

I.

On September 30, 1967 Governor George Romney of Michigan, a leading contender for the 1968 Republican presidential nomination, ended a nineteen-day tour of urban slums. With the nation reeling from a summer of rioting that included massive conflagrations in Newark and Detroit, he noted, "I am more convinced than ever before that unless we reverse our course, build a new America, the old America will be destroyed." A week later, the governor called for "drastic revision" of the nation's budget priorities, including cuts in space, public works, and highway beautification projects and slowing some military spending. "We must arouse ourselves from our comfort, pleasure, and preoccupations and listen to the voices from the ghetto," he declared.¹

Romney's response to the riots speaks to debates among historians of the 1960s. In recent years scholars have offered a long overdue look at conservatism in modern American life. Grass-roots mobilization led to the nomination of Barry Goldwater as the Republican presidential candidate in 1964. Goldwater's triumph, scholars have argued, signaled the demise of liberal and moderate northern Republicans as the party increasingly looked to the South and the West for support. Conservatism was indeed gaining strength in the Republican Party in the 1960s. The focus on Goldwater, his followers, and conservative intellectuals, however, has obscured substantial divisions within the Party that remained strong for the rest of the decade. This paper will explore

¹New York Times, October 1, 1967; Congressional Quarterly, September 22, 1967; New York Times, October 7, 1967; New York Times, October 31, 1967.

several instances between 1965 and 1968 in which liberal Republican influence was evident regarding racial issues. The 1964 defeat set off a vigorous debate between liberal and conservatives Republicans over race, the South, and the party's future. Whereas conservatives opposed strong state intervention on behalf of African Americans, liberals advocated a greater role for federal authority in voting, housing, and economic matters. Driven by political imperatives as well as sincere concern for the position of African Americans in both the South and the North, liberals were able to shape policy outcomes in Congress in 1965 and 1968. They were also among the strongest contenders for the party's 1968 presidential nomination. In sharp contrast to the contemporary political situation, this was an era in which the two major parties competed for black ballots. Liberals' continued prominence suggests that the conservative triumph, though real in the long run, was far from complete in the 1960s. Conservatives carried the day in some cases, but not in others.²

² See, for example, Rick Perlstein, Before the Storm: Barry Goldwater and the Unmaking of the American Consensus, (New York: Hill and Wang, 2001); Michael Flamm, Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s, (New York: Columbia University Press, 2005); Lisa McGirr, Suburban Warriors: The Origins of the New American Right (Princeton: Princeton University Press, 2001); David Farber and Jeff Roche, The Conservative Sixties (New York: Peter Lang, 2003); Godfrey Hodgson, The World Turned Right Side Up: A History of the Conservative Ascendancy in America (Boston: Houghton Mifflin, 1996); Adrian Woolridge and John Micklethwait, The Right Nation: Conservative Power in America (New York: Penguin, 2004); Michael Kazin and Maurice Isserman, America Divided: The Civil War of the 1960s, (New York: Oxford University Press, 2003); Mary Brennan, Turning Right in the Sixties: The Conservative Capture of the GOP (Chapel Hill: University of North Carolina Press, 1995); Matthew Dallek, The Right Moment: Ronald Reagan's First Victory and the Decisive Turning Point in American Politics (New York: Free Press, 2000); Dan Carter, From George Wallace to Newt Gingrich: Race in the Conservative Counterrevolution (Baton Rouge: Louisiana State University Press, 1996); Thomas Edsall and Mary Edsall,

II.

The battles within the Republican Party during the mid-1960s should be viewed in light of the drubbing suffered in the 1964 election rather than victories in subsequent contests. The latter approach gives a sense of inevitability to conservatism's rise, whereas the former provides a sense of contingency and reveals an ebb and flow to debates within the Party. Goldwater won six states and received only 38.5 percent of the vote. The Arizona senator carried sixty congressional districts; just sixteen were located outside the South, and five of those were in conservative southern California. Compared to Richard Nixon's 1960 campaign, Goldwater lost substantial ground in urban areas and among northern Protestants. No group underwent a larger swing than African Americans. Goldwater totaled just six percent of the black vote, a steep drop from the 32 percent won by Nixon and the 39 received by Dwight Eisenhower in 1956. The problems extended well beyond the presidential level, as the Republicans suffered a net decrease of thirty-eight House seats and two Senate seats. After increasing in 1960

Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics, (New York: Norton, 1992); Robert Alan Goldberg, Barry Goldwater: A Biography (New Haven: Yale University Press, 1995); Jerome Himmelstein, To the Right: The Transformation of American Conservatism (Berkeley: University of California Press, 1990); Jeremy D. Mayer, Running on Race: Racial Politics in Presidential Campaigns, 1960-2000, (New York: Random House, 2002); Edward Carmines and James Stimson, Issue Evolution: Race and the Transformation of American Politics, (Princeton: Princeton University Press, 1989).

and 1962, the percentage of votes won by Republicans in congressional and state legislature races declined.³

The lone bright spot appeared to be the South. One of just six Republican senators to vote against the 1964 Civil Rights Act, Goldwater rode racial tensions to victory in five southern states. Each of the seven new Republican congressmen from the South also opposed the 1964 Act as Republican strength correlated very closely with segregationist Strom Thurmond's showing in 1948 as leader of the Dixiecrats. But the overall picture was mixed at best, for though Goldwater boosted GOP totals in rural and small town areas across the Black Belt, he surrendered upper South and border states. Losses were especially severe in fast-growing urban and suburban areas, where Nixon and Eisenhower had done well. This trade was a net minus for the Republicans, as the Arizona senator won fewer southern electoral votes than either Nixon or Eisenhower had and failed to win a majority of the region's popular vote (48.6 percent). African American support for the Republicans, which had been respectable in 1956 and

³ The Ripon Society, *Election '64: A Ripon Society Report*, The Ripon Society, The 1964 Elections: A Summary Report with Supporting Tables, October 1965, both in Box 7, William Workman Papers, University of South Carolina, Columbia, S.C.; The Ripon Society, *From Disaster to Distinction* (Cambridge: Ripon Society, 1964), 12, 33-46; Stephen Hess and David Broder, *The Republican Establishment: The Present and Future of the GOP* (New York: Harper, 1967), 2; Donaldson, 309; Memo to Thomas Kuchel, no date; *Southern Republicanism: An Overview*, both in Box 79B, Thomas Kuchel Papers, University of California, Berkeley, Ca.; Mark Levy and Michael Kramer. *The Ethnic Factor: How America's Minorities Decide Elections* (New York: Simon and Schuster, 1972), 45-46. Lyndon Johnson won 68 percent of the vote in the East, 61 percent in the Midwest, and 60 percent in the West. Goldwater received just 45 percent of the traditionally Republican northern Protestant vote, a seventeen percentage point drop from what Nixon had won in 1960. Republican support at the presidential level declined from 1960 totals in 33 of 36 large cities.

1960, dwindled to almost nothing as black voters swung Florida and Virginia to the Democratic column for the first time in sixteen years and were critical to Lyndon Johnson's victories in North Carolina, Tennessee, and Arkansas. Goldwater's gamble that a large conservative vote in the South and West would allow him to ignore the East, home of liberal Republicanism, had failed miserably.⁴

In the wake of such a crushing loss there was no shortage of prescriptions for rebirth. Republicans in the Deep South wanted the party to continue to look to white southerners for future gains. Liberal Republicans, who tended to come from the northeast and Midwest and had overwhelmingly backed the 1964 Civil Rights Act, saw Goldwater's approach to race as morally abhorrent and a recipe for electoral disasters. Broad support for the Civil Rights Act outside the South suggested to them that Republicans would continue to lose both white and black voters in large industrial states. Maryland congressman Rogers C. B. Morton called writing off the black vote "cynically short sighted" and "a refutation of the very traditions upon which our party was founded." "Let's tell segregationist Republicans that they just are not Republicans," Oregon's Mark Hatfield said to Republican National Committee (RNC) Chair Ray Bliss. Several Republicans who had lost congressional or state races pointed to miniscule

