conservatives. Another reason for civil rights legislation to fail during this period was that the American people in general were not concerned with civil rights legislation.

31 Lyndon B. Johnson, *The vantage point: perspectives on the presidency, 1963-1969* (London: Weidenfeld and Nicolson, 1972), 155.

32 Kearns, *Lyndon Johnson & the American Dream*, 110-112, 118-120. ; Steven F. Lawson, “Civil Rights,” in *Exploring the Johnson Years*, ed. Robert A. Divine (Texas: The University of Texas Press, 1981), 96.

33 Kearns, *Lyndon Johnson & the American Dream*, 116, 121-126. ; Stern, *Calculating visions*, 127-128.

Even though several organizations in the Civil Rights Movement were already asking for changed legislation, it was only between 1953 and 1956 that the call for this change came into open view through three events. The first was the Supreme Court's decision in *Brown v. Board of Education* to desegregate all schools. The second was the violent refusal of large parts of the South to comply with this decision. This caused sympathy for the Civil Rights Movement in other parts of the United States. Third the elections in 1956 showed the importance of the black vote and the willingness of black Americans to desert Democratic candidates for Republicans. As a result, in 1956 the Democratic Party black vote margin reached its lowest point since 1936. The political pressure that resulted from these three events triggered the Eisenhower administration and the Democratic Party to both propose civil rights legislation in 1956.³⁴

LBJ wanted to portray himself as a national leader and knew that it was civil rights that would help him win the North's recognition. It would show them that he was in fact a liberal and not a Dixiecrat. Before the election he had send President Eisenhower's civil rights proposals to the Senate Judiciary Committee. This committee examines bills before they are discussed in the House or the Senate. This process usually takes up quite a bit of time and Johnson had deliberately send the bill to the committee to delay the debate until after the election. A debate on civil rights would have uncovered the tensions between northern liberal Democrats and Dixiecrats which would have harmed the Democratic chances in the election. After the election the bill returned to the Senate and Johnson needed to create a Civil Rights Act that would appease all Democrats. In doing so, he would keep the party together and show the black voters that the Democratic Party was in fact supporting them.³⁵

The bill proposed by the Eisenhower's administration consisted of three main parts. The first asked for a temporary United States Commission on Civil Rights which would recommend further civil rights legislation. The second would create a Civil Rights Division with an Assistant Attorney General within the Justice Department. The third would grant the Justice Department the authority to intervene on behalf of individuals who felt that their civil rights had been violated in housing, education, voting or law enforcement. In the first year the bill failed to pass and Johnson became

34 David J. Garrow, *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965* (New Haven: Yale University Press, 1978), 9. ; Kearns, *Lyndon Johnson & the American Dream*, 146. ; Stern, *Calculating visions*, 129-133.

35 Kearns, *Lyndon Johnson & the American Dream*, 147. ; Stern, *Calculating visions*, 133.

concerned that a refusal of a Democratic Congress to pass a civil rights bill proposed by a Republican administration, would diminish the support of black Americans for the Democratic Party even further.³⁶

Johnson did not voice his own opinion on the civil rights bill during the debate mainly because he used different arguments for every Senator he tried to convince to let the bill pass. In return for the support of the southern Senators he told them he would take responsibility to eliminate the “worst” part of the bill. For example, Title III, which authorized the federal government to intervene in the South to protect the civil rights of the black population there, would have to go. In addition an amendment had to be added to the bill that would ensure a jury trial for all civil rights cases that would come out of the new powers of the Justice Department. After convincing the southern Senators to let the bill pass when amended in such a way, Johnson moved on to the liberal Democrats from the mountain states. As they did not live in a society with many black Americans, civil rights legislation was not an important issue for them. Johnson won them over by promising southern support for their next issues and thus Title III of the bill was eliminated.³⁷

When the Civil Rights Act of 1957 was approved in August it was a very different bill than the one proposed by President Eisenhower's administration. Doris Kearns writes: “It was not Eisenhower's bill or the Democrats' or the liberal's; it was Lyndon Johnson's.”³⁸ To his voters in the South, Johnson could boast about the elimination of Title III and the adding of the jury trial amendment. In a letter to a voter Johnson even said that the Civil Rights Act of 1957 was not a civil rights bill but a voting rights bill. Johnson told the rest of the nation that the CRA'57 was a historic turning point. He stated his belief that once the right to vote had been secured, everything else would solve itself.³⁹

The Civil Rights Act of 1957 was very weak, especially because of the added jury trial amendment. As a result not all Democrats supported the new Act. Senator Wayne Morse from Oregon said he considered it a “corpse.”⁴⁰ The amendment would make sure that a southern jury would have a first say on the civil right court cases. As

36 Kearns, *Lyndon Johnson & the American Dream*, 146-147.

37 Kearns, *Lyndon Johnson & the American Dream*, 149-150. ; Stern, *Calculating visions*, 134-135.

38 Kearns, *Lyndon Johnson & the American Dream*, 150.

39 Kearns, *Lyndon Johnson & the American Dream*, 151. ; Stern, *Calculating visions*, 134-135.

40 Kearns, *Lyndon Johnson & the American Dream*, 152.

David Garrow explains, “Recalcitrant, obstructionist judges in most southern jurisdictions all but stifled the Justice Department's attacks on voting-related racial discrimination and harassment.”⁴¹ The elimination of Title III secured the independence of the states while the jury-trial amendment ensured the power of the white juries of the South. On the other hand, the Democratic Party was kept together while the first small step in guarding black voting rights was made.⁴²

Even though LBJ worked hard to get the CRA'57 to pass Congress he also still defended some parts of a traditional southern way of life. For example, he strongly defended the southern right to filibuster. The filibuster was heavily used by the Dixiecrats to postpone voting on civil rights legislation. When the liberals in the Senate wanted to change the rules for ending a filibuster in January 1959, Johnson did not give them his support. At that time the votes of “two-thirds of the Senators duly chosen and sworn” were needed to break a filibuster and thus achieve cloture. The liberals wanted to change the rules so that a debate would stop after fifteen days by the votes of a simple majority. Johnson thought this went too far, however, because he needed to appease all members of his party he compromised. From then on only the votes of two-thirds of the Senators *present and voting* were enough to break a filibuster.⁴³

Where LBJ disappointed the liberals on the cloture rule, he also disappointed them when he proposed his own plans for a new Civil Rights Act in February 1960 after several unsuccessful proposals for further civil rights legislation from the Justice Department. The program was very mild and the liberals thought Johnson proposed this weak civil rights legislation to stop any real change from happening. The Act was not very different from the CRA of 1957, only two of the six titles created change. Title III provided for the preservation of voting records and stated that the Justice Department had the right to examine these records upon demand. Title VI granted the Attorney General the power to appoint a voting referee to a district once a judge had agreed on a “pattern of discrimination.” This voting referee had to be a resident of that court district and could then recommend the rejected voter applicants to the judge for voting registration. Garrow calls the Civil Rights Act of 1960 “more of a victory for southern segregationists than for those members seeking more stringent protection of black

41 Garrow, *Protest at Selma*, 5.

42 Stern, *Calculating visions*, 138.

43 *Ibidem*, 144.

southerners' rights."⁴⁴

While Johnson had to defend himself for the weakness of the proposed bill toward the liberals in the Senate, the South was astonished that one of their own would even propose civil rights legislation. Texan voters wrote to Johnson about their anger and disappointment. Johnson response to them was that he wanted to take the civil rights legislation away from "extremists" who wanted to force the South to fully desegregate at once. He had to make compromises, as a party leader and as a possible future president. He needed the Democratic Party to be united for the upcoming elections. As a result, the Civil Rights Act of 1960 was once again weak and full of compromises. To the liberals Johnson explained that this was the best he could do for the black Americans with the votes that he had in Congress. It was an Act that was acceptable both for northern moderates and southern conservatives.⁴⁵

In the elections of 1960, Johnson was not the Democratic candidate for the presidency. Instead he became the running mate to John F. Kennedy, who wanted a southerner to win the South for him while he tried to convince the liberals and the black leadership of his loyalty to civil rights. After Kennedy won, Johnson had to take the backseat as vice president. However, he never let go of his personal ambitions. He wanted to make the vice presidency a place of power while preparing himself and the nation for his time as president. According to Doris Kearns Johnson also wanted to shed his "regional image once and for all" by placing himself second in line for the presidency." In addition, she claims that Johnson realized that his power in the Senate would be diminished under a Democratic president. Under passive Republican presidents he could, as the Majority Leader, steal the show but under the shadow of an active Democratic President he would have to step down.⁴⁶

As vice president Johnson got some important positions. He became the chairman of the President's Committee on Equal Employment Opportunity where he made his first personal contacts with leaders of the Civil Rights Movement. Michael Beschloss writes: "Ironically, when Johnson became Vice President and wished to speak out for civil rights, Kennedy was displeased because he wanted LBJ to help hold the South and border states in 1964."⁴⁷ Kennedy gave his vice president more power than

44 Garrow, *Protest at Selma*, 15.

45 Lawson, "Civil Rights," 97. ; Stern, *Calculating visions*, 145-148.

46 Kearns, *Lyndon Johnson & the American Dream*, 161.

47 Michael R Beschloss, ed., *Taking charge: the Johnson White House tapes, 1963-1964* (New York:

any president before him, especially on civil rights Johnson was in a great position of power. However, most of his vice presidency was spent traveling abroad and filling in for the president at official occasions. Then, suddenly on November 22, 1963, Johnson had to step up as president after the assassination of Kennedy. “[T]ragedy presented Lyndon Johnson with the opportunity and power to prove how deep his concern for racial equality had grown.”⁴⁸

1.3 - Another Civil Rights Act and the Mississippi Freedom Democrats.

Unlike in his years as a House Representative and Senator, civil rights became LBJ's first priority as a president. Partly as a tribute to the assassinated President Kennedy. In a telephone conversation with Whitney Young of the National Urban League on November 24, 1963, Johnson calls the Civil Rights Act of 1964 “his civil rights bill,” meaning the assassinated Kennedy.⁴⁹ Only days after the murder Johnson told Congress and the country that the passing of another Civil Rights Act would have to come first.⁵⁰

As LBJ refused to bargain, he could no longer depend on his southern friends in the Senate, including his mentor Russell. Now that he was fighting for civil rights he needed the support of the liberals and quick; the election of 1964 was only months away. Johnson therefore needed to show that he was serious about civil rights and therefore had to change tactics. He could no longer be the politician calling for patience and compromise.⁵¹ One way to win liberal support was to call the leaders of the Civil Rights Movement. On November 25, 1963, LBJ called Dr. Martin Luther King, Jr., of the Southern Christian Leadership Conference to thank him for stating his confidence in him as the new president on television. Johnson says: “I want to tell you how grateful I am and how worthy I'm going to try to be of all your hopes.”⁵²

Some of Johnson's other methods had not changed. He still used his charms to persuade people to get over to his side or to believe in him. In November and December of 1963 he invited several moderate, educated, and middle class black leaders over to the White House; Roy Wilkins and Clarence Mitchell of the National Association for

Simon & Schuster, 1997), 28.

48 Kearns, *Lyndon Johnson & the American Dream*, 162-164. ; Lawson, “Civil Rights,” 97-99. ; Stern, *Calculating visions*, 153.

49 Beschloss, *Taking charge*, 29.

50 James C. Harvey, *Black Civil Rights During the Johnson Administration* (Jackson: University and College Press of Mississippi, 1973), 8. ; Kearns, *Lyndon Johnson & the American Dream*, 173-174.

