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With All Deliberate Delay: Kennedy, Johnson, and School Desegregation

The desegregation of southern schools, mandated by the United States Supreme Court in *Brown v. Board of Education* (1954), presented a dilemma for national politicians of both parties. "If presidents felt they should speak up, or act to enforce court rulings," a correspondent for the *Los Angeles Times* wrote in 1969, "they risked offending conservatives, segregationists, and the South. If they wanted to sit tight, they invited the wrath of liberals."[1] Even presidents who were capable of acting in other areas of civil rights were content to assume a low profile on school desegregation, assign responsibility for this area of policymaking to subordinates, and enforce it only under external pressure, usually from the federal courts.

School desegregation policy challenges several long-held views—of President John F. Kennedy as a reluctant, but then public, champion of civil rights; of President Lyndon B. Johnson as steadfastly (or newly) liberal on race; of President Richard M. Nixon as captive to white backlash and a politically inspired "southern strategy."[2] A closer inspection reveals a flatter line. Seeing school desegregation as an especially difficult route to racial equality, JFK, not unlike President Dwight D. Eisenhower, instead sought expanded voting rights and job opportunities for blacks. LBJ, realizing that desegregation would stir political troubles difficult to resolve via arm-twisting and legislation, relegated the matter to his Department of Health, Education, and Welfare (HEW). Thus, the unfinished task of school desegregation, and the edicts of an increasingly impatient Supreme Court, fell to Nixon when he became president. Judicial pressure on districts, among other factors, forced Nixon to do what his predecessors had not done: desegregate southern schools on an unprecedented scale.[3] Interestingly, the literature on the civil rights

THE JOURNAL OF POLICY HISTORY, Vol. 17, No. 2, 2005.
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https://doi.org/10.1353/jph.2005.0013 Published online by Cambridge University Press

movement has not plumbed the topic of school desegregation during the 1960s.[4] Therefore, revisionist scholars who have applauded Nixon's successful desegregation of southern schools, mostly during 1970, have little to compare his policy against.[5]

Three themes permeated school desegregation policy during the 1960s. First, political and practical considerations shaped the actions of Kennedy and Johnson, the last presidents to lead a broad-based Democratic party encompassing civil rights advocates and southern segregationists. Both men feared that enforcement of *Brown* would provoke white southerners to desert the party, as they had done in 1948, or encourage grassroots resistance, as had happened in Little Rock, Arkansas, in 1957. Accordingly, Kennedy and Johnson, like Eisenhower before them and Nixon after them, juggled competing pressures, to uphold court rulings, to respect America's system of federalism, and be patient with southern whites worried about the fate of their schools, children, and race. Neither man championed a Second Reconstruction in the area of school desegregation.

Second, school desegregation under JFK and LBJ reflected a hedged liberalism. Liberals look to an active state to promote economic, social, and political reform. But the number of problems ripe for action, the variety of possible solutions, and the extent of federal power—in theory vast but in practice limited—forced them to pick their fights.[6] For both constitutional and political reasons, the federal role in education remained small before the 1960s. The commerce clause, since the 1930s a principal vehicle for justifying federal intervention in civil rights areas, could not be applied to state-run public schools since such schools did fall under interstate commerce.[7] Moreover, southern Democrats opposed federal aid to education, fearing that federal funding would lead to federal control and the rapid, forced desegregation of their schools. At the same time, the Fifteenth Amendment guaranteed American citizens the right to vote. Accordingly, regarding civil rights, both JFK and LBJ preferred to tackle issues such as voting rights and fair employment that they deemed more politically and legally congenial—and less emotional—than school desegregation. This hierarchy, if one can call it that, among civil rights remedies differed little from the priorities of Presidents Eisenhower and Nixon.