⁴ The Crisis, January, 1965; Bernard Cosman, Five States for Goldwater (Tuscaloosa: University of Alabama Press, 1966), 42-51; Chairman's Report, February 1965, Box 55, Group 4, George Hinman Files, Nelson Rockefeller Papers (RP), Rockefeller Archives, Tarrytown, N. Y.; Southern Republicanism: An Overview; Ripon Society, From Disaster to Distinction, 32-33; Kari Frederickson, The Dixiecrat Revolt and the End of the Solid South, 1932-1968(Chapel Hill: University of North Carolina Press, 2000), 236; Election '64: A Ripon Society Report.

black support as critical to their defeat. Charles Percy, who narrowly lost the gubernatorial race in Illinois, insisted, "We have got to get the party away from being an Anglo-Saxon Protestant white party."⁵

Liberal Republicans considered a strong civil rights stand as integral to success in Dixie as well. Senator Thruston Morton of Kentucky, former head of the RNC and a solid civil rights supporter, stressed that Republicans needed at least 20 percent of the African American vote. This was true nationally, but especially in the South, where Morton expected the number of black registrants to increase dramatically in the near future so that the black vote there would eventually be of greater importance than that of the urban North. Insisting that the Republicans did not have to appeal to racism to win in the South, he dreamed of a biracial coalition similar to that which had formed

⁵ New York Times Magazine, November 15, 1964; Congressional Quarterly, December 2, 1966; Congressional Quarterly, January 29, 1965; Baltimore Sun, December 5, 1964; Southern Republicanism--An Overview; Election '64: A Ripon Society Report, 21; Press Release, February 11, 1965, Series 1.1, Box 36, Charles Mc. Mathias Papers, Johns Hopkins University, Baltimore, Md.; Ripon Forum, December 1965, Box 30, Ripon Society Papers, Cornell University, Ithaca, N.Y.; New York Times, February 19, 1965; Hess and Broder, 216-221; Edward Brooke, The Challenge of Change: Crisis in our Two Party System (Boston: Little, Brown, 1966), 15; U. S. News and World Report, February 1, 1965; Pittsburgh Courier, March 6, 1965; New York Times, February 21, 1965; New York Times, March 14, 1965; New York Times, February 19, 1965. Romney wrote Goldwater a month after the election expressing his concern over the civil rights issue and the "southern-rural-white orientation" of the Arizonan's campaign. Senator Jacob Javits of New York worried that the Republicans' tepid support for civil rights in their 1964 platform and appeal to law and order would give Democrats a political edge "for years to come" unless the party charted a new course. The need to improve the party's standing among African Americans, moreover, received a great deal of attention at a December 1964 meeting of the Republican Governors' Association, while Massachusetts Attorney General Edward Brooke, an African American, called the segregationist vote "fool's gold."

briefly during Reconstruction. The Kentucky senator argued that writing off the South meant that the GOP would face the almost impossible task of triumphing everywhere else to establish a legislative majority or win the White House. The Ripon Society, a group of liberal Republican intellectuals based in the Boston area, observed that by 1968 African Americans would constitute enough of the southern electorate to shift the Goldwater states of Georgia, Louisiana, and South Carolina to the Democrats. Southern politics, the organization predicted, would gradually move away from its traditional focus on race as the region continued its rapid economic development. A strategy based on the dying theme of racial supremacy thus "could have a price which will be paid back in costly installments over the next several generations." The defeated Republican candidate for governor in North Carolina similarly added, "I don't want this party to be a racist or a lily-white party. The quicker we admit that Negroes have a right to vote, the better it will be for us." Dean Burch, the outgoing chair of the RNC, urged Republicans to appeal to white southerners' economic conservatism and their concerns over foreign policy. "You don't have to go down there and wave the Confederate flag," he observed.⁶

III.

⁶ Minutes of Meeting, Republican National Committee, January 22, 1965, Reel 4, Minutes of the Republican National Committee, 1911-1980, Series B, 1960-1980, Papers of the Republican Party, Part I, ed. Paul Kesaris, University Microfilms; New York Times, February 18, 1965; Congressional Quarterly, February 26, 1965; The Ripon Society, *Southern Republicanism and the New South*, 10, 60, 85; *Southern Republicanism, An Overview*.

The first test of whether Goldwaterism would remain predominant came in March 1965, when Johnson submitted a strong voting rights bill to Congress. It contained an automatic trigger mechanism by which enforcement provisions would take effect in any area that had employed a literacy test on November 1, 1964 and where less than half the voting age population had registered by that date or had voted in the presidential election. Federal examiners would be dispatched to supervise the registration process in such locales, and literacy tests would be suspended. Any state or local government affected by the law would need federal approval of any new voting statute proposed over the subsequent ten years. Six states, most of which were in the Deep South, and 34 counties in North Carolina, would immediately be brought under federal supervision. Whereas previous voting measures had resulted in lengthy delays because they required individuals to file lawsuits, this proposal contained a substantial increase in federal power that would greatly streamline enfranchisement.⁷

Republicans had shaped Johnson's plan before it arrived on Capitol Hill. In drafting the bill the White House sought the assistance of Senator Thomas Kuchel of California, who had worked closely with Hubert Humphrey in the fight for the 1964 Civil Rights Act, Everett Dirksen of Illinois, who had rallied GOP support for cloture on

⁷ Steven Lawson, Black Ballots: Voting Rights in the South, 1944-1969 (New York: Columbia University Press, 1976), 312-313; Chandler Davidson, "The Voting Rights Act: A Brief History," in Controversies in Minority Voting: The Voting Rights Act in Perspective, ed. Bernard Grofman and Chandler Davidson (Washington, D. C.: Brookings Institution, 1992), 15-21; David Garrow, Protest at Selma: Martin Luther King, Jr. and the Voting Rights Act of 1965 (New Haven: Yale University Press, 1978), 22-24; Richard Vallely, The Two Reconstructions: The Struggle for Black Enfranchisement (Chicago: University of Chicago Press, 2004), 188-189; Congressional Quarterly, March 19, 1965.

that measure, and several other Republicans. The administration considered offering a constitutional amendment to remedy the problems in the South, but Senate Republicans feared that this would take too long to adopt and instead lobbied Attorney General Nicholas deB. Katzenbach to craft legislation that would result in "the most automatic possible procedure for the appointment of Federal voting registrars." On the issue of enforcement Dirksen backed down in the face of firm White House demands for greater emphasis on administrative over cumbersome judicial proceedings. Dirksen and other Senate Republicans worked with the administration in late March and early April to allow the attorney general to initiate suits alleging voter discrimination. This section broadened the coverage to include states that did not have literacy tests. The amended proposal also enabled federal courts to suspend indefinitely any state poll tax that had been used to discriminate, but, owing in part to Dirksen's insistence, nondiscriminatory state poll taxes would remain in effect.⁸

New York Republican Jacob Javits and Massachusetts Democrat Edward Kennedy led a failed bipartisan effort to ban all state poll taxes, but on several other votes Republicans allied with liberal Democrats to ensure a strong measure. Fifteen Republicans voted for, and nine against, an amendment to allow federal poll watchers

⁸ Jacob Javits, Clifford Case, Thomas Kuchel, Hugh Scott, and Hiram Fong to Nicholas deB. Katzenbach, February 26, 1965, Series 11, Box 12, Jacob Javits Papers, State University of New York at Stony Brook, Stony Brook, N. Y.; Transcript of meeting of staff to draft voter registration legislation, March 11, 1965, Box 79C, Kuchel Papers; New York Times, March 18, 1965; New York Times, March 21, 1965; Byron Hulse, Everett Dirksen and His Presidents; How a Senate Giant Shaped American Presidents (Lawrence: University of Kansas Press, 2000), 211-212; Congressional Quarterly, April 9, 1965.