51 Stern, *Calculating visions*, 163.

52 Beschloss, *Taking charge*, 37-38.

the Advancement of Colored People, Whitney Young, Jr., of the National Urban League, King of the SCLC, James Farmer of Congress of Racial Equality, and A. Phillip Randolph of the Brotherhood of Sleeping Car Porters. During these meetings Johnson stressed his commitment to a new Civil Rights Act and asked them to urge their followers to stop all protests. Black protest would lead to white backlash which would only favor his southern political opponents.⁵³

After the Civil Rights Act of 1964 passed through the House, it moved to the Senate and thankfully for Johnson enough Senators voted to place the bill directly on the agenda instead of going through the Senate Judiciary Committee, chaired by Senator Eastland of Mississippi, who opposed civil rights legislation. Johnson and his administration had further calculated that there were enough votes in the Senate to let the Act pass, but not enough votes for cloture to break a unavoidable southern filibuster. Therefore Johnson and his staff tried to win over as many senators as possible to support the bill and as a result Johnson had to reach out to the Republicans. Especially Senate Minority Leader Everett Dirksen of Illinois had to be convinced because he was the key to many Republican votes.⁵⁴

However, Dirksen had problems with some parts of the proposed bill, such as desegregation in public accommodations and some fair employment sections. But Johnson was in a hurry to start his other programs, especially his fight against poverty and he announced that no other legislation would pass Congress until this Civil Rights Act did. As a result Dirksen was heavily “courted.” Johnson once again used the tactic of giving favors and gave Dirksen several appointments to federal projects and judgeships. As a result a compromise was made with Dirksen and the bill was slightly altered to win his support and get enough Republican votes for cloture. The filibuster, which had lasted for fifty-seven days, was broken. On July 2, 1964, Johnson could finally sign the Civil Rights Act into law.⁵⁵

James Harvey states that Johnson's contribution to the passing of the Civil Rights Act of 1964 was “significant” but “carried on largely behind the scenes.”⁵⁶ He

53 Harvey, *Black Civil Rights During the Johnson Administration*, 8. ; Lawson, “Civil Rights,” 102. ; Stern, *Calculating visions*, 164-166, 179.

54 Harvey, *Black Civil Rights During the Johnson Administration*, 10. ; Kearns, *Lyndon Johnson & the American Dream*, 191-192.

55 Harvey, *Black Civil Rights During the Johnson Administration*, 11-15. ; Kearns, *Lyndon Johnson & the American Dream*, 191-192. ; Lawson, “Civil Rights,” 100. ; Stern, *Calculating visions*, 172-178, 183-184.

56 Harvey, *Black Civil Rights During the Johnson Administration*, 20.

argues that Johnson did not want to be too visible in the process of getting the bill through Congress out of fear of losing his southern support, which he needed for his anti-poverty programs or his War on Poverty. Instead Johnson acted in the background, “courting” Senators and Governors. In a memorandum send to the President on June 22,



Johnson signs the Civil Rights Act of 1964. From Irving Bernstein, *Guns or butter: the presidency of Lyndon Johnson* (New York: Oxford University Press, 1996).

appearance of advising the Governors of how they can best run their states.”⁵⁷

In addition, the actual compromising and passing of the bill could be handled by the Senators themselves and did not require too much presidential pressure. Especially party leaders Dirksen and Majority Leader Hubert Humphrey (Democrats) worked hard to get the bill through the Senate before the election to win votes. Nevertheless, Johnson personally did put some Senators under a “considerable pressure” to get their votes for cloture. Especially Dirksen was “courted” by the president. “President Johnson had appealed to Dirksen's patriotism, ego and self-interest as the Senator from a state with a large black population.”⁵⁸

Johnson was very happy about the passing of the new Civil Rights Act and realized how the civil rights groups had contributed to its passing. In a telegram to James Farmer of CORE, on July 2, he writes:

“It will soon be my honor and privilege to sign into law the most significant Civil Rights Bill of the century – a bill which is the product not of any man or group of men but of a broad national consensus. The conscience of America has been stirred by the courage of those who, without violence or hatred, have protested the

57 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 2, page 00288, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

58 Harvey, *Black Civil Rights During the Johnson Administration*, 14.

indignities which sully our past and could plague our future. Congress has now responded to this high call of morality, justice and decency.”⁵⁹

After the signing of the Act Johnson wanted to prepare for his War on Poverty, however, the struggle for civil rights kept intruding. In April 1964 the Council of Federated Organizations (COFO) formed the Mississippi Freedom Democratic party (MFDP). COFO also planned a voter-registration project in Mississippi which would be biracial. White students from the North would help register black voters in Mississippi during Freedom Summer. The organization expected a white backlash, a violent response from those segregationists who did not want the black population to register for the vote. Freedom Summer was a test, to see if the federal government would remain blind to the violence that the volunteers endured if they were white.⁶⁰

In April and May 1964 the President was already warned about the upcoming summer. On April 8 a memorandum was sent to the President to warn him about the upcoming voter registration programs in Mississippi that summer.

“Just about all the people concerned with the program visualize trouble. According to [Charles Evers of the Mississippi NAACP], county law enforcement officers are securing high-powered rifles, every Negro home in Mississippi probably has at least one weapon, and State legislation has been enacted to facilitate the deputizing of private citizens.”⁶¹

On May 21 LBJ received a memo from the Attorney General Robert Kennedy. He also warns the President for the upcoming summer and the “problems which may occur (...) with respect to Civil Rights.”⁶² In this memo the Council of Federated Organizations is mentioned and the President is informed that the organization has “recruited several hundred students from northern university campuses.” The President is advised to get personally involved by talking to southern politicians to convince them to keep the peace.⁶³

On June 17, Johnson is told about the Students Registration Program in

59 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 2, page 00301, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

60 Stern, *Calculating visions*, 186-188.

61 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 7, page 0082, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

62 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 2, page 00264, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

63 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 2, page 00265-00267, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

Mississippi. Parents of the children asked the federal government for protection for the volunteers. Johnson's advisor, Lee C. White, writes to LBJ:

“Although on the surface it is nearly incredible that those people who are voluntarily sticking their head into the lion's mouth would ask for somebody to come down and shoot the lion, we now have a request for the parents group to meet you and their insistence on Federal protection.”⁶⁴

White advises the President to call Governor Johnson of Mississippi but do nothing else for the time being. A few days later, on June 21, three civil right workers go missing; James Chaney, a black Mississippi CORE worker; Michael Schwerner, a white New York CORE worker; and Andrew Goodman, a white student volunteer from New York. The nation was shocked and President Johnson had to act. He send in the FBI but the violence did not stop. Thousand Freedom Summer activists were arrested but the FBI did not arrest any whites who fought the civil rights workers. The bodies of the three missing volunteers were found but no one was convicted for the murder, causing even more frustration in the Civil Rights Movement.⁶⁵

Johnson was very worried about the three missing civil rights workers, especially because of the critique he was getting from, among others, James Farmer of CORE. In a phone call to Lee White Johnson complains about this:

“I asked Hoover two weeks ago, after talking to the Attorney General, to fill up Mississippi with FBI men and infiltrate everything he could, that they haul 'em in by the dozens... I've asked him to put more men after these three kids... I've asked him for another report today... I'm shoving in as much as I know how... I didn't ask them to go and I can't control the actions of Mississippi people. (...) I've got all of 'em I've got looking after 'em. I can't find 'em myself.”⁶⁶

Later in the day he calls the office of Attorney General Robert Kennedy, Kennedy is out so LBJ speaks to Deputy Attorney General Nicholas Katzenbach.

“[Kennedy] thought I probably should make a statement on these three boys that are missing down in Mississippi and I ought to consider seeing their parents. ... I'm afraid that if I start housemothering each kid that's gone down there and that doesn't show up, that we'll have this White House full of people every day asking for sympathy and Congressmen too 'cause they want to come over and have their picture made and get on TV.”⁶⁷

After this call Johnson calls Senator James Eastland of Mississippi “for advice from the

64 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 7, page 00084, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

65 Stern, *Calculating visions*, 189-191.

66 Beschloss, *Taking charge*, 425.

67 Ibidem, 431.

segregationist side.” Johnson asks Eastland what he should do about the three missing workers. Eastland replies: “I don't know. I don't believe there's three missing. I believe it's a publicity stunt.” Johnson tells Eastland about his doubts about seeing the parents. “I told 'em I thought that would be a bad precedent. I'm gonna try to get 'em to see an assistant of mine and get by with that, if I can, so I don't add to the fuel.”⁶⁸

Meanwhile, the MFDP decided to elect their own delegates for the upcoming Democratic National Convention as the regular Democratic Party in Mississippi closed their delegate-selection to all black Americans.⁶⁹ This worried Johnson. On Thursday, July 23, he calls Governor John Connally of Texas to discuss the MFDP. LBJ says:

“I don't know how anybody can stop what they're doing on the Freedom Party. I think it's very bad and I wish that I could stop it. I tried, but I haven't been able to. .. It may very well be that Bobby [Robert Kennedy] has started it. (...) So it looks like you just pretty well split the party. ... Worse than Goldwater and Rockefeller even. And it looks like there are forces that would like to do that. I have no doubt.”⁷⁰

This phone call clearly shows how worried Johnson was about his own position.

The Republicans nominated Barry Goldwater of Arizona, a strong opponent of the Civil Rights Movement, as their candidate for the election. Johnson therefore once again called upon the black leaders to stop any protests, as this would only help Goldman and his campaign. Dr. King, Wilkins, Randolph, Lewis, Young, and Farmer listened to the president and held a meeting to discuss Goldwater's nomination. All except Lewis (SNCC) and Farmer (CORE) signed a statement in which they accused Goldwater of racism and called upon their followers to stop the protests to help out LBJ.⁷¹

The national Democratic Convention in Atlantic City became a struggle for Johnson. He ordered the FBI to keep a close eye on the MFDP and asked some of his best men to talk to the leaders of the party and especially their attorney, Joe Rauh. Behind the scenes a deal had to be made that would both please the MFDP as well as the “regular” Mississippi delegation because both wanted to be seated as the official Mississippi delegation. After the negotiations the MFDP stated that they would be willing to let both delegations be seated, however, the “regulars” would leave the

68 Ibidem, 432.

69 Stern, *Calculating visions*, 191.

70 Beschloss, *Taking charge*, 466-467.

71 Harvey, *Black Civil Rights During the Johnson Administration*, 13, 22. ; Stern, *Calculating visions*, 196-197.

convention if this happened. Johnson feared that the delegations from other southern states would follow and he promised the white delegation that they would represent Mississippi at the convention.⁷²

A compromise was made in which the “regulars” would pledge their support for the national Democratic ticket, as they had threatened to vote for the Republicans if the MFDP would be seated. In return only two MFDP representatives would be seated. The White House choose them carefully: Aaron Henry, a black middle-class pharmacist, and white professor Edwin King. The MFDP delegates had no say in their selection. Furthermore, future state party delegate-selections had to be open to all races. A committee was formed to make sure that this happened.⁷³

The MFDP was not given much time to consider as Johnson had made the decision for them. Johnson's staff used all their power to convince Joe Rauh and other black leaders that the MFDP should accept the offer. On August 26, Rauh, Dr. King, Bayard Rustin and James Farmer met with the MFDP delegates to convince them to accept the compromise. When Johnson heard the news of the compromise made between the MFDP and the regulars he was relieved. “I think it's a good solution. (...) Long as the poor and the downtrodden and the bended know that they can come to us and be heard. And that's what we're doing. We're hearing 'em.”⁷⁴ The leaders of the MFDP, however, never considered taking the offer. Aaron Henry and Edwin King declined and the MFDP left the convention. Some of the Freedom Democrats remained active in the Democratic party but others lost faith in politics and joined the black nationalism movement⁷⁵.

Johnson lost his reputation among many of the young civil rights workers, both black and white as they became tired of his compromises. Mark Stern writes: “Johnson chose to make sure he was president, rather than be right on the issue.”⁷⁶ The president could continue his convention and his campaign after which LBJ won the election by a landslide. It is typical that Johnson does not write about the MFDP in his autobiography. Instead he writes how he received nothing but support at the convention.