Lastly, the policies of JFK and LBJ yielded little real school desegregation. Kennedy did not endorse legislation, advanced by northerners in Congress, to require districts to develop plans for "first-step" compliance with *Brown*. In so doing he helped pave the way for a controversial initiative linking federal financial aid to a district's progress on

https://doi.org/10.1353/jph.2005.0013 Published online by Cambridge University Press

desegregation. While Johnson looked on, his Department of Health, Education, and Welfare, armed with Title VI of the Civil Rights Act of 1964, drafted guidelines to deny federal aid to racially segregated schools. Yet, as the historian Hugh Davis Graham has shown, allowing lower-echelon officials to make policy can lead to politically troublesome initiatives for a president.[8] Under LBJ, HEW intermittently withheld funds from racially segregated schools and, in so doing, abraded white southerners and civil rights leaders alike. The records of Kennedy and Johnson show why school desegregation, an early crusade of the civil rights movement, took at least a decade and a half to accomplish.

In adopting policy, presidents take into consideration a number of concerns, including their personal instincts, political strength, the demands (and constraints) of the law, and popular opinion. Sensing the volatility of school desegregation, Kennedy and Johnson never identified themselves with the issue. Only under external pressure did they back greater statutory authority for the executive branch to enforce *Brown*. Even afterward, their hesitancy did not vanish; Title VI trapped liberal policymakers into making a choice, between either desegregating schools or funding education, that many of them wished not to make. Accordingly, members of Johnson's administration, not unlike those who later served under Nixon, came to view relying on Title VI as a flawed way to desegregate schools. But the Johnson administration never explored fully an alternative strategy, one granted by the Civil Rights Act of 1964: suing segregated districts. The result was, at best, skittish progress toward the goal of implementing the *Brown* decision.

School Desegregation is "Really Tough"

School desegregation policy highlights two overlooked aspects of JFK's handling of civil rights. First, recently opened White House conversations disclose the motivations behind Kennedy's caution on *Brown*—which he repeatedly called a "tough" issue—and his preference for applying other means to end racial injustices. Second, JFK's hesitancy exposed him to attacks from northern Republicans, an understudied group in the civil rights struggle, and pressure from liberal Democrats, whose legislative proposals for desegregation also have been neglected. To be certain, Kennedy faced obstacles in enforcing civil rights, including the lack of any statutory authority to sue segregated school districts and the opposition of a southern-dominated Senate to further rights-related legislation. Nevertheless, pressure by northern liberals offered

https://doi.org/10.1353/jph.2005.0013 Published online by Cambridge University Press

the president the opportunity to gird the public for a more muscular school desegregation policy. He declined to follow up until 1963, in the aftermath of African American unrest.

The *Brown* decision challenged the nation's racial landscape. The Supreme Court, on 17 May 1954, unanimously invalidated "separate educational facilities" as "inherently unequal."[9] One year later, the justices suggested how communities might implement the decision: local school boards were to draft plans while federal district judges determined the timing of desegregation. The high court set no timetable and only required a "prompt and reasonable start toward compliance" with "all deliberate speed."[10] *Brown II,* as this ruling became known, sought to calm popular outrage by allowing time for desegregation. While some federal judges acted to end segregation in schools—and other public places—*Brown II* seemed to encourage resistance by diehard segregationists and vacillation among national politicians.[11] "That second decision was very, very general," United States District Judge Frank M. Johnson Jr., a racial liberal whose court was responsible for Alabama, recalled. "If they'd said, 'You're to start within one year with the first grade and add one grade each year,' it would all have been done in twelve years."[12]

Culturally, socially, and politically, school desegregation proved difficult to implement during the 1950s. Southern whites were concerned about the stability of their communities, of which schools were the marrow, the education of their youngsters, who were now slated to study with black children coming from substandard institutions, and the future of their race, since integrated education, they feared, would lead to the collapse of white supremacy and the rise of interracial marriage. A Mississippi man warned: "A great danger is hanging over our children—mongrelization."[13] "Fantastic as it may appear," Leander Perez Jr., a Louisiana segregationist, proclaimed, "The social aim is a negroid South."[14] Even though the real thrust of *Brown* was removing from blacks the psychological stigma of mandatory segregation, middle-class whites wondered why their schools should be expected to compensate for "disadvantages that [black] children brought with them from their homes."[15] Eisenhower sensed the emotional fallout when he told Chief Justice Earl Warren, author of the high court's opinion in *Brown,* that southerners only wanted "to see that their sweet little girls are not required to sit in school alongside some big overgrown Negroes."[16] Intended or not, the Supreme Court, through *Brown,* had placed schools, not neighborhoods or places of employment, at the forefront of racial change in the South.[17]