to observe elections in states falling under the bill's provisions. Eight Republicans supported, and twenty-two opposed, a plan by Democrat Sam Ervin of North Carolina to delete the automatic trigger formula and allow appointment of federal examiners only after the U. S. District Court in the area where alleged discrimination had occurred had found illegal activity. Believing that local election officials would receive a more sympathetic hearing in such a venue, Ervin wanted to thwart administration plans to have such decisions made in Washington D. C. Six days later, a majority of Republicans joined the winning side in striking down a similar Ervin plan to shift cases dealing with the trigger formula and the approval of new state or local election laws from the U. S. District Court in Washington to the federal district court closest to the state or locality under question. On May 14, the Senate voted down 14-53 an Ervin amendment that would have prevented the suspension of literacy tests that were administered fairly. Two Republicans backed Ervin's plan, twenty opposed. Three days later, four Republicans supported and twenty-two voted against an amendment from Herman Talmadge of Georgia to eliminate requiring state or local governments affected by the law to seek federal approval for future changes to voting statutes.⁹

Republicans also played a critical role in procedural victories. Southern Democrats filibustered, but, owing to health problems and advanced age among many of them, their effort was not as well organized as their attempt to derail the 1964 Civil Rights Act. Nevertheless, if Republicans refused to back cloture, southerners would

⁹ Congressional Quarterly, May 7, 1965; Congressional Quarterly, May 14, 1965; Congressional Quarterly, May 21, 1965.

succeed in weakening, or perhaps killing, the bill. As they had in 1964, Senate Republicans allied with liberal Democrats rather than the southerners, and on May 25 the Senate voted 70-30 to end the filibuster. Twenty-three Republicans supported this move, nine opposed. The following day, the Senate approved the Voting Rights Act 77-19. Thirty Republicans favored the bill, with just two against.¹⁰

Meanwhile, House Republicans crafted an alternative measure they insisted would more effectively ensure voting rights while protecting states' rights. New York congressman John Lindsay highlighted one county in Arkansas where nearly 79 percent of the white population was registered but not one African American was. Similar problems, Republicans eagerly pointed out, also existed in Florida, Tennessee and the president's home state of Texas. Johnson's plan would not apply in these states because none used a literacy test. Accordingly, on April 5 Minority Leader Gerald Ford of Michigan and William McCulloch of Ohio offered legislation that authorized the appointment of a federal examiner whenever the attorney general received twenty-five valid voting rights complaints from an area. When an examiner had determined that twenty-five or more people had been discriminated against, the Civil Service Commission could appoint as many examiners as necessary to register voters and administer literacy tests to those with less than a sixth grade education if such exams were deemed fair. The House GOP leadership plan thus lacked an automatic trigger,

¹⁰ Congressional Quarterly, May 28, 1965; New York Times, March 17, 1965; Earl and Merle Black, The Rise of Southern Republicans (Cambridge: Harvard University Press, 2002), 76-77. John Tower of Texas and Strom Thurmond of South Carolina were the two Republicans who voted against the bill.

but House Republicans viewed such a mechanism as an unjust presumption of guilt and objected to states having to prove their innocence. Low voter participation rates, they believed, did not automatically signal discrimination. The House Republican proposal also did not require federal approval of changes to state and local suffrage laws; a state was freed from federal supervision once it complied with the law.¹¹

The Republican leadership bill quickly sank under fire from several directions. Liberal Republicans complained that by offering legislation that was in some ways weaker than the administration's plan Ford and McCulloch had blown a ripe opportunity to improve the party's standing among African Americans. "The trouble is that we've got a bunch of compromisers and coalescers out in front at a time when we've got to be hard-nosed as hell to score any points," one New Englander lamented. Civil rights groups denounced it. The most important blow, however, came when William Tuck, a Virginia Democrat, urged civil rights opponents to back it as preferable to the administration measure. House Republicans quickly abandoned the Ford-McCulloch plan. The House easily passed the administration's bill, to which the Judiciary Committee had added a poll tax ban, 333-85. 112 Republicans voted for it,

¹¹ Congressional Quarterly, March 26, 1965; Lawson, 320; New York Times, March 25, 1965; New York Times, March 26, 1965; Joint Statement by Gerald Ford and William McCulloch, April 5, 1965, Series 4.1, Box 2, Mathias Papers; House Republican Policy Committee Press Release, May 18, 1965, Series 1.1, Box 36, Mathias Papers; James Martin Press Release, April 6, 1965, Box 1, Robert Peabody Interviews Files, Gerald R. Ford Library (GRFL), Ann Arbor, Mi.; Comments on Voting Rights Act of 1965, August 6, 1965, Box A31, Gerald R. Ford Congressional Papers, GRFL; Joint Statement by Gerald R. Ford and William McCulloch, July 12, 1965, Box 39, Edward Hutchinson Papers, GRFL.

with 24 against. A conference committee agreed to drop the House's poll tax provision, and the bill easily passed both branches of Congress. Republican support in each was solid; in the House 111 Republicans backed it and 20 opposed, while in the Senate thirty favored it and just one, South Carolina's Strom Thurmond, voted against it.¹²

The enactment of the Voting Rights Act constituted a firm victory for the party's liberal wing. In some respects it was an easy vote; public opinion was solidly behind the proposal, and it largely did not affect the constituents of Republican lawmakers. Liberal Republicans saw this as good politics. One commented, "Because of Barry, we have to work twice as hard to regain what we lost in the last year." Republicans faced a choice in the spring of 1965. Had they primarily been interested in appealing to Goldwater's southern base they could have followed the advice of Republican congressman Jim Martin of Alabama, who, convinced that some sort of voting bill would pass, argued that the best option was "to defeat the President's bill with all its discrimination and retaliatory moves against the South" and pass a milder substitute such as the Ford-McCulloch proposal. Republicans had followed such a strategy regarding the weak civil rights bills adopted in 1957 and 1960. Instead, Republicans, driven by outrage over violence in the South, political concerns, and a desire to avoid

¹²Wall Street Journal, July 15, 1965; Congressional Quarterly, July 9, 1965; Congressional Quarterly, July 16, 1965; The New Republic, September 25, 1965; Arnold Aronson to Cooperating Organizations, July 1, 1965, Box 1, LCCR Papers; Congressional Quarterly, July 16, 1965; Congressional Quarterly, August 6, 1965. The Leadership Conference on Civil Rights, an umbrella organization of more fifty labor, religious, and civil rights groups called it "a shocking compromise." Martin Luther King Jr. was so upset by the move that he sent telegrams denouncing the legislation to hundreds of representatives.

being seen as allies of southerners who disenfranchised African Americans, chose to support the stronger plan. A vigorous civil rights movement, which had been largely absent during debates in 1957 and 1960, now helped force the Republican hand. Southern Republicans certainly saw this as a defeat. Wirt Yeager Jr., head of the Mississippi Republican party and chair of the Southern Association of Republican Chairmen, wrote McCulloch that a strong voting bill "would . . . be harmful to the growing Republican party in the South." In the spring of 1965, however, southern voices were still very much in the minority in the Republican Party.¹³

IV.

Johnson signed the Voting Rights Act on August 6, but five days later rioting broke out in Watts, a largely African American neighborhood in Los Angeles. Sparked by charges of police brutality following a traffic stop, the violence lasted six days and resulted in 34 dead, hundreds injured, and nearly 4,000 arrests. Property damages

¹³ Washington Post, May 10, 1965; Los Angeles Times, March 7, 1965; Wirt Yeager Jr. to William McCulloch, April 16, 1965, Box 16, William McCulloch Papers, Ohio Northern University, Ava, Oh.; James Martin Press Release, April 6, 1965; New York Times, March 18, 1965; Hulse, 211. A Harris Poll released in May showed nationwide 53 percent of the public supported the Johnson plan, with 33 percent opposed. Along party lines, an overwhelming majority of Democrats and Independents backed it, but a slim majority of Republicans did not. Republicans who deserted Goldwater and backed the president in the 1964 election favored the legislation by almost three to one, however. Any gain that would accrue to the GOP would thus come from non-southern areas, as the Harris poll showed that only 24 percent of southerners favored the law, whereas in the East, Midwest, and West support stood over 50 percent.

totaled roughly \$35 million. More than 15,000 law enforcement personnel, including members of the National Guard, were needed to restore order.¹⁴

Republican responses to the devastation revealed sharp divisions within the party. Conservatives maintained that Democrats, Martin Luther King Jr., and the courts had created a culture that encouraged lawbreaking. They staunchly defended law enforcement officers against charges of brutality and insisted that the violence stemmed from bad choices by immoral individuals. Other Republicans condemned rioting but also linked the violence to material deprivation and urged a greater role for the federal government in ameliorating those conditions. Fearing that the riots would erode public support for the civil rights movement, Javits warned against accepting "the allegedly simple answers which we are beginning to hear" and suggested instead that the riots might be tied to the "absence of a genuine antipoverty program in Los Angeles" and the recent repeal of a fair housing law in California. Ford called for an investigation into possible subversive influences in the civil rights movement, yet he also repudiated claims by Mississippi Republican Prentiss Walker that the riots should be blamed on President Johnson and his Great Society programs. "There are certain things that must be done to give jobs, to give education to those in the Negro race who need them," Ford commented. "I don't think we can pinpoint any individual, any political party, or any part of the population geographically speaking." Even Goldwater stated that Watts was

¹⁴Gerald Horne, Fire This Time: The Watts Uprising and the 1960s (Charlottesville: University of Virginia Press), 54-119; Flamm, 58-59.