“Atlantic City in August 1964 was a place of happy, surging crowds and thundering cheers. To a man as troubled as I was by party and national divisions,

⁷² Stern, *Calculating visions*, 198-200.

⁷³ Harvey, *Black Civil Rights During the Johnson Administration*, 23. ; Stern, *Calculating visions*, 205.

⁷⁴ Beschloss, *Taking charge*, 534.

⁷⁵ Stern, *Calculating visions*, 208-209.

⁷⁶ Ibidem, 209.

this display of unity was welcome indeed. But ovations, however deafening, can be short-lived. As I stood there warmed by the waves of applause that rolled in on us, touched to the heart by the display of affection, I could only hope that this harmonious spirit would endure times of trouble and discouragement as well.”⁷⁷

His biographer Doris Kearns copies this statement and does not mention the racial problems during the Convention either.⁷⁸

Conclusion

Johnson's stand on civil rights before 1965 is very hard to fathom. It can best be described as ambivalent. Growing up Johnson and his family did not adhere to a southern segregationist lifestyle. Johnson knew what poverty was and was committed to the Mexican-American population of Texas. From an early age he learned the rules of politics and excelled with his political talents. However, once the young and ambitious LBJ moved to Washington he made calculated choices. While working for the NYA he did help out the poor population of Texas, including the black Americans. However, as a Representative and a Senator he voted against civil rights legislation and helped in southern filibusters. His segregationist and conservative voting behavior was needed to win the support of fellow Senators from the South and of the southern voters. Nevertheless, Johnson can hardly be called a liberal during his time in the House and the Senate.

His political stand changed when he became the Democratic leader in the Senate and his ambivalence became even more obvious. As soon as Johnson needed the support of politicians and voters from other parts of the country, he choose the middle road. As the leader of the Democratic party in the Senate he had to make sure that the Democratic party, divided between liberals and Dixiecrats, stayed together. When convincing Senators to vote for the Civil Rights Act of 1957 he showed a different political side of himself to each of them. At the same time he tried to keep his southern voters loyalty as well as convince the liberal voters in the North that he would be a great president one day.

When he became president the ambivalence remained but Johnson began to show his liberal colors more often. He did not compromise on the Civil Rights Act of 1964 and persisted, even to his southern voters, that the right to vote should be

⁷⁷ Johnson, *The vantage point*, 101.

⁷⁸ Kearns, *Lyndon Johnson & the American Dream*, 205.

guaranteed for every American. His political talents helped pass the Act but then the summer of 1964 confronted him with the remaining struggles of black Americans. In the telephone conversations it is clear that Johnson was frustrated by the protests of Freedom Summer and the MFDP. He seemed to not understand what the Civil Rights Movement further demanded of him. However, the summer of 1964 also made clear what needed to be changed. The demand for equal voting rights became harder and harder to ignore.

Chapter 2 – Awakening the Conscience of the Nation and the President

Introduction

“No one can experience with the President of the United States the glory and agony of his office. No one can share the majestic view from his pinnacle of power. (...) A Senator, no matter how varied his interests, has a limited constituency. But the President represents all the people and must face up to all the problems. (...) He cannot pick and choose his issues. They all come with the job.”⁷⁹

This is how Lyndon B. Johnson summarizes the job of the President of the United States in his autobiography. He explains how as a national leader you have to represent all the people and help them in whatever way you can. As a Senator, Johnson argues, you only have to keep in mind the wishes of your constituency. When Johnson became president he had to face the upcoming Civil Rights Act of 1964. However, the civil rights issue did not disappear after this act was signed into law. New voting rights protests were already on their way.

The protests in Selma, Alabama in 1965 had one clear goal, “to arouse the national conscience.”⁸⁰ The demonstrators demanded to have equal voting rights and wanted the federal government to protect black Americans when they tried to register. The marches, and especially the violent reaction of the local police, shocked the nation and a Voting Rights Act was unavoidable. This chapter will examine to what extent the Voting Rights Act of 1965 was already formed before the marches in Alabama. The marches were held to awaken the conscience of the Nation and that of the President. What was the immediate impact of the marches on Johnson and his policies? Did his support for civil rights legislation change? Did the ambivalence, examined in the first chapter, disappear?

To answer these questions the need for further legislation, especially voting rights legislation, will be examined first. A history of this legislation is needed to fully understand the need for further laws. Attention will also be given to the importance of the black vote for Johnson's political career. As discussed, the Democratic Party was

79 Lyndon B. Johnson, *The vantage point: perspectives on the presidency, 1963-1969* (London: Weidenfeld and Nicolson, 1972), xi.

80 Mark Stern, *Calculating visions: Kennedy, Johnson, and civil rights* (New Brunswick: Rutgers University Press, 1992), 218.

concerned about a declining black vote margin. Voting rights legislation was therefore important for the party and the president as well. Then the situation in Selma will be discussed to better understand why the protests were taking place there. Finally the marches themselves and Johnson's immediate reaction will be examined to find out if the protests really awakened his conscience.

2.1 – The insufficiency of the Civil Rights Act of 1964

The protection of the right to vote for black Americans has a long history. The federal government started protecting the right to vote during Reconstruction. The Fifteenth Amendment of 1870 stated that the right to vote could not be denied on account of race nor color. After Reconstruction, however, the states of the former Confederacy found ways to exclude African-Americans through the grandfather clause, the poll tax, literacy tests, and educational requirements.⁸¹ These tests were designed in such a way that race or color was not the direct reason why black Americans lost the vote but the old discriminating traditions of southern society were. For example, the grandfather clause exempted anyone from the right to vote whose grandparents had not had the right either. This test denied the right to vote to almost all blacks living in the South.

Because of this discrimination the federal government enacted further protection during the 1950s and 1960s under pressure of the growing Civil Rights Movement, as discussed in the first chapter. Modest attempts to protect voting rights were made in the Civil Rights Acts of 1957 and 1960, while the Twenty-fourth Amendment of 1962 forbade the use of the poll tax for federal elections. However, the poll tax could still be used in other elections. Finally, the Civil Rights Act of 1964 restricted the use of literacy tests. A total ban on the poll tax and literacy tests was difficult because they were also used from a class perspective. They were supposed to prevent poor people, who did not have the required education, from voting. All these voting right laws were passed through Congress while Lyndon B. Johnson was either a Senator or the President. As discussed in the first chapter, he played an important role in both getting these Acts passed but also, as in the case of the 1957 Act, in weakening them.⁸²

81 Irving Bernstein, *Guns or butter: the presidency of Lyndon Johnson* (New York: Oxford University Press, 1996), 222.

82 Bernstein, *Guns or butter*, 223. ; Stern, *Calculating visions*, 216.

Estimated Percentage of Voting-Age Blacks Registered 1956-1964

	1956	1958	1960	1962	1964
Alabama	11	15	13.7	13.4	23.0
Arkansas	36	33	13.7	34.0	49.3
Georgia	27	26	29.3	26.7	44.0
Louisiana	31	26	30.9	27.8	32.0
Mississippi	5	5	5.2	5.3	6.7
North Carolina	24	32	38.1	35.8	46.8
South Carolina	27	15	15.6	22.9	38.7
Texas	37	39	34.9	37.3	57.7
Virginia	19	21	22.8	24.0	45.7
All southern states	24.9	25	29.1	29.4	43.1

Source: David J. Garrow, *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965* (New Haven: Yale University Press, 1978), 11, 19.

Through these Amendments and Acts black suffrage was slightly extended. (see table) However, the poll tax was still used against blacks in Alabama, Arkansas, Mississippi, Texas, and Virginia. Furthermore the voter turnout in Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia, was extremely low because these states still used literacy and educational requirements for voter registration.⁸³

The Civil Rights Act of 1964 had dealt with voting rights but it did not solve any of the remaining voting rights issues as it left the protection of these rights in the hands of the judiciary. David Garrow writes:

“Although all observers regarded the 1964 act as a landmark law because of its provisions regarding public accommodations and federal funding of schools, at the same time no one denied that its voting rights provisions represented no real change from the judicial approach to enforcement specified in the 1957 and 1960 acts.”⁸⁴

Most southern district judges did not take the voting cases seriously. In addition, the cases were time and money consuming making it difficult for poor people to keep them going. Also, every individual registrar would have to get their own court case. Furthermore, the defendants, the local and state governments, would delay the cases as

83 Bernstein, *Guns or butter*, 223. ; Stern, *Calculating visions*, 216.

84 David J. Garrow, *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965* (New Haven: Yale University Press, 1978), 25.

much as possible so that the blacks still were not able to vote.⁸⁵

Several organizations, both federal as civil rights groups, had recommended additional voting rights legislation to fill the gaps left by the Civil Rights Act. Bob Moses of the Student Nonviolent Coordinating Committee advocated the complete abolition of literacy tests as a requirement for voting, he said that the federal government should either eliminate these qualifications or teach all blacks to read and write.⁸⁶ On the federal level the United States Commission on Civil Rights filed a rapport about voting rights in Jackson, Mississippi. They had held hearings for five days in February 1965. One of the conclusions was that African-Americans were given harder tests during their registration. For example, they had to explain harder sections of the Mississippi Constitution compared to white applicants. The Commission advised the President that all literacy tests and poll taxes should be abolished; that applicants should be free to register with a federal examiner instead of a state registrar if possible; in addition the Commission recommended an education program through which black Americans could learn about the right to vote and registration.⁸⁷ When these recommendations were made, the protests in Selma had already began and Johnson's administration was already drafting new voting rights legislation.

2.2 – The Black Vote - Johnson's political agenda

During the election of 1964 the importance of the black vote for Johnson's career and the Democratic Party became clear. “With Barry Goldwater enticing white voters away from the Democratic Party in the South, the President recognized the growing importance of the black vote in carrying Dixie.”⁸⁸ During his campaign Johnson's political advisers told him that his victory in the Southern states depended on getting blacks to vote. The Democratic Party was ensured of their votes because Goldwater opposed any civil rights legislation. However, the difficulty was getting the blacks to vote as party leaders of southern states had always discouraged them to do so. Therefore, the national party started a suffrage campaign.⁸⁹

85 Garrow, *Protest at Selma*, 28.

86 Steven F. Lawson, *Running for Freedom: Civil Rights and Black Politics in America Since 1941* (Wiley, 2011), 197.

87 James C. Harvey, *Black Civil Rights During the Johnson Administration* (Jackson: University and College Press of Mississippi, 1973), 28-29. ; Stern, *Calculating visions*, 222.

