

# Nassau Lawyer

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## THE JOURNEY

In a profession where ambition is as common as traffic on the Long Island Expressway, Lyndon Johnson stood apart. Entering the United States Senate from Texas in 1949, he muscled his way to Senate Majority Leader by 1955. In 1956, he sought the Democratic nomination for President. Defeated soundly, he was confronted with a powerful reality. As a product of a Confederate state he could not muster support in the North, which viewed him as an opponent of civil rights. The view was not unfounded, as Johnson had regularly teamed with fellow Senators from the South to frustrate efforts at civil rights legislation.

Stung by the defeat, Johnson sought to transform his image. He engineered the passage of the first civil rights legislation since Reconstruction, the Civil Rights Act of 1957. It was a modest piece of legislation, as provisions banning segregation in places of public accommodation were stripped from the bill. Its passage in the face of stiff Southern opposition, though, was a testament to Johnson's parliamentary skills and was expected to soften at least some Northern opposition to his renewed candidacy in 1960.

Leading up to 1960, Johnson was firmly in control of the Senate and expected to be anointed the Democratic nominee for President. While Johnson was running the Senate, though, his fellow Senator, John F. Kennedy, whom Johnson considered a privileged lightweight, was laying the foundation for his campaign for President.

Kennedy, who won the nomination, offered Johnson the position of Vice President at the 1960 Democratic convention in Los Angeles. Some say he did so as a courtesy, expecting Johnson to decline. Others say Kennedy wanted Johnson on the ticket, asserting Kennedy knew he had to carry the South to win the general election, and that he could only carry the South with Johnson. Despite Robert Kennedy's furtive efforts to convince Johnson to decline, Johnson accepted, and the convention delegates quickly blessed this marriage of convenience. Johnson went on to campaign tirelessly throughout the South, giving implicit reassurances that the liberal Senator from Massachusetts would not, if elected, disturb the "southern way of life."

Soon after the general election, Johnson found himself frozen out of any involvement in the Kennedy administration. Some of the estrangement was due to clumsy efforts by Johnson to carve out power in the administration. Some of it was due to Johnson's lack of support for Kennedy's quarantine strategy during the Cuban missile crisis. And, some of it was class-based. Johnson, born poor in the West Hills of Texas and a graduate of Southwest Texas State Teachers College, was looked down upon by Kennedy's Ivy League staffers, who referred to Johnson derisively as "Rufus Cornpone."

In June, 1963, Kennedy transmitted to Congress a bill providing for broad civil rights protections. As of November, 1963, the bill was stalled in the Senate, with the Chair of the Judiciary Committee, Mississippi Senator James Eastland, content to let it languish in his Committee indefinitely. At the same time, speculation abounded that Johnson would be replaced on the ticket for the 1964 presidential election. That speculation died in Dallas on November 22, 1963 with three shots from a \$19.95 mail-order carbine. On that fateful day, many assumed that all hope for the passage of effective civil rights legislation had also died.

Upon assuming the Presidency, Johnson, to the surprise of many and the consternation of others, would not let the legislation languish. In the months to come, Johnson engineered a bypassing of the Judiciary Committee, maneuvered the bill onto the Senate floor, and overcame a 54-day filibuster, resulting in the passage of the Civil Rights Act of 1964. The Act was revolutionary, barring discrimination based on race, color, religion, and national origin in hotels, motels, restaurants, and theaters.

None of this, of course, occurred in a vacuum. Leading up to and during 1964 and 1965 there were demonstrations in the South and elsewhere protesting racial discrimination. In January, 1965, the Reverend Martin Luther King and others led demonstrations in Selma, Alabama



### FROM THE PRESIDENT

John P. McEntee

for the passage of federal voting rights legislation.

On March 7, 1965, a protest march from Selma to the Alabama capital of Montgomery began, with protestors headed out from Selma on a bridge named for Edmund Pettus, a Confederate General, Grand Dragon of the Alabama Klu Klux Klan, and United States Senator. It was there that the protestors, peaceful and unarmed, were attacked by Alabama State Troopers with tear gas and billy clubs, in an incident known as Bloody Sunday.

On March 15, 1965, Johnson addressed a joint session of Congress, urging it to pass the expansive voting rights legislation he was introducing. He stated, "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." He then noted:

This was the first nation in the history of the world to be founded with a purpose. The great phrases of that purpose still sound in every American heart, North and South: 'All men are created equal' – 'government by consent of the governed' – 'give me liberty or give me death.' Well, those are not just clever words, or those are not just empty theories. In their name Americans have fought and died for two centuries, and tonight around the world they stand there as guardians of our liberty, risking their lives.

Those words are a promise to every citizen that he shall share in the dignity of man. This dignity cannot be found in a man's possessions; it cannot be found in his power, or in his position. It really rests on his right to be treated as a man equal in opportunity to all others. It says that he shall share in freedom, he shall choose his leaders, educate his children, and provide for his family according to his ability and his merits as a human being.

The bill Johnson introduced was signed into law on August 6, 1965. The Voting Rights Act of 1965 was sweeping in its scope, prohibiting state and local governments from imposing any law or requirement resulting in discrimination against minority voters. But it was just a step, albeit a very important one, on the long road to equality, as Johnson noted in his March 15 address to Congress:

But even if we pass this bill, the battle will not be over. What happened in Selma is part of a far larger movement which reaches into every section and State of America. It is the effort of American Negroes to secure for themselves the full blessings of American life. 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. \*\*\* A century has passed, more than a hundred years, since equality was promised. And yet the Negro is not equal. A century has passed since the day of promise. And the promise is unkept.

The time of justice has now come. I tell you that I believe sincerely that no force can hold it back. It is right in the eyes of man and God that it should come. And when it does, I think that day will brighten the lives of every American.

With these words, Johnson recognized the legislation was neither a complete solution for racial discrimination nor a crowning achievement for his Presidency. And yet, Johnson's words mark an important journey. The journey, though, was not just of protestors crossing a bridge on the Alabama River on their way to Montgomery, Alabama. It was also a journey of a man, a complicated man who, despite his deep Southern roots, would grow to become a most unlikely yet remarkably effective proponent of equal civil rights for all Americans.