"caused by people . . . just being fed up with not being able to get jobs, with not being able to live as well as other people live."¹⁵

By the fall of 1966 escalating urban tensions in the North, the defeat of President Johnson's equal housing legislation, and ongoing racial troubles in the South appeared to spell trouble for candidates voters considered too sympathetic to the civil rights movement. Growing numbers of whites feared racial violence and believed that there was no need for additional civil rights legislation. In October the Gallup organization reported that for the first time since it started asking the question a majority of the nation (52 percent) believed the Johnson administration was pushing integration too fast.¹⁶

Predictions of a strong racial backlash proved overblown, however. "Race was everywhere," the NAACP's Roy Wilkins astutely observed, "but with the good roles overshadowing the bad." Ronald Reagan cultivated the white backlash in winning the

¹⁵ Congressional Record, 89th Congress, 1st Session, 20,610, 20,756-20,757, 20,792-20,793, 22736, 25,148; New York Times, August 18, 1965; Issue of the Day, September 23, 1966, Box 40, Edward Hutchinson Papers, GRFL; Congressional Quarterly, August 20, 1965; New York Times, August 24, 1965; Goldberg, 246; Republican National Committee Press Release, September 3, 1965, Box 79c, Kuchel Papers. The nation, Goldwater suggested, "better get on with the job of providing training, providing incentive, and providing integration wherever it doesn't exist for all people . . . whose education and economic backgrounds have not been as fortunate as some of the others."

¹⁶ Press Release, July 20, 1966, Box 179, White House Central Files (WHCF), Aides Files--Fred Panzer, Lyndon B. Johnson Library, Austin, Tx. (LBJL); Newsweek, October 10, 1966; Harris Poll, October 10, 1966, Box 5, Ripon Society Papers; New York Times, October 17, 1966; Congressional Quarterly, September 8, 1967; Lewis Gould, 1968: The Election that Changed America (Chicago: Ivan Dee, 1993), 62; Denver Post, October 11, 1966; Washington Post, October 24, 1966.

governorship of California, while in the Illinois Senate race the victorious Charles Percy benefited from white hostility to civil rights marches in Chicago and controversies over open housing. Conservative Republicans did especially well in House contests, though race was not a major issue in many of them. Other evidence provided ammunition for liberal Republicans. Nationwide, Republicans won approximately 20 percent of the African American vote. That was down from the 26 percent the party had received in the 1962 elections, but up solidly from the Goldwater debacle two years earlier. The party registered gains of two to seventeen times its dismal 1964 totals in several large cities. More important, five of the six newly-elected Republican senators were from the party's progressive wing. These included Percy and Edward Brooke, who became the first African American to sit in the Senate in eighty-five years after winning in Massachusetts. William McCulloch's Democratic opponent lost ground when he suggested the Ohio congressman was too sympathetic to African Americans. In the Maryland gubernatorial race, Spiro Agnew defeated a segregationist Democrat. George Romney received approximately 34 percent of African American ballots and triumphed in the Michigan gubernatorial race; Clifford Case won re-election to the Senate from New Jersey with 36 percent of the black vote.¹⁷

¹⁷Republican National Committee, *The 1966 Elections*, Box 61, National Republican Committee Series, Thruston Morton Papers, University of Kentucky, Lexington, Ky.; Report to the Chairman, January 23-24, Box 55, Series III, George Hinman Files, Nelson Rockefeller Personal Papers; Washington Post, October 24 1966; Washington Post, October 28, 1966; New York Times, November 5, 1966; Denver Post, October 11, 1966; New York Times, November 9, 1966; New York Times, November 11, 1966; Dallek, 199-202; Hess and Broder, 343; Goldberg, 247; Gary Orfield, The Reconstruction of Southern Education: The Schools and the 1964 Civil Rights Act (New York: Wiley-Interscience,

The results in the South also offered some good news for liberal Republicans. Segregationist whites did wield great power in several state Republican parties. South Carolina Republicans held their convention beneath a Confederate flag, and Claude Kirk won the governorship of Florida in part due to his thinly-veiled racial slogan, "Your Home is Your Castle--Protect It." Despite Richard Nixon's plea for southern Republicans to "leave it to the George Wallaces and the Lister Hills to squeeze the last ounces of political juice from the rotting fruit of racial injustice," Mississippi Republicans kept an endorsement of segregation in their platform. Nevertheless, conservative progress in the South was limited. Three of the seven states showing the largest percentage point increases in support for Republican House candidates between 1962 and 1966 were in the Deep South, but victories there and elsewhere in Dixie remained elusive. Support for Republicans across the South in House races was just 35 percent, down .2 percentage points from 1962. Several Deep South Republicans, including gubernatorial candidates Howard Callaway (Georgia) and James Martin (Alabama), as well as Senate hopeful Prentiss Walker (Mississippi), saw their segregationist strategy fall apart as they could not get to the right of their Democratic opponents on racial matters. The Republican Party was still too small across Dixie even to field candidates in many contests. Republicans did best in urban/suburban locales in the upper South/border states, areas where Goldwater had been weakest. Some of that

1969), 325; New York Post November 19, 1966; Ebony, March 1967; Levy and Kramer, 56-63; The Potential to Govern, no date, Box 412, WHCF, Aides Files--Fred Panzer, LBJL. In Dallas black support increased from 2.4 percent in 1964 to 34.6 percent.

strength reflected the appeal of racial moderates such as Howard Baker, who captured between 15 and 20 percent of the black vote in winning a Senate seat in Tennessee, John Sherman Cooper, a longtime civil rights defender who received 55 percent of the black vote in his successful Senate re-election bid in Kentucky, and Winthrop Rockefeller (brother of New York Governor Nelson Rockefeller), who won overwhelming black support in defeating a segregationist in the Arkansas gubernatorial contest.¹⁸

V.

Racial violence intensified in the summer of 1967. Sparked by rumors of police brutality following the arrest of an African American cab driver on July 12, a five-day riot in Newark, New Jersey resulted in twenty-three deaths (twenty-one of whom were African Americans), and hundreds of injuries. A larger shock came from Detroit on July 23, when rumors of police brutality produced four days of rioting that led to forty-three deaths (including thirty-three African Americans), hundreds of injuries, and millions of dollars worth of property damage.¹⁹

¹⁸U. S. News and World Report, August 1, 1966; Hess and Broder, 341-343; Reporter, August 10, 1967; Congressional Quarterly, May 20, 1966; Levy and Kramer, 56-63; Congressional Quarterly, October 7, 1966; A Survey of the Political Climate in South Carolina, August, 1966, Box 8, Workman Papers; Numan Bartley and Hugh Graham, Southern Politics and the Second Reconstruction (Baltimore: Johns Hopkins University Press, 1975), 126; The 1966 Elections--A Summary Report with Supporting Tables, September 1, 1967, Reel 5, Part II, Papers of the Republican Party, Reports and Memoranda of the Research Division of the Republican National Committee.