88 Lawson, *Running for Freedom*, 191.

89 Ibidem, 191.

In the election Goldwater won only five southern states; Alabama, Georgia, Louisiana, Mississippi and South Carolina. According to Steven Lawson the voting drives helped Johnson win the rest of the South.⁹⁰

“The trend that started with Franklin Roosevelt, was pushed along by Truman, momentarily interrupted by Eisenhower, and renewed by Kennedy reached landslide proportions under Johnson. As the black electorate grew in influence, so too did its success in shoving civil rights to the front of the national political agenda.”⁹¹

In the five southern states that went Republican black enfranchisement was under 39 percent. If Johnson could ensure the right to vote for the black population of these states before the next election, he might win back the South for the Democratic Party. Mark Stern writes: “Black registration and participation were viewed as key elements in the future of the national Democratic party.”⁹²

Johnson and his administration knew that further voting rights legislation was needed. They were not sure, however, about the form of this new legislation, an amendment or an act. An amendment is a strong legislative tool as it would make the exclusion of black Americans to vote unconstitutional. The major downside was that amending the constitution took years, time the Civil Rights Movement did not give the president. Furthermore, just thirteen states were needed to block adoption of an amendment and even though the South was not that large, other states might join out of fear of the federal government interfering with states' rights. The Justice Department drafted a new amendment all the same, completed on January 8, 1965. It was based on the Fifteenth Amendment with a few differences. The draft did not say on which conditions the right to vote could *not* be denied but on which grounds it could. Those were not meeting the residence requirement of sixty days or the minimum age; conviction of a felony; mental incompetency; or confinement at the time of registration or election.⁹³

Ensuring voting rights through an act could be done in two ways. The first was to create a federal commission that would register voters for federal elections. There would be no constitutional challenge because Congress had the right to regulate federal elections. The problem with this method was that local and state elections were not

90 Ibidem, 191-192.

91 Ibidem, 193-194.

92 Lawson, *Running for Freedom*, 196-197. ; Stern, *Calculating visions*, 213-215.

93 Bernstein, *Guns or butter*, 224-225. ; Garrow, *Protest at Selma*, 41.

included. The other method was to empower the federal government to interfere in all elections by taking over the registration of voters in states and counties in which less than half of the black Americans of voting age were registered in 1964 and in which less than half voted in the presidential election of that year. In these areas applicants could register with federal registrars and applicants did not have to show literacy, education nor good behavior. They also did not need a registered voter to vouch for them. This bill would require a lot of defending as the constitutionality was in serious doubt.⁹⁴

Before deciding which method to choose, Johnson first had to decide whether or not to give priority to this new voting rights legislation or move forward with his other programs such as his War on Poverty. Some of his advisers told him to wait on passing a voting rights bill, arguing that he should give the South some time to adjust to the Civil Rights Act of 1964. In addition, Johnson needed the Southern support for his other programs to pass through Congress. However, Johnson did not give up on voting rights and continued to show his support for further legislation. For example, in his State of the Union address on January 4, 1965, Johnson told the nation that he was going to eliminate every remaining obstacle to the right to vote. Nevertheless, he said nothing about when these obstacles would be removed.⁹⁵

The question remains whether the Johnson administration decided on the question of an Act or Amendment before or after the marches in Alabama. Mark Stern argues that in January 1965 word got out that the administration had decided on a bill creating federal registrars.⁹⁶ However, according to Bernstein, Johnson did not decide on which form of legislation to choose until March 1965, after the protests in Selma forced him to take action.⁹⁷ David Garrow argues that the Johnson administration started drafting further voting rights legislation in December 1964. He further notes that at that time the administration already realized that an amendment would take up too much time and would be very difficult to ratify. He continues: “While administration sentiment at the end of 1964 indicated a definite intention to move ahead with voting rights legislation in early 1965, (...) at the same time Dr. King was completing the final

94 Bernstein, *Guns or butter*, 224-225.

95 Bernstein, *Guns or butter*, 223. ; Doris Kearns, *Lyndon Johnson & the American Dream* (London: André Deutsch Limited, 1976), 228. ; Lawson, *Running for Freedom*, 198. ; Stern, *Calculating visions*, 215, 219.

96 Stern, *Calculating visions*, 219.

97 Bernstein, *Guns or butter*, 225.

plans to begin the SCLC effort in Selma.”⁹⁸ President Johnson was well aware that further voting rights protests were on the way and had already seen the protests during Freedom Summer. He therefore knew that voting rights legislation could no longer wait.

2.3 – Selma: The Reason Why

To understand why Selma was chosen for the voting rights protests in 1965 it is important to understand the conditions in which the black population lived. In the South life was segregated and Selma, Alabama, was one of the most segregated towns. The jobs, housing, government, police, firemen, churches, schools, buses, hotels, restaurants, library, newspapers, playgrounds, swimming pool, public toilets, and drinking fountains were all segregated. In 1965 the median family income for whites was \$5,150 and for blacks \$1,393. In the South, 57 percent of eligible blacks could not vote. In Alabama this figure was 77 percent. Between May 1962 and August 1964, 93 African-Americans out of 795 who applied for registration were accepted. In the same period, 945 whites out of 1,232 were accepted. In Dallas County, with Selma as the county seat, only 335 of the 15,000 eligible African-Americans were registered voters in 1965.⁹⁹

Registration in Selma was difficult and the help of the federal government was sorely needed. There were only two days each month on which someone could register. The applicant had to fill out several forms, write from dictation a part of the constitution, answer four questions about the government, read four passages of the constitution and answer four questions about that, and finally sign an oath of loyalty to the United States and to the state of Alabama.¹⁰⁰

In 1965, almost all whites in Selma supported segregation but the city officials were divided in two groups with each a different approach. One used violence against civil rights workers. This group was led by the Sheriff of Dallas County, James G. Clark, who strongly opposed the Civil Rights Movement and “seemed genuinely to enjoy roughing them up.”¹⁰¹ He dressed like a military man with a Confederate flag on his green helmet. He would lead his men, paid deputies and volunteers, to beat demonstrators, poke them with electric cattle prods and dispersing them with tear gas.

98 Garrow, *Protest at Selma*, 39.

99 Bernstein, *Guns or butter*, 214. ; Harvey, *Black Civil Rights During the Johnson Administration*, 29. ; Lawson, *Running for Freedom*, 195.

100 Harvey, *Black Civil Rights During the Johnson Administration*, 29.

101 Lawson, *Running for Freedom*, 199.

The other group also supported segregation but “preferred order to violence.”¹⁰² They were led by the Mayor Joe T. Smitherman. His main concern was the failing economy of Selma. He hoped to persuade northern businesses to come to his town and Selma needed a good reputation for this. He did not trust the violent Sheriff and appointed Wilson Baker as director of public safety. Together Smitherman and Baker “wanted to preserve segregation as long as possible without turning to force.”¹⁰³

Protest at Selma had a long history. In 1963 SNCC had led a voter registration drive that resulted in the formation of the Dallas County Voters League (DCVL) headed by local Reverend Frederick Reese. He believed that teachers had a special obligation to their students and the black community to stand up for their civil rights. If the teachers did not try to register themselves as voters, they would not be able to teach their students about the duties of citizenship. Amelia P. Boynton helped form the Voters League. She was an independent businesswoman and a veteran of the Civil Rights Movement. She was an enrolled voter and had invited SNCC to come to Dallas County. Together they organized voter registration workshops and in the autumn of 1963 held a Freedom Day rally at the county courthouse. During this rally 300 black Americans tried to register but met with opposition from the board of registrars and Sheriff Clark. After that the voter registration drives continued but with little success.¹⁰⁴

The federal government also took action in Selma before the now famous marches of March 1965. The lawyers of the Justice Department had filed suits against Clark because he interfered with voter registration. In November 1963 they won a ruling barring registrars from using the literacy test to discriminate against African-Americans. However, this one case did little to help the black population of Selma nor did it stop its white officials to still discriminate against black voters. In addition, the local judiciary also ruled *against* the civil rights workers. For example, a local judge had forbidden the Voters League from organizing mass meetings. After years of protests and drives only 335 African-Americans of Dallas County had successfully registered themselves as voters. Therefore, stronger action than the degrees and suits from the Justice Department was needed from the federal government to help Selma.¹⁰⁵

102 Bernstein, *Guns or butter*, 215.

103 Ibidem, 215.

104 Garrow, *Protest at Selma*, 31-32. ; Lawson, *Running for Freedom*, 199-201.

105 Garrow, *Protest at Selma*, 34. ; Harvey, *Black Civil Rights During the Johnson Administration*, 29. ; Lawson, *Running for Freedom*, 201. ; Stern, *Calculating visions*, 215.

However, the federal government did not act. Throughout 1963 and 1964 Johnson refused to send federal marshals to Dallas County to protect the civil rights workers from white backlash. “The inability of the federal courts to remedy unfair registration practices was matched by the unwillingness of the executive branch to protect suffrage workers from harassment.”¹⁰⁶ Johnson left the enforcement of the law to the local authorities instead and as Sheriff Clark was one of the people who beat up the demonstrators this did not help the civil rights workers. The FBI was not allowed to interfere either. On Freedom Day 1963 the FBI agents stationed in Selma were only allowed to observe and take notes.¹⁰⁷

Johnson tried to defend his caution to interfere in the South in a talk with King in December 1964. Johnson pointed out that his fight against poverty would also help out the black population. He knew about the voting problems that they faced but he urged King to be patient. Without southern support he would never get his anti-poverty programs through Congress. Johnson did not want to hurry on the voting rights bill in fear of losing these votes.¹⁰⁸

Despite the harassment and the lack of change, SNCC did not give up and rallied the black community of Selma behind them. However, local black leaders found that results were lacking and called in reinforcements. In late 1964 the DCLV invited Martin Luther King and the SCLC to Selma. They arrived on the second of January 1965 and started to plan demonstrations. Selma was chosen because of the strategy of the SCLC. They relied on white backlash to make the protest a success, as the violence would attract national attention to the voting rights problems. Steven Lawson explains: “The SCLC's strategy depended on blacks behaving with restraint in the face of such vicious attacks and on television cameras and journalists recording the confrontation so as to prick the conscience of an outraged nation.” The protesters knew that some of them would get hurt and even killed, “but King was seeking drama, not bloodshed.”¹⁰⁹ Through this drama the SCLC hoped to awaken the conscience of the nation and of President Johnson.¹¹⁰

In January and February 1965 the SCLC organized marches to the courthouse

106 Lawson, *Running for Freedom*, 201.

107 Ibidem, 202.

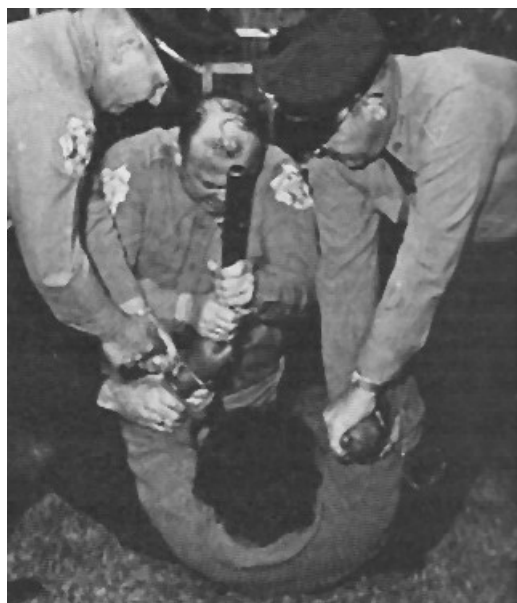
108 Bernstein, *Guns or butter*, 218. ; Stern, *Calculating visions*, 216.

109 Lawson, *Running for Freedom*, 199.

110 Garrow, *Protest at Selma*, 3, 39. ; Harvey, *Black Civil Rights During the Johnson Administration*, 29. ; Lawson, *Running for Freedom*, 194, 199, 202.

on registration days. On the first registration day, Monday January 18, King and 400 others marched to the courthouse. By orders of Baker, they walked in groups of three or four. At the courthouse Baker, Sheriff Clark, and a group of journalists were waiting for them. The groups was led to an alley behind the building and were told to wait. The only people admitted to the courthouse that day were forty whites. The next day the protesters marched again but they were determined to avoid being herded off into the alley, so they stopped at the front door. Clark arrested sixty-seven of them, including Amelia Boynton who he had to drag into the patrol car. The NAACP Legal Defense Fund freed them that very evening and on Wednesday the marches continued while Clark continued to arrest the demonstrators.¹¹¹

The protests continued throughout the week. On Friday, Reverend Reese got the support of the usually cautious middle-class teachers when they marched to the courthouse. They were not arrested but Clark forbade them to enter the building. The next week the marches continued as well. On Monday the 25th, Clark got into a fight with Mrs. Annie Lee Cooper. She had punched the Sheriff in the head when he would not allow them into the court house. The fight became front-page news of the *New York Times*.¹¹² The SCLC wanted King to be arrested as well for extra publicity and when he marched on February 1, he was. He was in jail for four days and during that time he instructed his people to write to President Johnson to put more pressure on him. Johnson's response was that he was monitoring the situation in Selma and that he had already shown his support for further voting rights legislation.¹¹³



Selma, January 25, 1965: Sheriff Clark fights with Mrs. Cooper. From David J. Garrow, *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965* (New Haven: Yale University Press, 1978), 46.