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Beginning in the 1950s, presidents endorsed a different set of priorities. Eisenhower regarded *Brown* as a disturbance to the "domestic scene." Committed to shared power between the states and national government, fiscal restraint at the federal level, and respect for law and order nationwide, he lamented that the decision had placed "heavier responsibilities than before on the Federal government." His answer was to "operate gradually and with consideration" for the feelings of southerners.[18] Citing Reconstruction, he doubted whether "coercive law" could overcome their "bitter opposition" to desegregation. And, while at times frustrated with the most intransigent segregationists, he was politically at ease with fiscally conservative southerners in Congress.[19] Eisenhower's secretary, Ann Whitman, found her boss "not at all unsympathetic" to white southern opinion on civil rights but "adamant on the fact that the right to vote must be protected."[20] Accordingly, he adopted "a moderate approach to a difficult problem."[21] That meant modest efforts to assure blacks access to employment and the ballot box, where bias undermined long-standing ideals of opportunity and democracy, and patience on school desegregation, a recent mandate of the Supreme Court.[22]

Liberal Democrats, too, flinched before *Brown.* Adlai E. Stevenson, front-runner for the party's presidential nomination in 1956, urged the government to "proceed gradually" on school desegregation in deference to the South's long-held "traditions." Stevenson backed integration but opposed using armed personnel to enforce *Brown.*[23] The candidate's own "gradualism," endorsed by former First Lady Eleanor Roosevelt, the radio commentator Eric Sevareid, and Harry Ashmore, editor of the liberal *Arkansas Gazette,* also served another purpose, to dissuade white southerners from bolting the party.[24] It certainly helped. Stevenson carried most of Dixie in the fall campaign but received just 61 percent of the black vote, low for a Democrat, and lost the election to Eisenhower by a landslide.[25]

For Kennedy, desegregation posed a stiffer challenge. By proposing legislation to enhance voting rights in 1956 and then sending federal troops to desegregate Little Rock's Central High School a year later, Eisenhower and the Grand Old Party (GOP) seemed positioned to make further inroads among blacks. To win African American support, JFK voted to retain Title III of the Civil Rights Act of 1957, which empowered the attorney general to sue persons who violated the civil rights of others. But, to appease white southerners, he backed a rider to the same bill granting jury trials to anyone accused of civil rights violations. Title III, which would have empowered the government to initiate lawsuits to

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enforce *Brown*, never passed the Senate. But the jury-trial amendment, favored by southerners confident that all-white juries would not convict alleged transgressors of civil rights, became part of the law.[26] JFK's support for jury trials angered Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People (NAACP), who accused him of siding with "Dixiecrat leaders."[27]

In truth, Kennedy, rational and detached, was not a crusader for civil rights. Robert F. Kennedy recalled no instance in which racial injustice had moved his brother "as a young man," when the only blacks JFK would have known were servants.[28] While in Congress, Kennedy had voted to outlaw the poll tax and backed the formation of a permanent Fair Employment Practices Commission to fight bias in hiring. Yet he did not become closely identified with either cause.[29] In 1960, JFK conceded to Jackie Robinson, the former Brooklyn Dodger who had broken major league baseball's color line in 1947 and later became a prominent African American Republican, his "limited experience" with blacks and past "mistakes" on civil rights.[30]

Kennedy never won his civil rights bona fides with a ringing endorsement of school desegregation. Instead, he defended *Brown* on narrow, legal grounds. In September 1957, he endorsed Eisenhower's decision to dispatch troops to Little Rock since "mob violence" and defiance of court orders were unjustifiable.[31] A month later, speaking to Democrats in Mississippi, he "accepted" *Brown* as "the law of the land" and stressed the need "to uphold law and order."[32] Nevertheless, Representative Adam Clayton Powell Jr., an African American Democrat from New York, thought him less than forthcoming, complaining that either Kennedy or Kennedy's staff had "buried" the senator's earlier remarks against mob violence in Little Rock.[33]