¹⁹Flamm, 87-92; Congressional Quarterly, September 8 1967. The Legislative Reference Service of the Library of Congress tallied forty-two riots between January and late July

Republican reaction was again sharply divided. Conservatives quickly blamed President Johnson, Attorney General Ramsey Clark, the federal judiciary, Great Society programs, the media, African American ghetto dwellers, black leaders such as Martin Luther King, Jr. and Stokely Carmichael, and an alleged communist conspiracy. These views closely matched those of most white Americans. Liberal Republicans explained the riots as the result of deep social and economic forces. "Hunger, bad housing, ill health, and a lack of work need no allies to create an atmosphere which breeds violence," Brooke announced. Government "indifference, inaction, and delay," he charged, had set the stage for trouble. The riots, Javits claimed, would be a blessing in disguise if they drew more attention to urban slums. "If we continue to spend \$66 million a day trying to save the sixteen million people of South Vietnam while leaving the plight of the twenty million urban poor in our own country unresolved, then I think we have our priorities terribly confused," Percy declared. Morton asserted that "blame is on us all" and that it was "irresponsible" to single out the president. "Our time of troubles will not be remedied by blatant accusations and political posturing," he added.²⁰

that had left seventy-eight people dead, more than three thousand injured, more than seven thousand arrested, and half a billion dollars in property damage.

²⁰1967 Congressional Quarterly Almanac, 796; Orfield, 325; Harlan Hahn and Joe Feagin, "Rank and File Versus Congressional Perceptions of Ghetto Riots," 51 Social Science Quarterly (September, 1970), 362-364; Congressional Record, 90th Congress, 1st Session, 19,816, 19,830; New York Times, July 26, 1967; Congressional Quarterly, September 8, 1967; Statement of Senator Thurston Morton, July 27, 1967, Box 1, Senatorial Files, Speech Files, Morton Papers; New York Times, August 22, 1967; New York Times, August 24, 1967; John Cutler, Ed Brooke: Biography of a Senator (New

Some liberal Republicans aimed to prevent future riots by focusing on short-term issues. Aware that disagreement between Washington and state and local leaders had delayed restoration of order in Detroit, Kuchel favored establishing a Riot Prevention Task Force to foster cooperation between federal and local governments. Similarly, five Republican senators and thirty-five representatives endorsed the creation of a White House crisis center "to push each and every federal agency to redirect programs and funds to meet immediate community needs." These lawmakers' recommendations included increased recreation programs, federal lobbying of the television networks to show more sporting events at night to keep people off the streets, and the acceleration of federal construction projects in ghetto areas. Percy joined with Democrat Abraham Ribicoff of Connecticut to propose allowing mayors to appeal directly to the president, rather than going through the more bureaucratic channels of executive agencies or Congress, for federal aid. Lamenting that the destruction of so much inner city property hurt African Americans the most, Maryland representative Charles McC.

York: Bobbs Merrill, 1972), 245; Pittsburgh Courier, August 19, 1967. In an August Harris poll 45 percent of whites expressed belief that the riots were led by agitators, communists, or radicals; 40 percent linked the riots to overall treatment of African Americans and the failure of society to follow through on promises to improve opportunities for them. Just 17 percent of whites identified police brutality as a precipitating factor. In contrast, only 7 percent of African Americans cited radical political leaders as a cause, whereas 93 percent pointed to conditions related to jobs, housing, and education. Two-thirds of blacks thought police brutality was part of the trouble. A University of Michigan study conducted in early 1968 showed similar results. Most white Americans wanted stronger punishment for rioters, but African Americans hoped for more and better job opportunities. By November, a Gallup poll indicated, a majority of Americans had come to trust the Republicans to deal more effectively than the Democrats with the nation's most urgent problems, including civil rights.

Mathias Jr. advocated a relief program similar to those offered for victims of natural disasters. "We cannot condemn the innocent victims of this violence to a future more poverty stricken and hopeless than their past," he maintained.²¹

Liberals also aimed to remedy what they considered the deeper roots of the problem. Ten Republican senators requested Congress "provide adequate funds for promising new programs" such as rent supplements and urban redevelopment. Calling the riots "the worst domestic crisis since the Civil War," Morton proposed that Congress establish a \$1 billion "anti-riot chest" by enabling the president to shift funds from one area of the budget to social welfare programs. Similar authority, the Kentucky senator pointed out, had been given President Eisenhower in 1954 regarding foreign affairs. Javits cited 1966 Labor Department studies showing jobless rates in ten slums three times the national average in arguing for a program that included improved job training, tax incentives for business to locate in poor neighborhoods, rural economic development so as to slow migration to cities, making suburban jobs accessible to inner-city residents through open housing and improved transportation, and small business loans to promote entrepreneurship. He followed up a month later with bills to create a domestic development bank that would make low interest loans available to inner city

²¹Thomas Kuchel to Otto Kerner, September 8, 1967, Box 564, Kuchel Papers; Press Release, August 3, 1967, Series II, Box 153, Hugh Scott Papers, University of Virginia, Charlottesville, Va; New York Daily News, August 9, 1967; New York Times, August 4, 1967; Congressional Record, 90th Congress, 1st session, 24,042-24,043, 20,538.

businesses and to establish an Economic and Social Opportunity Corporation that would provide technical assistance to such enterprises.²²

Republican leaders expressed measured support for some socio-economic solutions. Shortly after the Newark conflagration, Dirksen authorized Javits to contact the Johnson administration to explore ways of promoting capital investment in the nation's ghettos. Similarly, in the days following Detroit Melvin Laird of Wisconsin, the chair of the House Republican Conference, wrote Ford asserting that the nation suffered from a leadership crisis that the Republicans could fill by convening an emergency meeting of governors, mayors, and members of Congress to plan efforts to lobby business leaders to hire more inner-city youth. In December, the Republican Coordinating Committee Task Force on Job Opportunities and Welfare, which included figures such as congressman George Bush of Texas and Arkansas Governor Winthrop Rockefeller, issued a report sharply critical of Great Society job training programs. Noting that 44 percent of job training spending went to agricultural related efforts, the Committee doubted whether funds were reaching areas of greatest need and blasted the programs as confusing to applicants and overly bureaucratic. It recommended structural changes, strengthening apprenticeship and youth job efforts, more vigorous enforcement of equal employment opportunity laws, and policies such as tax credits for employers and a lower minimum wage for youth. Socio-economic reforms, however,

²² Newsweek, August 7, 1967; Statement of Senator Thurston Morton, July 27, 1967; New York Times August 1, 1967; Congressional Record, 90th Congress, 1st Session, 20,898-20,902; New York Times, September 14, 1967.

went nowhere as most legislators in both parties emphasized restoring law and order.²³

Conservatives were strong in the Republican Party's congressional wing, especially in the House, but at the presidential level more moderate voices prevailed. Throughout 1967 and into 1968 Republican voters consistently identified Nixon, Romney, and New York Governor Nelson Rockefeller as their top choices for the nomination. None followed the Goldwater playbook on racial issues. Rockefeller, who had lost the 1964 nomination to Goldwater, had given financial assistance to the civil rights movement, criticized John F. Kennedy as too timid on racial matters, and blasted conservatives for abandoning the black vote. As Detroit burned he publicly called upon North Dakota Governor William Guy to convene an emergency meeting of the National Governors Association. When Guy stated that the issue could wait until the group's normally scheduled meeting in late August, Rockefeller organized a gathering August 10 in New York City. Eight Republican governors attended. Declaring that solely using law enforcement to deal with riots would lead to the "unacceptable ultimate result of a society based on repression," the group issued a report stressing economic deprivation and frustrated hopes as the root causes of the violence. The governors offered sixty recommendations that included revamping education programs, new construction of housing and other facilities in the ghetto, incentives for business to locate in distressed

²³Memo to Lyndon Johnson, July 20, 1967, Box 5, White House Central Files, EX HU 2, LBJL; Melvin Laird to Gerald Ford, August 3, 1967, Box 98, Robert Hartmann Papers, GRFL; Republican Coordinating Committee Task Force on Job Opportunities and Welfare, Full and Equal Employment Opportunities, December 1967, Box 61, Morton Papers.

urban locations, and enhanced recreational opportunities. Though Rockefeller insisted throughout the winter that he was not a candidate, many Republicans continued to support him and several national polls showed him beating President Johnson.²⁴