On February 4, Johnson held a press conference in which he again showed his

111 Bernstein, *Guns or butter*, 219. ; Garrow, *Protest at Selma*, 43. ; Harvey, *Black Civil Rights During the Johnson Administration*, 29. ; Lawson, *Running for Freedom*, 203.

112 Bernstein, *Guns or butter*, 220. ; Garrow, *Protest at Selma*, 45.

113 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 6, page 00124, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

support for voting rights, claiming that “The loss of that right to a single citizen undermines the freedom of every citizen.”¹¹⁴ The next week, a once again free King asked for a meeting with the President but this the White House refused. Johnson did not want to take sides openly in the Selma struggle. He defended the right to vote but he did not want to become associated with the protesters. Instead his staff arranged a meeting for King with Vice President Humphrey and Attorney General Katzenbach. They briefed King on the voting rights bill that was being drafted and then he was allowed to see the President for a few minutes. However, LBJ and MLK only talked about the bill, not about the protests in Selma. In addition, Johnson made no promises about when the new voting rights bill would be enacted.¹¹⁵

Meanwhile, the protesters had run out of patience. They continued their demonstrations to show the country what happened to black Americans who wanted to vote. In February a night march was held in neighboring Perry County. The police, from the city, county and state, judged their assembly to be unlawful and attacked. The streetlights were turned off and the troopers, together with some locals, started beating the protesters. Protester Jimmie Lee Jackson and his family fled into a cafe but were found by the mob. Jackson's mother was knocked to the ground and when Jimmie tried to protect her he was shot in the stomach. He died in the hospital a few days later. During the march in which Jackson was killed several journalists were also injured. They made sure that the police violence was shown to the nation. The death of Jackson did not stop the others and more drastic plans for a march from Selma to Montgomery were planned.¹¹⁶

2.4 - March 1965: Bloody Sunday and Turnaround Tuesday

The SCLC wanted to expand the demonstrations after the killing of Jackson and decided to march to Montgomery, the capital of Alabama. The blacks of Perry County wanted to take Jackson's body with them on the march, to lay it on the steps of the state capitol. However, the march was to be planned after Jackson's burial, on Sunday March the 7th. Martin Luther King had left for Atlanta to preach in his own church, so the march across

114 Bernstein, *Guns or butter*, 221. ; Garrow, *Protest at Selma*, 51.

115 Bernstein, *Guns or butter*, 221. ; Garrow, *Protest at Selma*, 53-55. ; Stern, *Calculating visions*, 221.

116 Bernstein, *Guns or butter*, 222. ; Garrow, *Protest at Selma*, 60-66. ; Harvey, *Black Civil Rights During the Johnson Administration*, 29-30. ; Lawson, *Running for Freedom*, 204. ; Stern, *Calculating visions*, 222.

the Edmund Pettus Bridge was lead by Hosea Williams of the SCLC and John Lewis of SNCC. The involved civil rights groups had discussed delaying the march because Governor Wallace of Alabama had forbidden it and because of death threats made against King. However, word had already spread and the protesters were gathering. SNCC had held a meeting in which most of the leaders had voted against the march because they believed it to be another publicity stunt by King and a waste of energy and resources. They did, however, allow any individual to take part in the march in his own name and John Lewis, who had disagreed with the vote, participated with one other SNCC staff member, Bob Mants.¹¹⁷

The march was silent, no songs were sung while the 600 protesters reached the bridge. On the other side Sheriff Clark and the state troopers, lead by Colonel Albert J. Lingo, were waiting for them. The marchers were told to turn around. Instead Lewis and Williams decided to kneel and pray. The troopers, Clark, and his men charged into the crowd. With tear gas and clubs the marchers were forced to the ground, others got trampled by horses. The protesters were chased off the bridge and back to Selma. At the gathering point, a church, people were still not safe. Troopers kept coming for them, beating them and throwing rocks at them. Until finally, William Baker intervened.¹¹⁸

President Johnson called Attorney General Nicholas Katzenbach the next morning. The first thing he asked: “was it the sheriff or the state troopers that stopped the march?”¹¹⁹ Katzenbach replied that the state troopers were indeed involved in stopping the marchers but that it was Sheriff Clark and his men doing “most of the brutality.”¹²⁰ After inquiring after casualties Johnson then asked Katzenbach: “Did we take every precaution we could have?”¹²¹ Apparently Johnson was afraid that he would be blamed for what happened to the marchers as the images of the beatings spread across the nation.

The day was called “Bloody Sunday” in the press and television cameras showed the beatings to the nation. Television network ABC interrupted its regular

117 Bernstein, *Guns or butter*, 225. ; Frye Gaillard, *Cradle of Freedom: Alabama and the Movement That Changed America* (University of Alabama Press, 2015), 238-241. ; Garrow, *Protest at Selma*, 66-72. ; Lawson, *Running for Freedom*, 205. ; Stern, *Calculating visions*, 224-225.

118 Bernstein, *Guns or butter*, 226. ; Gaillard, *Cradle of Freedom*, 242-246. ; Garrow, *Protest at Selma*, 72-77 ; Lawson, *Running for Freedom*, 205. ; Stern, *Calculating visions*, 224.

119 Michael R. Beschloss, ed., *Reaching for Glory: Lyndon Johnson's Secret White House Tapes, 1964-1965* (New York: Simon & Schuster, 2001), 217

120 Beschloss, *Reaching for Glory*, 217.

121 Ibidem, 217.

programming to show footage of the Selma protesters being beaten by the state troopers. The *New York Times* reported that 57 protesters were injured.¹²² “This display of raw aggression finally provided the SCLC with the provocative incident it needed to mobilize public opinion and secure federal intervention.”¹²³ The strategy of the SCLC had worked, the Sheriff had reacted as expected and the violence he used shocked the nation and politicians in Washington, from both parties calls for immediate action were heard. On Monday, supporters of the Civil Rights Movement throughout the country protested in support of the marchers in Selma. One of the demonstrations took place in Washington, hundreds of protesters demanded that the federal government would protect the marchers in Alabama. One group, associated with SNCC, held a sit-in at the Justice Department.¹²⁴ Johnson talks about this group in a telephone conversation that very evening. He says: “I think that it's absolutely disgraceful that they would get in the Justice Department building and have to hauled out of there. (...) I just think it's outrageous what's on TV. I've been watching it here, and look like that man's [King] in charge of the country and taking it over.”¹²⁵

Johnson was clearly not immune to the protests. He recalls in his autobiography how the protesters marching in front of the White House were telling him “LBJ, just you wait... see what happens in '68... LBJ, open your eyes, see the sickness of the South, see the horrors of your homeland.”¹²⁶ A small group of demonstrators even held a sit-in in the East Wing of the White House. Johnson writes how hurt he was by the chants from the protesters: “Once again my Southern heritage was thrown in my face. I was hurt, deeply hurt. But I was determined not to be shoved into hasty action.”¹²⁷ Johnson feared that any “hasty action” from his part would be seen as federal intervention by the people in the South.

However, events in Selma forced Johnson to change speed on his voting rights legislation. The option of an amendment was no longer possible, the situation in the country had become too overheated for this slow process.¹²⁸ After Bloody Sunday, King returned to Selma where he made a speech in which he called all people who

122 Bernstein, *Guns or butter*, 227. ; Gaillard. *Cradle of Freedom*, 246. ; Stern, *Calculating visions*, 224.

123 Lawson, *Running for Freedom*, 205.

124 Ibidem, 205-206.

125 Beschloss, *Reaching for Glory*, 223.

126 Johnson, *The vantage point*, 162.

127 Ibidem, 162.

128 Lawson, *Running for Freedom*, 206.

sympathized with the Civil Rights Movement, especially white ministers, to come march with them. On Monday the lawyers allied to the civil rights protesters asked U.S. District Judge Frank Johnson to give out a directive against any state interference with a march planned for the next day. Judge Johnson had ruled in favor of civil rights ever since the bus boycott of 1955-1956 but did not give the movement the protection they wanted. Instead he forbade them to march until a hearing on Thursday in which he would judge the previous ban of Governor Wallace. The marchers did not want to wait. "The black community of Selma was impatient, and the leadership of SNCC had descended on the town."¹²⁹ They were tired of waiting and they were tired of King and his obedience to the white rulers. However, King did not want to break a federal court order.¹³⁰

King felt the pressure, especially from SNCC, and was afraid that he might lose control of the marches. On the other hand, he did not want to lose the support of the federal government and the President. Johnson sent an intermediary, LeRoy Collins, to Selma to negotiate with King. Collins was a former governor of Florida and director of the Community Relations Service, a federal mediation agency created by the Civil Rights Act of 1964. Collins negotiated with the protesters and the state troopers about the upcoming march. Both sides compromised; the state troopers and Clark would not attack the protesters and King and other leaders promised to turn around at the east end of the bridge and go back to the church.¹³¹

That Tuesday became known as Turnaround Tuesday. Over two thousand protesters marched over the bridge with King leading them. They knelt down, prayed, and turned around as promised. The troopers did not attack them. Instead they moved aside to form a path through which King and his people could have walked. According to Frye Gaillard, this was done to make King look like a coward and a fool. Many marchers, among whom the leaders from SNCC, were confused. They did not know about the negotiation with Collins and were angry with King. They announced that they would not work with him anymore. All but John Lewis, who was still in the hospital for the injuries he suffered on Bloody Sunday.¹³²

129 Gaillard. *Cradle of Freedom*, 251.

130 Bernstein, *Guns or butter*, 227. ; Gaillard. *Cradle of Freedom*, 251. ; Stern, *Calculating visions*, 224.

131 Gaillard. *Cradle of Freedom*, 251-252. ; Lawson, *Running for Freedom*, 206. ; Stern, *Calculating visions*, 224-225.

132 Gaillard. *Cradle of Freedom*, 249-253. ; Garrow, *Protest at Selma*, 87.

Even though the protest had ended in a peaceful manner because of the negotiations with Collins, the day still ended in bloodshed. James Reeb, a white reverend from Boston, who had come to Selma with a group of other preachers, was attacked on the streets by segregationists. Reeb was hit in the head with a baseball bat and died two days later in the hospital.¹³³

In his autobiography Johnson writes how Reeb's death deeply affected him. In contrast, Johnson does not write much about the violence that the black protesters suffered. For example, he does not mention the murder of Jackson at all. He writes how he and his wife were hosting a congressional reception when he heard the news of Reeb. They immediately left the reception and called Reeb's family. After recounting this he contemplates about the marches in general. He writes how he watched the reruns of the confrontation on Bloody Sunday and how he “felt a deep outrage” about the violence inflicted upon the peaceful demonstrators. He recalls his fear that the same outrage, shared with Americans across the nation, would “melt away” before he could take action and get a voting rights bill through Congress. “It was important to move at once if we were to achieve anything permanent from this transitory mood.”¹³⁴

2.5 – Johnson's response: Dealing with Wallace and the March

On March 12 Governor Wallace send a telegram to President Johnson about the protection of the marchers. He writes:

“Voter registration and voting rights are not the issues involved in these street demonstrations. (...) The activities of the civil rights leaders are directed toward a defiance of Lawson state and federal authority, which if unchecked poses a threat not only to the lives and safety of our people but to the preservation of a lawful society.”¹³⁵

He continues by stating that he will do everything in his power to “preserve order and to protect all of the people in Alabama.” However, he does feel that a solution to the situation has to be found and he requests a meeting with the president.¹³⁶ Johnson immediately send a telegram back stating: “I want you to know as well as every other

133 Gaillard. *Cradle of Freedom*, 253, 256. ; Lawson, *Running for Freedom*, 206.

134 Johnson, *The vantage point*, 161-162.

135 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 6, page 00150, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

136 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 6, page 00151, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

governor to always know I am willing to see you on any matter of mutual interest and concern. I will be available in my office at any time that is convenient to you.”¹³⁷

LBJ agreed to see Governor Wallace of Alabama the next day, Saturday, March 13. Johnson was rough with Wallace; he told him that if he could or would not protect the marchers from the segregationists' violence, he would send federal troops into Alabama to protect them. Johnson recalls in his autobiography that he really did not want to send troops into Alabama.

