

The Untold Story of the 1964 Civil Rights Act: How the GOP Helped the Democrats Destroy the Solid South

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Some forty years ago, the Civil Rights Act of 1964 initiated the national government's effort to redress racial injustice. This act remains one of the landmark pieces of modern social legislation.

Historians and political scientists have long argued that congressional Democrats led by civil rights icon Hubert Humphrey and the wily President Lyndon Johnson hoodwinked the Republicans and their leader, Senator Everett Dirksen of Illinois, into supporting an act that was stronger than the Republicans had wanted. As one participant in the struggle argued, "What a genius Hubert Humphrey was in letting Dirksen think he was writing the final draft of the bill. Dirksen was only switching `ands' and `buts.' Humphrey pulled the greatest charade of all time. Dirksen sold out cheap."

Although this account has become the standard wisdom, a closer look reveals it to be misleading and incomplete. True, Republicans did help the Democrats pass their act. But at the same time, the Republicans efforts had a second effect, namely, helping the Democrats destroy the solid Democratic South, transforming it into a region supporting Republicans. This political

transformation helped create our modern American politics, at once more polarized and more favorable to Republicans than in mid-twentieth century.

Legislative Hurdles

As the curtain rose on the drama that would captivate the nation for months beginning in the late summer of 1963, it was not clear that a meaningful bill would pass. Congress had long proved a graveyard for failed civil rights bills. For nearly a century, southern Democrats relied on the Senate filibuster and other congressional procedures to prevent the passage of civil rights legislation.

Known as “the longest debate,” the struggle to overcome the Senate filibuster was the seminal event enabling the 1964 bill to pass and remains one of the central dramas in all of Congressional history. Ending the filibuster required cloture, a motion to allow the legislation to come to a vote. This motion required the support of 67 out of 100 senators. Although there were 67 Democrats in the Senate, 21 were Southerners and ardently opposed to the legislation. At most, 46 Democrats would vote for cloture. To pass the bill in 1964, then, northern Democrats needed at least 21 of the 33 Senate Republicans to vote for cloture. Only 12 Republicans could be considered as liberal or moderate; 21 were conservatives not inclined to support major new federal regulatory programs.

This basic legislative arithmetic explains why Congress had previously failed to enact a significant piece of civil rights legislation.

“Hoodwinking” Dirksen

How did the Democrats gain the support of Dirksen and the pivotal Republicans? Most accounts give the credit to the leaders of the civil rights coalition, including Senator Humphrey and President Johnson. And, by their own account, these leaders out-maneuvered Dirksen, passing a relatively pure version of their bill. They cajoled, stroked, and flattered Dirksen. Senator Humphrey wrote that “It appears that Dirksen is beginning to swallow the great man hook and, when it is fully digested, we will have ourselves a civil rights bill.”

From one perspective, this account rings true. After all, Republicans sought dozens of amendments, and most observers consider them inconsequential. Further, the Republicans themselves have done little to alter this view of events because few of them have offered credible counter-claims.

Who Hoodwinked Whom?

We must not accept the hoodwinking thesis uncritically, however. For one, statements by major proponents after the fact are likely to be self-serving. As the principal champions of civil rights, Democratic leaders had every reason to minimize the role of the Republicans in their retelling of events.

The standard account is wrong for two reasons: First, the price demanded by the Republicans for their support was that the Democrats agree – incrementally and through a large number of seemingly small and innocuous steps – to minimize the impact on the North and

hence on traditionally Republican constituents.

Republicans and Northern Democrats formed an alliance of convenience in which they sought different ends. Reflecting the civil rights movement's focus on the South, northern Democrats sought to dismantle the Southern Jim Crow system. Republicans sought to limit the impact of the act on the North. Because these goals did not directly conflict, Democrats could rightly claim that Dirksen and his allies did not water down the act for their purposes while still being wrong that the Republicans' changes were inconsequential.

One Republican restriction required that, before an individual could sue under the act, he or she first exhaust state fair employment laws (twenty-eight states had such laws – all in the North). Moreover, several amendments attempted to limit the impact on business firms, then largely located in the North and typically Republican constituents. Republicans also dramatically curtailed the proposed powers of the Equal Employment Opportunity Commission. These compromises made the bill much more palatable to pivotal Republicans.

Republican changes led Senator Richard Russell of Georgia, one of the bill's leading opponents, to charge "that this bill is directed at the South and no other part of the country." The "bill . . . stands as a purely sectional bill . . . Provisions have been written into the bill which draw up a monumental wall . . . (protecting) the states that are north of the Mason-Dixon line."

Second, Republicans had political motive to allow the Democrats to play center stage.

The civil rights legislation had the potential to loosen the Democrats' solid hold on the South. Participants in this debate understood this possibility. On signing the legislation, LBJ commented, "I think we just gave the South to the Republicans." And Senator Russell had earlier warned Johnson that if he pursued this act, then, "by God, it's going to cost you the South."

Standard accounts recognize that passing the Civil Rights Act, along with the Voting Rights of 1965, risked Democratic loss of the South. Yet few observers recognize the flip side: Democratic losses would be Republican gains. The Republicans therefore had incentives to lay low and obtain long-term rewards as they made electoral inroads in the South.

A World Turned Upside Down

The Civil Rights and the Voting Rights Acts altered racial relations and began an earnest attack on institutionalized discrimination. This legislation also altered the American political landscape, essentially bringing an end to the New Deal-era dominated by Democrats to our current era of divided government where Republicans more often than not hold the presidency.

In 1964, Republicans were clearly the minority party. In the 32 years from the election of Franklin Roosevelt through the election of LBJ, Democrats had won the presidency 6 times; the Republicans, only twice. In the 9 presidential elections beginning with 1968, Republicans won 6 times to the Democrats' 3. Similarly, from 1933 through 1968, Democrats held united government (the House, the Senate and the presidency) for 26 years to the Republicans 2, with 8 years of divided government. By contrast, since the 1968 elections, Democrats have held united

government for only 6 years, Republicans for 4, with divided government prevailing for 26.

Without doubt, Democrats lost their dominance of national elections after 1964.

Looked at a generation later, it appears that Dirksen had the last laugh. Although Dirksen helped the Democrats pass their bill without emasculating it, his actions facilitated the transformation of southern politics, and, with it, helped the Republican party prosper in the South.

In the 40 years since the passage of the Civil Rights Act, both parties have become more homogeneous, more polarized, and less likely to compromise. It is little wonder that many now characterize our modern politics as the “clash of two cultures.”