Romney, who had also been a longtime civil rights supporter and had declared his candidacy, delayed a foreign policy trip to Europe in the fall of 1967 for his tour of slums. He issued a somber outlook upon finishing his nineteen-day journey. Urban problems, he observed, potentially could "make Vietnam look like child's play." Romney declared he was "more convinced than ever before that. . . . the seeds of revolution have been sown. They cannot be rooted out by force."²⁵

Nixon, the front-runner, characteristically tried to bridge both liberal and conservative camps in the fall of 1967. He blamed the courts for being too lenient on crime and criticized Democrats and civil rights leaders for making unrealistic promises and tolerating/encouraging disrespect for authority, but the former vice president also suggested that "the solution . . . is not a wave of repression." Viewing poverty as the

²⁴New York Times, July 29, 1967; New York Times, August 8, 1967; New York Times, August 11, 1967; Action Plan, Republican Governors Association Policy Committee, August 10, 1967, Box 6, White House Central Files, EX HU 2, LBJL. On Rockefeller's history of support for racial equality, see Nelson Rockefeller, "A Matter of Principle," July 14, 1963, Box 14, Series J.1, NAR—Personal Papers, Rockefeller Archive, Taylor Branch, Parting the Waters: America in the King Years, 1954-1963 (New York: Simon and Schuster, 1988), 621-624, 639, 789, Statements and Record of Nelson A. Rockefeller, 1-1-64, Box 56, George Hinman Files, Record Group 4, NAR Personal Papers, Robert Novak, The Agony of the GOP, 1964 (New York: Macmillan, 1965), 209-215; CQ Almanac--1967 1,227.

²⁵New York Times, August 29, 1967; Congressional Quarterly, September 22, 1967; Congressional Quarterly, September 29, 1967; New York Times, October 7, 1967; New York Times, October 31, 1967.

fundamental problem facing African Americans, Nixon believed that too much of the racial debate centered on largely symbolic issues, such as busing and open housing, that would not improve the lives of the vast majority of African Americans. In a Reader's Digest article he wrote that "white America is dangerously deluding itself if it thinks a handful of court decisions and civil rights acts are going to make full competitors . . . out of children who arrive at life's starting line fresh from broken families, slum conditions, inferior schools, and crime and vice-ridden neighborhoods." He told the New York Times that "the people in the ghetto have got to have more than an equal chance" and should be given a "dividend" to equip them for full participation in society. Had Nixon strictly wanted a strong conservative, law and order, and white southern vote, neither of these widely-read publications was a wise forum to air such relatively liberal views. Nixon, however, distanced himself from Rockefeller and Romney by stressing that increased federal spending would have minimal impact. Instead, the former vice president gave top priority to private enterprise by suggesting that entrepreneurship needed to be encouraged among African Americans and favoring policies such as tax credits to boost hiring in ghetto areas. "Business can reach out . . . to recruit the hopeless in the slums where they live," he noted.²⁶

²⁶Congressional Quarterly, September 29, 1967; U. S. News and World Report, November 20, 1967; Hess and Broder, 225; New York Times, December 9, 1967; Washington Post, December 9, 1967; Congressional Quarterly, December 15, 1967; New York Times, December 20, 1967; The Gallup Poll: Public Opinion, 1935-1971 (New York: Random House, 1972), 2,049, 2,052, 2,054, 2,064, 2,067, 2,071-2,072, 2,076-2,077, 2,078, 2,080-2,081, 2,084, 2,086, 2,090. Nixon and Romney were by far and away the most popular, with several broader surveys indicating each man would beat or run neck and neck with President Johnson. The Michigan governor's stock plummeted, however,

VI.

As the race for the White House intensified in the early months of 1968, so too did policy debates over racial matters. Prospects for civil rights legislation appeared bleak. Congress had extended the life of the Civil Rights Commission in 1967, but the revival of the conservative coalition of southern Democrats and Republicans meant no action on more controversial issues, such as open housing, strengthening the Equal Employment Opportunity Commission, and school desegregation. Johnson seemed uninterested. A majority of Americans viewed the president as pushing integration too fast and that riots, rising crime rates, and other urban turmoil signaled a need to hold the line. The civil rights movement, moreover, appeared weaker due to bitter divisions between integrationists such as Roy Wilkins and Black Power advocate Stokely Carmichael.²⁷

Nevertheless, civil rights proponents on Capitol Hill from both parties worked with lobbyists to keep open housing alive. The small bipartisan group had plotted

following his statement in early September 1967 that he had been "brainwashed" on a 1965 trip to Vietnam. Reagan, who opposed the civil rights laws and an open housing referendum in California, was the favorite of law and order conservatives. He and Rockefeller jockeyed for third place, with Reagan gaining strength following Romney's drop. The New York governor remained more popular than Reagan with the broader electorate as polls showed him defeating Johnson. Some of these Republicans' strength in hypothetical matchups against the president was certainly due to antipathy toward Johnson than support for their positions. It is unclear how much voters, even Republicans, knew about the candidates' positions on racial matters. At minimum, however, these three candidates' relatively liberal views about connections between urban violence and socio-economic forces did not hurt them among Republicans or the broader public.

²⁷ Graham, Civil Rights Era, 270; New York Times, January 19, 1968.

strategy in December, when the NAACP's Clarence Mitchell convinced Senate leader Mike Mansfield to make a bill protecting civil rights workers the first order of business in the new session. This legislation had already passed the House. Later that month, Minnesota Democrat Walter Mondale joined with Edward Brooke to hatch plans to add an open housing amendment that would apply to 91 percent of the nation's stock. Chances for success seemed low, as Republicans had joined with southern Democrats in 1966 and 1967 to block open housing legislation. Dirksen, Mansfield, and Attorney General Ramsey Clark feared that the addition of the open housing amendment would sink the bill. Conversely, by January Javits, Percy, and Hugh Scott of Pennsylvania, among others, joined the open housing effort.²⁸

Southern Democrats predictably launched a filibuster when the civil rights bill came up for debate in the Senate in early February. Wanting to settle the issue quickly, Mansfield called a cloture vote on February 20. Cloture failed 55-37, but civil rights advocates could take heart they were just seven votes shy of the needed total. They were also encouraged that five of the eight senators not voting had been paired or announced in favor of cloture. Especially noteworthy was the level of Republican support; eighteen Republicans voted for cloture, eighteen against. The two previous cloture votes, which had occurred in 1966 on open housing legislation, had drawn just ten and twelve Republicans in favor. Mansfield called another cloture vote for February

²⁸Congressional Quarterly. April 26, 1968; Graham, Civil Rights Era, 270; Harvey, 50; Leadership Conference on Civil Rights Memo, no date, Box 1, LCCR Papers. "The difficulty we have," Javits observed, "is that civil rights legislation has gotten out of fashion because it has merged with the urban crisis."

26, and Brooke and Mondale announced they would modify their amendment in hopes of winning converts.²⁹

Dirksen took notice of these surprising developments. The Illinois senator had played a central role in defeating open housing legislation the two previous years, and he had voted against cloture on February 20. Now, as he had in 1964 and 1965, Dirksen signaled a willingness to negotiate with the administration. How far he would go would be determined by the February 26 vote. Administration officials thought an agreement could be reached with Dirksen on provisions to protect civil rights workers, but they also wanted an open housing bill. Attorney General Clark and Vice President Hubert Humphrey lobbied Dirksen to get behind open housing. The administration had rightly concluded that there would be no cloture without the Illinois senator. Dirksen, however, voted against cloture again as the attempt to end the filibuster failed 56-36. The one switch to the pro-cloture camp came from Republican Norris Cotton of New Hampshire. This move was especially significant, for a majority of Republicans now favored ending the filibuster. Dirksen seemed to be undergoing a transformation as well; his opposition was now more tactical than philosophical. His vote, he explained, was to "give us a little maneuvering time" to iron out differences. Dirksen,

²⁹Congressional Quarterly, February 23, 1968; Arnold Aronson to Participating Organizations, February 28, 1968, Box 1, LCCR Papers.

the liberal Republicans, the administration, and Senate Democrats reached an agreement on February 28.³⁰