“I knew that a hasty display of federal force at this time could destroy whatever possibilities existed for the passage of voting rights legislation. Such action would play into the hands of those looking for a states' martyr in Governor Wallace. Sending federal troops would turn the growing compassion of the Southern moderates into defensive resistance.”¹³⁸

However, a week later, on March 18, Wallace send another telegram to Johnson in which he asked for help in providing security for the march. He writes: “I respectfully request that the United States provide sufficient federal civil authorities or officers to provide for the safety and welfare of citizens in and along the proposed march route and to provide for the safety and welfare of the marchers.”¹³⁹ The following day Wallace send another telegram in which he asked the President to federalize the Alabama National Guard. He writes: “it is the opinion of the [Alabama State] Legislature that we are financially unable to bear the expenses of calling the Alabama National Guard to state active duty without jeopardizing the essential functions of the state of Alabama.”¹⁴⁰

Johnson immediately responded by sending an angry letter to Wallace. He writes:

“On the basis of your public statements and your discussions with me, I thought that you felt strongly about this and had indicated you would take all necessary action in this regard. I was surprised, therefore, when in your telegram of Thursday you requested federal assistance in the performance of such fundamental state duties. Even more surprising was your telegram of yesterday stating that both you and the Alabama legislature, because of monetary

137 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 6, page 00142, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

138 Johnson, *The vantage point*, 162.

139 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 6, page 00164-00165, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

140 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 6, page 00155-00156, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

considerations, believed that the state is unable to protect American citizens and to maintain peace and order in a responsible manner without federal forces. Because the court order must be obeyed and the rights of American citizens protected, I intend to meet your request by providing federal assistance to perform normal police functions.”¹⁴¹

That same day Johnson wrote a proclamation in which he promised federal assistance in the state of Alabama.¹⁴²

Even though Johnson was frustrated with Wallace, he was happy that the marchers would now be protected. He was also very happy that the Governor had requested the federal intervention himself. In his autobiography he writes:

“So the troops went in after all. They went in by order of the President, because the Governor said Alabama couldn't afford them financially. But they were not intruders forcing their way in; they were citizens of Alabama. That made all the difference in the world.”¹⁴³

Because Johnson had waited for Wallace to come to him, the move to send troops to Alabama was “generally regarded, not as an imperious imposition of federal power, but as a necessary measure to prevent further violence.”¹⁴⁴

Meanwhile the tensions within the Civil Rights Movement were rising between those who believed Johnson was on their side and those who did not. On the 17th of March, King and Lewis joined James Forman of SNCC who was protesting in Montgomery. They met in a church where Forman held a negative speech aimed at the President. He symbolized the group of protesters who had lost faith in the president and in the non-violent approach of King and Lewis.¹⁴⁵ After Forman's speech King took the stage to smooth things over and luckily for him he had just received good news. Judge Johnson had ruled and had granted permission for a march from Selma to Montgomery. “Ever since the Bloody Sunday attacks, the march on the capital had loomed as a piece of unfinished business, a moral imperative for the people in the movement, and now after the days of waiting it would happen.”¹⁴⁶ Judge Johnson had given permission for the march and had also forbidden all law enforcement officials from “harassing or

141 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 6, page 00153, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

142 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 6, page 00183, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

143 Johnson, *The vantage point*, 163.

144 Kearns, *Lyndon Johnson & the American Dream*, 229.

145 Gaillard, *Cradle of Freedom*, 258-259.

146 Ibidem, 259.

threatening” the peaceful demonstrators.¹⁴⁷

On Sunday the 21st of March, 3200 protesters from all over the country gathered in Selma. Among them were the grandfather of Jimmie Lee Jackson, Amelia Boynton, Dr. King, John Lewis, A. Phillip Randolph and other leaders from various groups and religions. During the final march from Selma to Montgomery, President Johnson was kept informed frequently through the reports send to him by Special Assistant Joseph A. Califano. In these reports every detail of the march, including the weather, how many whites were marching, and when the marchers stopped to rest, was reported back to Washington.¹⁴⁸ After days of marching, through the cold and the rain, the marches reached Montgomery on Wednesday evening. The next day 25.000 people gathered near the capitol. Governor Wallace choose not to meet the marchers outside. Instead King gave a speech on the steps of the Alabama capitol after which the marchers went back home.

The federal troops had protected the marchers but this had not prevented another civil rights volunteer, Viola Liuzzo, to be killed.¹⁴⁹ Unlike with the murder of Reeb, Johnson does not talk about her murder in his autobiography. Perhaps because he did not want to draw away attention to the Voting Rights Act which was already in Congress at that time. However, Johnson's concern about her murder is visible in his telephone records. He wonders whether the federal government would be blamed for her murder and he calls Liuzzo's husband. He tells him that he is going to find the ones who murdered her and “to see that your dear wife did not die in vain. And that others will, for years to come, have their lot improved in this country because of the sacrifice that she made.”¹⁵⁰ This improvement would have to come from Washington as the Voting Rights Act was passing through Congress.

Conclusion

In early 1965 everyone realized that further voting rights legislation was needed. However, the urgency behind this need was not felt in the same way by the politicians in Washington and the civil rights workers in towns such as Selma. Another voting rights

147 Gaillard, *Cradle of Freedom*, 259. ; Lawson, *Running for Freedom*, 206-207.

148 Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files, Reel 6, page 00184-00192, Presidential Collections and Administrations - Lyndon B. Johnson, Roosevelt Study Center Middelburg.

149 Gaillard, *Cradle of Freedom*, 260-263. ; Lawson, *Running for Freedom*, 207.

150 Beschloss, *Reaching for Glory*, 244-249.

bill was proposed for three reasons. First of all, the segregated life in the South forced the black population to start demonstrations. Second, the Civil Rights Acts of 1957, 1960 and 1964 had dealt with voting rights but had left the protection of these rights in the hands of Southern judges and juries. Third, the black vote became more important for a Democratic victory in the South because the white southern vote was claimed by the Republicans. The only questions remaining was when new legislation would be proposed and in what form.

Selma was chosen by the SCLC as the place to protest because the organization relied on a white backlash to give the protests national attention. Sheriff Clark had the reputation of beating up civil rights workers and Martin Luther King knew that a protest in Selma would be received with violence. This is exactly what happened on Bloody Sunday. The nation was awoken by the press coverage of the attack and the marches attracted thousands of protesters from all over the country. Johnson was forced to send in federal troops after Governor Wallace refused to protect the marchers.

The protests in Selma forced the Johnson administration to hurry along their voting rights bill which had already been prepared. The bill had been drafted before Bloody Sunday, however protests in Selma had also started before March 1965. In 1964 Johnson had promised further voting rights legislation but he had never set a date for this. During the protests he refrained from choosing a side as he only spoke out for voting rights but never showed his support for the protesters. In addition he waited for Governor Wallace to come to him for help before he send federal troops into Alabama to protect the marchers. This to prevent accusations from the southern states about the president misusing his federal power. In conclusion, the ambivalence of Johnson's political character was therefore once again visible during the first months of 1965.

Chapter 3 – The Voting Rights Act in Congress

Introduction

“The real hero of this struggle is the American Negro. His actions and protests, his courage to risk safety and even to risk his life, have awakened the conscience of this Nation.”¹⁵¹

With these words, in a speech delivered to Congress to introduce the new voting rights bill, President Johnson himself acknowledged how the protests in Selma had awakened the American conscience. New legislation was introduced, as the previous chapter has shown, much earlier than expected. This chapter will examine if the Voting Rights Act changed because of the marches in Alabama. Furthermore, Johnson's role in passing the Act and convincing Senators to vote for it will also be discussed.

First Johnson's speech will be analyzed. Was Johnson's ambivalence towards the Civil Rights Movement still there after the marches in Alabama? Then the passing of the Voting Rights Act by the House and the Senate will be examined. Did the marches in Alabama change the Act and did the protests help pass the Act through Congress?

3.1 – Preparing for Congress

Johnson used similar strategies for getting the Voting Rights Act through Congress as he had used in 1964 with the Civil Rights Act. He wanted to have two-thirds of the Senators supporting his bill right from the start. That way he could stop a southern filibuster. For this he needed Republican support as he could not rely on the southern Democrats to vote for civil rights legislation. He therefore organized a meeting on March 14 with Senate Minority Leader Dirksen, moderate Republican Senator Kuchel of California, and House civil rights leader McCulloch. For the Democratic Party Vice President Humphrey, Speaker McCormack, and Senate Majority Leader Mansfield were present. Also in attendance were several of Johnson's assistants and Attorney General Katzenbach. The events in Selma were discussed as well as the new voting rights bill. The main question was how to present the bill to Congress and the country. McCormack, Katzenbach and Humphrey wanted the President to go before Congress to make a statement and to show the nation that the government was deeply committed to

¹⁵¹ Lyndon B. Johnson, *Speech Before Congress on Voting Rights (March 15, 1965)*. Retrieved from: <http://millercenter.org/president/speeches/speech-3386> on 17-06-2015.

the new voting rights bill. Dirksen called going before Congress a “sign of panic” and advised against it. After some further debate it was decided that the President should address a joint session of Congress on Monday March 15 to introduce the bill.¹⁵²

That Monday evening he gave a powerful speech for a joint session of Congress in which he, not only, showed his support for voting rights but also for the marchers in Selma. The speech was broadcast by all three major television networks and watched by some seventy million Americans.¹⁵³ LBJ opens his speech by saying:

“I speak tonight for the dignity of man and the destiny of democracy. I urge every member of both parties, Americans of all religions and of all colors, from every section of this country, to join me in that cause. At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama.”¹⁵⁴

With these words, Johnson connects the struggle for the right to vote to the all American search from freedom. He also gives a lot of credit to the protests in Selma by listing it with historical events such as the battle of Lexington and Concord.

In his speech Johnson mentions the murder of Reeb, however he does not mention the death of Jackson. (As the final march to Montgomery happened after this speech, Viola Liuzzo was still alive.) He says:

“There [in Selma], long-suffering men and women peacefully protested the denial of their rights as Americans. Many were brutally assaulted. One good man, a man of God, was killed.”¹⁵⁵

Jackson was of course not murdered during the marches in Selma. However, it is striking that Johnson does mention the murder of a white reverend and not that of a young black men, whose death catalyzed the marches in Selma.

Johnson talks about the “greatness” of the United States as a country and about the sanctity of the right to vote. He quotes the Declaration of Independence and continues:

“Our fathers believed that if this noble view of the rights of man was to flourish, it must be rooted in democracy. The most basic right of all was the right to choose your own leaders. (...) Many of the issues of civil rights are very complex and most difficult. But about this there can and should be no argument. Every

152 Irving Bernstein, *Guns or butter: the presidency of Lyndon Johnson* (New York: Oxford University Press, 1996), 234. ; David J. Garrow, *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965* (New Haven: Yale University Press, 1978), 103-105.

153 Frye Gaillard, *Cradle of Freedom: Alabama and the Movement That Changed America* (University of Alabama Press, 2015), 256. ; Garrow, *Protest at Selma*, 106.

154 Johnson, Speech Before Congress on Voting Rights.

155 Ibidem.

American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty we have to ensure that right.”¹⁵⁶

In this part of the speech Johnson states his belief in the power of the vote and in the sanctity of the right to vote. He also wants to stress the unity of the nation in this moment by stating that the denial of the right to vote is a problem for all Americans.