Why did Dirksen shift his position on open housing? He claimed to be "older and wiser" than he was in previous open housing fights, that he was concerned about housing for returning Vietnam veterans, and that he was troubled by weak or non-existent state open housing laws. Dirksen also pointed to fears of summer riots. "I do not want to worsen the . . . restive condition in the United States," he observed. "I do not want to have this condition erupt and have a situation develop for which we do not have a cure and probably have more violence and damage done." Dirksen, according to some observers, did not want Republicans to be blamed for any violence. These reasons may well have been true, but each had existed before Dirksen's change of heart. There were other influences. Dirksen worried he was losing control of his party. Liberal Republicans, moreover, had urged Dirksen to support open housing to give the party something to run on among African Americans in the North that fall. Both Romney and Nixon joined liberal Republican senators in exhorting the party to back open housing. Johnson, meanwhile, agreed to place several of Dirksen's choices on various regulatory boards and suggested that Democrats would offer only tepid support to Dirksen's

³⁰Larry Temple to Lyndon Johnson, February 23, 1968, Memo to Lyndon Johnson, February 26, 1968, both in Box 4, Legislative Background Files, Fair Housing, LBJL; Congressional Quarterly, April 26, 1968; Life, March 15, 1968; Baltimore Sun, February 28, 1968; Congressional Quarterly, March 1, 1968. Republican support for a civil rights measure was also evident when the Senate rejected a Mansfield motion to table the open housing amendment 34-58. Sixteen Republicans backed tabling, but nineteen opposed.

opponent in November. Finally, Dirksen was able to force concessions from the pro-civil rights forces that limited the scope of coverage to about 80 percent of the nation's housing supply by granting an exemption for single-family, owner-occupied units sold or rented by the owner instead of real estate agents. More important, he softened the bill by requiring that enforcement occur within the court system rather than through the Department of Housing and Urban Development. Aggrieved individuals would have to file suit, though the attorney general could act in cases of a "pattern or practice" of discrimination. To Brooke, Mondale, and other civil rights proponents, these were small prices to pay to get a bill.³¹

With Dirksen on board cloture and enactment soon followed. The road was not a smooth one, however. Dirksen feverishly tried to line up support from Midwestern and western Republicans. He even implored George Murphy of California to pray over the decision and told Murphy he would pray for him too. Several Republicans refused to go along. The White House, meanwhile, worked with Roy Wilkins, Clarence Mitchell, and several other civil rights leaders, as well as media outlets, to demand that Nixon, Rockefeller, and Republican senators publicly endorse the Dirksen compromise. Despite these frenetic efforts a third cloture vote fell short 59-35 on March 1. Mansfield

³¹Congressional Quarterly, February 23, 1968; Baltimore Sun, February 28, 1968; Congressional Quarterly, March 1, 1965; Congressional Quarterly, April 26, 1968; Nick Kotz, Judgment Days: Lyndon Baines Johnson, Martin Luther King Jr., and the Laws that Changed America (New York: Houghton Mifflin, 2005), 390; Life, March 15, 1968; Hugh Graham, "The Surprising Career of Federal Fair Housing Law," Journal of Policy History 12 (Number Two, 2000), 215-217; Civil Rights Issue Again, Everett Dirksen Radio/TV Weekly Report, March 4-10, Dirksen Papers--Remarks, Everett Dirksen Congressional Leadership Center, Pekin, Il.

agreed to one last attempt on March 4; if it failed, the bill would be set aside. This time the civil rights forces prevailed 65-32, precisely the two-thirds needed. Heavy lobbying from Dirksen, Brooke, Javits, and liberal Democrats changed several minds. Twenty-four Republicans backed cloture while twelve voted against. Five senators, including three Democrats and two Republicans, (conservatives Frank Carlson of Kansas and Jack Miller of Iowa) who had opposed cloture on March 1 now favored it. Dirksen had approached the Kansan in the Senate cloakroom and pleaded, "Frank, I need you." There were gasps from the Senate floor when Carlson cast his vote. The Senate approved the bill 71-20 on March 11. Twenty-nine Republicans supported it; just three voted against.³²

Attention now shifted to the House. The Johnson administration calculated that it needed 65 to 70 Republican votes to pass the legislation, and it deemed winning over Ford, who had opposed open housing, as essential to getting that support. The administration, civil rights groups, and Senate leaders wanted the House, which had approved parts of the bill in 1967, simply to concur with the open housing addition and other changes made by the Senate. Accordingly, the White House and civil rights organizations tried to persuade McCulloch, Mathias, and other pro-civil rights Republicans to bring pressure on Ford. The NAACP wrote House Republicans stating that the open housing issue was a test of whether the GOP was the party of Strom

³²Congressional Quarterly, March 8, 1968; Life, March 15, 1968; Mike Manatos to Lyndon Johnson, March 5, 1968, Louis Martin to Joseph Califano, March 1, 1968, Roy Wilkins to Republican Senators, February 29, 1968, all in Box 66, WHCF, EX LE/HU 2, LBJL; Cutler, 287-289; Congressional Quarterly, March 15, 1968.

Thurmond or Edward Brooke. Nixon and Rockefeller also called the minority leader urging quick approval of the Senate version. The alternative course, sending the legislation to a conference committee, almost certainly meant crippling changes. On March 14, Ford sent mixed signals by announcing his general support for open housing but also indicating he wanted a conference committee and that he would like to see changes similar to the 1966 Mathias amendment, which allowed a real estate agent to discriminate if instructed by an owner.³³

Efforts speed the bill through the House failed. On March 19, the Rules Committee voted 8-7 to postpone consideration of the legislation until April 9. Acting on instructions from Ford, all five Republican members of the Committee voted with three Democrats for the delay. Ford was trying to give the real estate industry, which was taken by surprise by the Senate's approval of open housing, additional time to mount a campaign to weaken that section. By late March the National Association of Real Estate boards was lobbying intensely against open housing. One far right group, the Emergency Committee of One Million, predicted that the bill would lead to housing

³³Barefoot Sanders to Lyndon Johnson, February 29, 1968, Barefoot Sanders to Lyndon Johnson, March 9, 1968, Barefoot Sanders to Lyndon Johnson, March 13, 1968, all in Box 66, WHCF, EX LE/HU 2, LBJL; New York Times, March 15, 1968; Congressional Quarterly, March 22, 1968; Memorandum from NAACP to House Republicans, March 1968, Box A88, Series IV, National Association for the Advancement of Colored People Papers, Library of Congress, Washington, D. C. Melvin Laird of Wisconsin, chair of the House Republican Conference, similarly sent mixed signals in commenting that a majority of House Republicans would probably vote for the Senate version if a conference committee failed to make changes within a ten-day period but that a majority also favored altering the measure. Laird did not specify what those changes were, however.

quotas and "[encourage] vicious gangs of rioters and looters to destroy neighborhoods which dare to resist." Such scare tactics alarmed Clarence Mitchell and other civil rights proponents, who also feared that the delay hurt chances for a strong bill because Martin Luther King Jr. was expecting to bring thousands to Washington by early April as part of his Poor People's Campaign.³⁴

Ford's stalling prompted a strong counterattack from pro-civil rights Republicans. They believed in open housing, but they also had an eye on November. Several House Republicans berated the Michigan congressman at a meeting in late March. "There's an election coming up this year," McCulloch commented. "The Republican party should be out in front on civil rights." Charles Goodell (N.Y.) and Albert Quie (Mn.) expressed similar worries about negative political fallout. Likewise, Brooke pleaded with Ford to back open housing. "We simply must not adopt a position which brands us as insensitive to the issues affected by this bill," the Massachusetts senator wrote. Nixon, who was the clear favorite for the Republican presidential nomination and had been urged by Mitchell to get involved, sent word that he wanted action on open housing.³⁵

³⁴Congressional Quarterly, March 22, 1968; Congressional Quarterly, March 29, 1968; Congressional Quarterly, April 26, 1968; Harvey, 50-53.

³⁵Washington Post, March 27 1968; Clarence Mitchell to Richard Nixon, March 22, 1968, Box B107, Gerald Ford Congressional Papers, GRFL; Edward Brooke to Gerald Ford, March 28, 1968, Box B85, Gerald Ford Congressional Papers, GRFL; Memo to Richard Nixon, April 8, 1968, PPS 501.9.4, Richard Nixon Library, Yorba Linda, Ca; Washington Post, April 22, 1968.

The civil rights advocates prevailed in early April. The key moment came April 9 in the Rules Committee, when Illinois Congressman John Anderson, who had voted for delay on March 19 and whose mail was running 2-1 against the bill, became the only Republican to side with seven Democrats to defeat 8-7 a plan to send the legislation to conference committee. The bill went before the House the next day. The gallery crowd cheered as Anderson took his seat. Here, the important vote occurred on the question of accepting the Senate version without changes. Seventy-seven Republicans voted for such a plan, while 106 were against. Though a majority of Republicans had voted in favor of a weaker measure, a few weeks earlier polls showed only thirty-seven sure Republican votes for the Senate bill. What caused Anderson's switch, and the conversion of nearly forty other Republicans, is unclear. Many observers pointed to the assassination of King on April 4, but reports had circulated prior to that tragedy that Anderson might shift his vote. The assassination might have changed some votes by making some legislators more sympathetic to the plight of ghetto dwellers, but from a political standpoint it was by no means clear that King's death helped rather than hurt, given the intense wave of rioting that followed. White Americans had already expressed anger over the 1967 riots, and were outraged once again. Other important factors included the tireless work of NAACP lobbyist Clarence Mitchell, delays by the real estate industry in mobilizing its opposition, pressure from the White House and its allies, and political calculations by northern Republicans regarding black support in the

fall elections. With armed troops ringing the Capitol, the House adopted the Senate bill 250-172.³⁶

The 1968 Civil Rights Act would ban discrimination in the sale or rental of 80 percent of the nation's housing when it became fully implemented in 1970. It also offered increased protections for civil rights workers and strengthened punishment of rioters. A few black leaders dismissed the law, and subsequently it would come under heavy criticism. Dirksen had indeed weakened enforcement provisions. Nevertheless, despite weak enforcement in the early years of coverage the law would, especially following strengthening modifications in 1988, help open up housing opportunities for racial minorities. Given the hostility toward the civil rights movement that had been building for the previous two years, the adoption of the open housing law in the spring of 1968 was a welcome surprise. As the historian Hugh Davis Graham has contended, the improbable triumph demonstrates that the reform impulse of 1964 and 1965 had not eroded completely within either party.³⁷

³⁶Congressional Quarterly, April 26, 1968; Statement of Clarence Mitchell Before Republican Governor's Association, May 16, 1968, Box 25, Albert Quie Papers, Minnesota Historical Society, St. Paul, Mn.; Congressional Quarterly, April 12, 1968; New York Times, April 10, 1968; New York Times, April 11, 1968; Graham, Civil Rights Era, 272-274.

³⁷Congressional Quarterly, April 12, 1968; Harvey, 55; Kotz, 421; Graham, Civil Rights Era, 272-274; Graham, "The Surprising Career of Federal Fair Housing Law," 217-219; Raphael Bostic and Richard Martin, "Have Anti-Discrimination Laws Worked? Evidence from Trends in Black Homeownership," Journal of Real Estate Finance and Economics 31 (August, 2005), 23-24; Mara Sidney, "Images of Race, Class, and Markets: Rethinking the Origin of U. S. Fair Housing Policy," Journal of Policy History 13 (Number Two, 2001), 181-207; Mathias and Morris, "Fair Housing Legislation," 26-29;

VIII.

Nixon personified the divisions within the party over race during his presidential campaign that summer and fall. On the one hand, he courted white southerners angry over school desegregation, blasted the Kerner Commission for putting too much blame on white Americans for many of the problems facing African Americans, and promised "swift and sure" retaliation against rioters. He offered blunt criticism of the administration's poverty program and declared the courts "[had] gone too far in weakening the peace forces against the forces of crime." Calls for law and order were not simply about race, though they did carry racial overtones. Nixon also distanced himself from Rockefeller by describing plans for massive new social spending on urban problems as a "cruel delusion." These and other positions drew sharp rebuke from black leaders, but Nixon attempted to balance these conservative views with racial moderation. He wanted to position himself between independent candidate George Wallace on the right and Democrat Hubert Humphrey on the left. Nixon endorsed the three major civil rights laws of the 1960s and offered another hint of affirmative action in telling a Virginia audience that after opening opportunities for racial minorities the nation "[needed] a period of helping people walk through those doors." In the spring Nixon made two major radio addresses outlining his "black capitalism" plan to foster

SCLC leader Ralph Abernathy called it "barely a step forward," while CORE's Roy Innis described it as "a hoax."

private enterprise in ghetto areas. Liberal columnist Tom Wicker of the *New York Times* said that the speeches "could prove to be more constructive than anything yet said by the other presidential candidates on the crisis of the cities." Contrary to the advice of many of his aides, Nixon attended Martin Luther King's funeral. During the fall, Nixon visited only one black neighborhood, but after that he went to a white suburb and told the audience, "You can't live in your comfortable houses and say, well, just as long as I get mine, I don't have to worry about others." Nixon's campaign foretold the schizophrenic nature of the civil rights policies he would adopt as president.³⁸

Nixon's attempt to appeal to both conservative and liberal Republicans captures many of the complexities in the Party's approach to racial matters in the mid and late 1960s. Goldwater's nomination in 1964, and the power of conservatives in Congress, especially in the House, signaled that a conservative approach to racial matters was gaining strength in the Republican Party. Republican advances in the South foretold future political domination there by the GOP. Historians, however, must resist the

³⁸Congressional Quarterly, April 26, 1968; Congressional Quarterly, May 3, 1968; Nixon-Riots, July 3, 1968, Nixon--Exploits Riots for Political Purposes, Nixon--Southern Strategy, July 4, 1968, all in Box 22, Graham Molitor Papers, Rockefeller Archive, Sleepy Hollow, N.Y.; Washington Post, March 8, 1968; Mayer, 81-82; Robert Mason, Richard Nixon and the Quest for a New Majority (Chapel Hill: University of North Carolina Press, 2004), 26; Tom Wicker, One of Us: Richard Nixon and the American Dream (New York: Random House, 1991), 277-299; Nixon—Exploits Riots for Political Purposes, 7-4-68, Box 22, Graham Molitor Papers, Rockefeller Archive; Lewis Chester, Godfrey Hodgson, and Bruce Page, An American Melodrama: The Presidential Campaign of 1968 (New York: Viking, 1969), 458-476; Stephen Ambrose, Nixon: The Triumph of a Politician, 1962-1972 (New York: Simon and Schuster, 1989), 187, 201-202; Congressional Quarterly, January 19, 1968; Washington Post, April 22, 1968; Bridges to Human Dignity, PPS 208 (1968).23-24, NP; Cutler, 311-312; Mayer, 88; Flamm, 173-178; New York Times, September 24, 1968; Dean Kotlowksi, Nixon's Civil Rights: Politics, Principle, and Policy (Cambridge: Harvard University Press, 2001), 18-21.

temptation, given political trends from the 1980s to the early twenty-first century, to overstate conservatism's influence in the 1960s. There were conservative stirrings at the grass roots level, and conservative intellectuals were offering numerous policy prescriptions to challenge Democratic orthodoxy, but looking at policy elites shows that liberalism remained influential. The Republican Party had a diversity of voices that faded over the next three decades. Liberalism was particularly strong in the Senate, and it was evident to varying degrees among the Party's leading presidential candidates. Liberal Republicans shaped important laws of the Second Reconstruction, and they offered a vigorous critique of a political strategy based on overt and/or covert appeals to racial animosity. Their belief that the South would grow more liberal as more African Americans registered to vote and the economic modernization of the region progressed proved erroneous, but that mistaken prediction should not blind historians to the fluidity of politics in the mid-1960s. It was by no means obvious which direction the Republican Party would move following Goldwater's loss. In studying the first Reconstruction scholars have chronicled divisions within the party of Lincoln; so, too, should divisions receive more prominent emphasis in histories of the second.