“There is no Negro problem. There is no Southern problem. There is no Northern problem. There is only an American problem. And we are met here tonight as Americans—not as Democrats or Republicans--we are met here as Americans to solve that problem.”¹⁵⁷

Johnson then explains why further legislation is necessary:

“Experience has clearly shown that the existing process of law cannot overcome systematic and ingenious discrimination. No law that we now have on the books—and I have helped to put three of them there—can ensure the right to vote when local officials are determined to deny it. In such a case our duty must be clear to all of us. The Constitution says that no person shall be kept from voting because of his race or his color. We have all sworn an oath before God to support and to defend that Constitution. We must now act in obedience to that oath.”¹⁵⁸

Johnson gives himself credit for the three previous Civil Rights Acts but also points out the weakness of these acts. He blames the local officials for the fact that blacks still do not have the right to vote and calls up on the Congressmen to make a change. LBJ then introduces his new voting rights bill:

“This bill will strike down restrictions to voting in all elections—federal, state, and local—which have been used to deny Negroes the right to vote. (...) It will provide for citizens to be registered by officials of the United States Government if the State officials refuse to register them. It will eliminate tedious, unnecessary lawsuits which delay the right to vote. Finally, this legislation will ensure that properly registered individuals are not prohibited from voting.”¹⁵⁹

Johnson strikes out against the defenders of states' rights even though he defended states' rights earlier in his career. However, he does not deny the states those rights but defends the right of Congress to step in if the states can not ensure the right to vote for all Americans.

“To those who seek to avoid action by their National Government in their own communities; who want to and who seek to maintain purely local control over elections, the answer is simple: Open your polling places to all your people. Allow men and women to register and vote whatever the color of their skin. Extend the rights of citizenship to every citizen of this land. There is no constitutional issue

156 Ibidem.

157 Ibidem.

158 Ibidem.

159 Ibidem.

here. The command of the Constitution is plain. There is no moral issue. It is wrong—deadly wrong—to deny any of your fellow Americans the right to vote in this country. There is no issue of States rights or national rights. There is only the struggle for human rights.”¹⁶⁰

Johnson further urges the Congressmen to make haste because “we ought not and we cannot and we must not wait another 8 months before we get a bill. We have already waited a hundred years and more, and the time for waiting is gone.”¹⁶¹

In his speech Johnson both identifies with the Civil Rights Movement and their cause, as well with the South. He says:

“Their cause must be our cause too. Because it is not just Negroes, but really it is all of us, who must overcome the crippling legacy of bigotry and injustice. And we shall overcome. As a man whose roots go deeply into Southern soil, I know how agonizing racial feelings are. I know how difficult it is to reshape the attitudes and the structure of our society. But a century has passed, more than a hundred years, since the Negro was freed. And he is not fully free tonight.”¹⁶²

In addition Johnson also pleads for his anti-poverty laws while introducing a voting rights bill. He connects the issues together: “These are the enemies: poverty, ignorance, disease. They are the enemies and not our fellow man, not our neighbor. And these enemies too, poverty, disease and ignorance, we shall overcome.”¹⁶³ He recalls his days as a teacher in Cotulla, Texas where he taught poor Mexican-American children. He says:

“My students were poor and they often came to class without breakfast, hungry. They knew even in their youth the pain of prejudice. They never seemed to know why people disliked them. But they knew it was so, because I saw it in their eyes. (...) Somehow you never forget what poverty and hatred can do when you see its scars on the hopeful face of a young child. I never thought then, in 1928, that I would be standing here in 1965. It never even occurred to me in my fondest dreams that I might have the chance to help the sons and daughters of those students and to help people like them all over this country. But now I do have that chance—and I'll let you in on a secret—I mean to use it. And I hope that you will use it with me.”¹⁶⁴

Finally, Johnson gives credit to the Civil Rights Movement by arguing that it was the protests of the black Americans that made this bill possible.

The protesters of the Civil Rights Movement responded favorably to Johnson's speech. For example, Martin Luther King recalls and praises it in his autobiography:

160 Ibidem.

161 Ibidem.

162 Ibidem.

163 Ibidem.

164 Ibidem.

“In his address (...) President Johnson made one of the most eloquent, unequivocal, and passionate pleas for human rights ever made by a President of the United States. (...) His tone and his delivery were sincere. (...) We were happy to know that our struggle in Selma had brought the whole issue of the right to vote to the attention of the nation. It was encouraging to know that we had the support of the President.”¹⁶⁵

For the protesters in Selma it was very special to have the President's support, especially because Johnson was a southerner. “Lyndon Johnson was a southern white man in the 1960s, speaking with the kind of deep Texas twang, a cadence that was common among the people of Dixie, that was most often tied to the cry for segregation.”¹⁶⁶

3.2 – The Voting Rights Act of 1965 in Congress

On March 17, following Johnson's speech, the voting rights bill was sent to Congress after Everett Dirksen and Senate Majority Leader Michael Mansfield had discussed it and made a proposal. The voting rights bill Johnson proposed to Congress was the quick and forceful option. The plan of a constitutional amendment was abandoned, the bill was quite short and simple. Section II forbade the denial of the vote on account of race. Section III banned all tests or devices that discriminated against black voters, like literacy tests. Section IV and V explained in which areas these provisions would come into effect. The bill would only be enacted in those states and counties in which less than half of the eligible voters had registered or had voted in the presidential election of 1964. Therefore, the new act would put the registration process in Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and sections of North Carolina under federal supervision.¹⁶⁷

The events in Selma had awakened the conscious of the nation and had made it difficult for southern Congressmen to keep obstructing further voting rights legislation without losing votes. A Gallup poll taken during the march from Selma to Montgomery shows that 76 percent of the Americans favored a voting rights bill. In the South this figure was 49 percent which is quite high considering the segregated life

165 Clayborne Carson ed., *The Autobiography of Martin Luther King, jr.* (New York: Grand Central Publishing, 2001), 288.

166 Gaillard, *Cradle of Freedom*, 257.

167 Bernstein, *Guns or butter*, 236-237. ; James C. Harvey, *Black Civil Rights During the Johnson Administration* (Jackson: University and College Press of Mississippi, 1973), 35. ; Steven F. Lawson, *Running for Freedom: Civil Rights and Black Politics in America Since 1941* (Wiley, 2011), 209. ; Mark Stern, *Calculating visions: Kennedy, Johnson, and civil rights* (New Brunswick: Rutgers University Press, 1992), 227.

there.¹⁶⁸ The voting rights bill was not a new Civil Rights Act and it did not attack segregation. Its purpose was to protect the Constitutional right of black Americans to vote. The southern representatives therefore used a similar argument as Johnson had, the right to vote should not be taken away from any American because it was considered the foundation of American democracy and freedom.¹⁶⁹

It is difficult to determine how sincere this defense of the Constitutional rights was. James Harvey states that the rhetoric of protecting state's rights was mainly used by southern Congressman "to cover their desire to maintain segregation and white control of political institutions."¹⁷⁰ Therefore, the belief that the southern politicians were not against giving blacks the vote because this did not interfere directly with states' rights is debatable at most. For example, Harvey quotes Attorney General Nicholas Katzenbach who said that the civil rights groups were not so "badly needed" for this bill as they had been for the Civil Rights Act of 1964. Instead, the South was confronted with its past of keeping black Americans away from the vote. According to Harvey, Katzenbach believed that the southerners were not against blacks voting but wanted to maintain states' rights. Therefore, the southern Congressmen would block any form of legislation that would endanger these states rights but not a voting rights bill.¹⁷¹ This belief can at least be called naive. It was true, however, that the obstruction of the right to vote was a lot harder to defend than keeping up segregation.

Because of this the passing of the voting rights bill seemed to be an easy task, especially compared to the passing of previous civil rights legislation. Stern writes about this in an optimistic way:

"From the outset it was clear that the administration's voting rights bill would be enacted into law with little determined southern resistance in evidence. The country had changed too much since the sit-ins and the freedom rides and the 1963 March on Washington. Black rights could no longer be pigeonholed in congressional committees or held hostage to the threat of a filibuster"¹⁷²

Bernstein uses a more factual approach but is also positive: "The massive Democratic majorities in both houses and equally great public support in the North seemed to assure passage of the voting rights bill."¹⁷³

168 Lawson, *Running for Freedom*, 210.

169 Ibidem, 210-211.

170 Harvey, *Black Civil Rights During the Johnson Administration*, 33.

171 Ibidem, 33.

172 Stern, *Calculating visions*, 227.

173 Bernstein, *Guns or butter*, 235.

However, the Voting Rights Act did face a filibuster in the Senate and the Act would have to go through the Judiciary Committee whose leader, James Eastland of Mississippi, was not a supporter of civil rights legislation. Only one of the 121 civil rights bills had come out of his committee. To take no risks, Mansfield and Dirksen worked together to get a 63 to 13 vote in the Senate to instruct the committee to finish their work on April 9, this deadline deeply offended Eastland. The committee conducted hearings for almost two weeks in which Attorney General Katzenbach testified for three whole days. There was almost no opposition. Senator Sam Ervin of North Carolina, considered an expert on the Constitution, argued that the bill was unconstitutional as it punished states and other jurisdictions for acts that happened before the law was enacted through the use of figures from 1964 as a triggering system. Katzenbach defended the bill by arguing that there was no punishment, the bill only sought to protect the Fifteenth Amendment in the future.¹⁷⁴

One of the main topics of debate was the total ban on the poll tax. An opponent of this ban was Attorney General Katzenbach. The poll tax had already been abolished in federal elections but it had been upheld by the Supreme Court in state and local elections. A total ban on the poll tax would make the voting rights bill constitutionally weak and it would lose Johnson votes for cloture, as Dirksen and many other Republicans were firm supporters of poll taxes. In case the Judiciary Committee would rule the ban on the poll tax unconstitutional, a compromise was made between Mansfield and Dirksen in which the Attorney General would be forced to take action against any use of the poll tax which violated the Constitution and its Amendments. However, the compromise was not even needed as the Judiciary Committee adopted the ban on the poll tax in both state and local elections. Six liberal Democrats and three moderate Republicans outnumbered the seven members who voted against the ban.¹⁷⁵

The Senate Judiciary Committee returned the amended voting rights bill on April 9, meeting the deadline perfectly. However, the ban on the poll tax also caused conflict on the Senate floor as many states still used these taxes. The Civil Rights Movement strongly supported a full ban. However, Dirksen and the administration opposed it because they feared it would be unconstitutional. In the end an amendment to the bill concerning the poll tax was adopted. It was offered by Mansfield and Dirksen

¹⁷⁴ Ibidem, 237.

¹⁷⁵ Ibidem, 238-239.

and it declared the use of a poll tax as an infringement of the right to vote unconstitutional.¹⁷⁶

On May 25 a cloture motion was reached by a vote of 70-30, “after a desultory southern filibuster permitted by the Senate leadership out of deference to tradition more than anything else.”¹⁷⁷ The next day the Act was approved by a vote of 77-19. The 77 Senators who voted for the VRA were both Republicans (thirty) and Democrats. Five southern Democrats voted in favor of the bill. The 19 Senators who voted against the bill were all southerners, among them the only two southern Republicans, Tower and Thurmond. Only ten weeks after the original bill had been sent to Congress, the VRA was passed by the Senate.¹⁷⁸

The Judiciary Committee of the House of Representatives made several amendments to the bill. The most important one was a flat ban on the poll tax in state and local elections as a congressional finding proved that payment of a poll tax violated the Fourteenth and Fifteenth Amendment. Eight Republicans did not accept this amendment and offered a substitute. Three southern Democrats denounced the bill in its entirety. However, on July 9, the bill with the amendments made by the Judiciary, passed through the House by a vote of 333 to 85. The 85 votes against the bill were almost all from representatives from the South.¹⁷⁹

The issue of the poll tax persisted as a conference committee had to attempt to resolve the differences between the passed House and Senate bills. Dr. King then urged the House conferees to drop the ban on the poll tax out of fear that a long debate would delay the passing of the bill.¹⁸⁰ A similar amendment as that reached in the Senate was then added, and the bill was returned to both houses. This bill eventually passed through the House by a vote of 328 to 74 and then by the Senate by a vote of 79 to 18. In the House 180 northern Democrats, 37 southern Democrats and 111 Republicans voted for the Voting Rights Act. The opponents consisted of 54 southern Democrats and 20 Republicans. In the Senate 43 Democrats from the North, 6 from the South and 30 Republicans supported the act. The opponents were one northern Democrat, 16

176 Ibidem, 239.

177 Stern, *Calculating visions*, 227.

178 Bernstein, *Guns or butter*, 240. ; Garrow, *Protest at Selma*, 125-126.. ; Harvey, *Black Civil Rights During the Johnson Administration*, 33-34.

179 Bernstein, *Guns or butter*, 240. ; Garrow, *Protest at Selma*, 121-123, 128-129. ; Harvey, *Black Civil Rights During the Johnson Administration*, 34.

180 Bernstein, *Guns or butter*, 240. ; Harvey, *Black Civil Rights During the Johnson Administration*, 34.

southerners, and one Republican.¹⁸¹

The final version of the Voting Rights Act of 1965 was almost the same as the outline put forth by Johnson.¹⁸² A provision was added to the act through which the states and counties could “escape” the federal supervision. It stated that once the areas had proven that they had not discriminated against black voters for five years, through tests or other devices, they would be released from supervision by the federal district court in Washington, DC. This amendment weakened the VRA slightly as it gave states the change to escape the act altogether after some time.¹⁸³ On the other hand, the poll tax had been further limited which made the VRA a strong civil rights bill. Garrow therefore concludes that the marches in Alabama did change the VRA for the better. He writes: “The changes made in the bill between March 7 and its signing into law five months later, in fact made it not only a better bill but also, in several important respects, a significantly stronger piece of legislation.”¹⁸⁴

3.3 - Change Written into law



6 August 1965: the signing of the Voting Rights Act. From Lyndon B. Johnson, *The vantage point: perspectives on the presidency, 1963-1969* (London: Weidenfeld and Nicolson, 1972).

On August 6 President Johnson signed the bill into law before a nationwide television audience and surrounded by leaders of the Civil Rights Movement. He chose to do so in the President's Room adjoining the Senate chamber because it was here that President Lincoln had signed the Emancipation Proclamation in 1863. In doing so, Johnson directly linked his struggle for voting rights to the emancipation of slaves a century earlier.¹⁸⁵

The Voting Rights Act had immediate

¹⁸¹ Bernstein, *Guns or butter*, 240-241. ; Garrow, *Protest at Selma*, 129-132. ; Harvey, *Black Civil Rights During the Johnson Administration*, 34.

¹⁸² Lawson, *Running for Freedom*, 209-210.

¹⁸³ Harvey, *Black Civil Rights During the Johnson Administration*, 35. ; Lawson, *Running for Freedom*, 209-210.

¹⁸⁴ Garrow, *Protest at Selma*, 135.

¹⁸⁵ Harvey, *Black Civil Rights During the Johnson Administration*, 34. ; Doris Kearns, *Lyndon Johnson & the American Dream* (London: André Deutsch Limited, 1976), 249-250. ; Stern, *Calculating visions*, 228.

results in the re-enfranchisement of the black population in the South. Steven Lawson argues that within four years of its passage approximately three-fifths of southern black adults had registered to vote. In Alabama this meant a rise from 23 percent to 53 percent. In Dallas County over 8,500 black were registered within months after the VRA was signed into law.¹⁸⁶

Most of the new voters were registered by local officials who followed the new law. Only in very stubborn areas were the federal registrars required. Together with the voter registration drives organized by various civil rights organizations, the enactment of the VRA resulted in the rise of black political participation. The voter registration drives were still necessary because the VRA nor any other federal legislation could not register the voters. The civil rights groups still needed to create a solidarity in black communities in the South so that people would register themselves.¹⁸⁷

The VRA was challenged, as expected, on its constitutionality. The state of South Carolina filed a suit before the U.S. Supreme Court in September. Their defense was that the act infringed on states' rights. However, the Supreme Court ruled in *South Carolina v. Katzenbach* that the Act was in fact constitutional as it was within the power of Congress to take measures to defend the Fifteenth Amendment.¹⁸⁸

There are multiple reasons to believe that President Johnson's personal contribution to the Voting Rights Act was vital. First, his commitment to the bill, his powerful speech before Congress and his leadership guided it through the legislature. Second, his lawyers and other staff worked hard to round up votes. However, it is impossible to say that Johnson did not have help. The changed political climate, changed by the marches in Alabama, persuaded the country and the southern Congressmen that voting rights legislation was needed. Steven Lawson writes: "The President's task was made easier because of the favorable climate of opinion created by Dr. King's handling of the Selma episode."¹⁸⁹ In addition, Congress seated far more liberal members than in earlier years. Furthermore, the protests in Selma and the Voting Rights Act only dealt with one issue, "long considered the foundation of representative government." This "had political advantages over a measure addressing the more

186 Garrow, *Protest at Selma*, 19, 189. ; Lawson, *Running for Freedom*, 211.

187 Lawson, *Running for Freedom*, 211.-212.

188 Harvey, *Black Civil Rights During the Johnson Administration*, 35.

189 Lawson, *Running for Freedom*, 210.

controversial issues of education and employment.”¹⁹⁰

Conclusion

Johnson seems to have become a full liberal in his speech introducing the Voting Rights Act. His ambivalence is gone. He praises the Civil Rights Movements, links himself to the poor people back home in Texas and stands up against the southern federalist argument of states' rights. However, he also uses the opportunity to campaign for his other programs, his anti-poverty laws. In doing so, he draws attention away from the voting rights issue being debated even though he claims that the abolition of poverty would end all other problems faced by the black population in the South. Furthermore, he compares the struggle in Selma with important battles in American history and tries to create an image of an unified United States, fighting for justice.

Authors have written about the ease with which the Voting Rights Act moved through Congress. However, the bill still faced a filibuster and several sections of the Act were debated. The resulting amendments, however, did not drastically change the original proposal and compared to the struggle for the passage of the Civil Rights Acts of 1957, 1960 and 1964, the VRA was approved very quickly. This was mainly the result of a changed political atmosphere. The marches in Alabama had caused the public opinion to back the VRA and made it difficult for opponents to keep up their refusal to accept the Act.

¹⁹⁰ Garrow, *Protest at Selma*, 147-150. ; Steven F. Lawson, “Civil Rights,” in *Exploring the Johnson Years*, ed. Robert A. Divine (Texas: The University of Texas Press, 1981), 103.

Conclusion

In conclusion Lyndon B. Johnson was foremost a pragmatic politician when it came to civil rights. He was a “closeted liberal” during his time as a Senator. His voting behavior remained in line with the wishes of his conservative constituency and his political allies in the Senate. He also showed a conservative face when dealing with southern politicians concerning civil rights. However, when talking to (northern) liberals he was a full supporter of the Civil Rights Movement. This became more and more obvious when he became a national politician, first as leader in the Senate and later when he became president. The more he realized how important the black vote was for the Democratic Party and his own political future, the more he supported further voting rights legislation.

However, Johnson's anti-poverty laws remained the most important program of his presidency and he did not want the Civil Rights Movement to delay it. This becomes clear when examining Johnson's frustration concerning the protests in 1964 and 1965. He had just signed the Civil Rights Act of 1964 and he wanted to move on with his other programs. He did realize that further voting rights legislation was necessary and he did order the Justice Department to start drafting a new bill. However, he never set a date for this new legislation. When he introduced the VRA to Congress in 1965, he even took the opportunity to once again campaign for this War on Poverty. This can be explained by Johnson's belief that the abolition of poverty would help black Americans overcome the other problems they faced in society.

In addition, the Justice Department was still figuring out whether to go with an act or an amendment in late 1964. At this time protests for better protection of the voting rights of black Americans had already started. One of the most important aspects of Freedom Summer 1964 was the call for equal voting rights. Furthermore, protest in Selma did not start in 1965. SNCC had held voting registration drives there for years before the SCLC moved in. Johnson and his administration knew that soon further legislation concerning the right to vote would be necessary.

Even though Johnson might not have been thrilled with the protests in Selma and the demand for a new act, he did show support for the Civil Rights Movement. He was immensely frustrated with Governor Wallace and his inability or rather

unwillingness to protect the marchers. Johnson was also shocked by the excessive use of violence by Sheriff Clark and his men. Furthermore, Johnson believed in the power of the vote and was especially passionate about defending it. He believed that this right could not be withheld from any American. He also believed that southern politicians could no longer defend their unwillingness to give blacks the vote, or to keep obstructing them in the registration process. LBJ thought that voting rights legislation should be accepted by the South as it was, in his eyes, not civil rights legislation threatening the sovereignty of the southern states nor segregation.

To conclude the marches in Alabama did cause Johnson to introduce his voting rights bill to Congress in a much earlier stage than originally planned. His rhetoric became more and more liberal over time. Perhaps his conscience was not suddenly awoken by the events of Bloody Sunday but it was slowly pulled from its southern slumber throughout the years. As the Civil Rights Movement grew and public support for voting rights grew, so did LBJ's conscience.

Bibliography

Books:

Bernstein, Irving. *Guns or butter: the presidency of Lyndon Johnson*. New York: Oxford University Press, 1996.

Beschloss, Michael R., ed. *Reaching for Glory: Lyndon Johnson's Secret White House Tapes, 1964-1965*. New York: Simon & Schuster, 2001.

Beschloss, Michael R., ed. *Taking charge: the Johnson White House tapes, 1963-1964*. New York: Simon & Schuster, 1997.

Carson, Clayborne ed., *The Autobiography of Martin Luther King, jr.* New York: Grand Central Publishing, 2001.

Garrow, David J. *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965*. New Haven: Yale University Press, 1978.

Gaillard, Frye. *Cradle of Freedom: Alabama and the Movement That Changed America*. University of Alabama Press, 2015.

Harvey, James C. *Black Civil Rights During the Johnson Administration*. Jackson: University and College Press of Mississippi, 1973.

Johnson, Lyndon B. *The vantage point: perspectives on the presidency, 1963-1969*. London: Weidenfeld and Nicolson, 1972.

Kearns, Doris. *Lyndon Johnson & the American Dream*. London: André Deutsch Limited, 1976.

Lawson, Steven F. *Running for Freedom: Civil Rights and Black Politics in America Since 1941*. Wiley, 2011.

Lawson, Steven F. "Civil Rights." In *Exploring the Johnson Years*, edited by Robert A. Divine, 93-125. Texas: The University of Texas Press, 1981.

May, Gary. *Bending Toward Justice: the Voting Rights Act and the Transformation of American Democracy*. New York: Basic Books, 2013.

Stern, Mark. *Calculating visions: Kennedy, Johnson, and civil rights*. New Brunswick: Rutgers University Press, 1992.

Articles

Califano, Joseph A. jr., "The movie 'Selma' has a glaring flaw," *Washington Post*, 26-12-2014. Retrieved from: https://www.washingtonpost.com/opinions/the-movie-selma-has-a-glaring-historical-inaccuracy/2014/12/26/70ad3ea2-8aa4-11e4-a085-34e9b9f09a58_story.html on 10-08-2015

Garrow, David J. "The Voting Rights Act in Historical Perspective." *The Georgia Historical Quarterly* 74.3 (Fall, 1990): 377-398.

Primary Sources:

Johnson, Lyndon B. Speech Before Congress on Voting Rights (March 15, 1965). Retrieved from: <http://millercenter.org/president/speeches/speech-3386> on 17-06-2015.

Roosevelt Study Center Middelburg. Presidential Collections and Administrations - Lyndon B. Johnson. Civil Rights During the Johnson Administration 1963-1969, Part I - The White House Central Files.