Two conversations, from 1963, illustrate that school desegregation ranked at the bottom of JFK's list of racial reforms. Consistent with his pre-presidential record, Kennedy saw employment as central to racial progress and believed that legislation forming a Fair Employment Practices Commission would represent a "tremendous breakthrough." "If I were to gamble with anything, I'd gamble with FEPC," he remarked. Kennedy could not fathom why white southerners refused to share public facilities with blacks. To him, segregation in public accommodations was "a joke." But on schools, he empathized with white parents. "I can understand why integrating schools to the secondary level that's . . . really tough," JFK privately explained. "If I had a child there putting him [in a school with] thirty to forty percent Negro[es] when they're so far behind—that's really tough."[34] From this conversation, it remains

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unclear whether Kennedy viewed school desegregation as "tough" in a narrow, political sense, such as likely to fuel white backlash against any national politician who pressed the issue, or in a broad, practical sense, that is, a policy difficult to implement given the intensity of southern antipathy to *Brown*. Suffice it to say, both concerns, which went hand in hand, probably loomed in the president's thoughts.

While Kennedy doubted that blacks had "the money or the inclination" to visit white-owned shops and hotels, he worried that racial integration of schools would incite a white exodus to the suburbs. "I don't think public accommodations, if you analyze it, is tough," he went on. "I don't think integrating the army was tough. I don't think going to the university was tough. I think the secondary school is really tough. I don't think jobs are tough."[35] Such remarks revealed JFK's shallow understanding of many race-related issues. And he failed to mention protection of voting rights, an early, albeit limited, initiative of his administration. Nevertheless, Kennedy, like Eisenhower, had grasped the political and practical problem with placing the education of children at the forefront of the civil rights struggle.

But northern Republicans, partly to appease their African American constituents, would not let up on school desegregation. Early in 1959, Republican senators, led by Jacob K. Javits and Kenneth B. Keating, both of New York, submitted a bill to restore Title III, stricken from the 1957 civil rights act.[36] Although the bill went nowhere, the GOP had tossed down a gauntlet which the opposition party then picked up. In 1960 Democrats, led by Representative Chester Bowles of Connecticut, adopted a strong platform plank on civil rights that, among other things, called on districts to draft plans for "first-step" compliance with *Brown* by 1963.[37] The plank, proposed as a negotiating position, was, to the surprise of Bowles, accepted by the Kennedy camp.[38] The platform's endorsement of civil rights did not, of course, remove the issue from the fall campaign. Keating chastised the Democrats for "talking one way and voting another."[39]

The Democratic platform and GOP taunting boxed Kennedy into a corner. "We had, we thought, a problem," recalled Louis Martin, an African American correspondent who had joined JFK's campaign staff.[40] While Roy Wilkins applauded the plank, Mississippi Democrats cried "no" when their governor, Ross Barnett, asked if they wanted their schools integrated by 1963.[41] During a press conference at the Democratic National Convention in Los Angeles, Kennedy waffled on the plank, which he earlier had given only a "cursory glance."[42] "What we want to do is to make a start," he said, referring to the 1963 target

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date, "[but] I couldn't make a judgment as to when."[43] Afterward, JFK placed others at the forefront of the school desegregation issue. In September, he invited two well-known liberals, Senator Joseph S. Clark of Pennsylvania and Representative Emanuel Celler of New York, to head a panel "to prepare a comprehensive civil rights bill," based on the party's platform, for consideration at the next session of Congress.[44]

JFK's ploy, in the short run, proved shrewd. By promising legislation in 1961, Kennedy dampened African American criticism as northern and southern Democrats tabled GOP-inspired rights measures during Congress's fall session.[45] By enlisting Clark and Celler to lead his civil rights committee, JFK lessened liberal criticism without being tagged "gradualist," a label that, his advisers noted, had hurt Stevenson with blacks in 1956.[46] The announcement of Kennedy's decision "went well," Martin remembered, because "no one doubted that it would be impossible to pass any controversial legislation, much less a bill on civil rights, in the rump session."[47]

Kennedy continued to show little interest in desegregation. He named no other members to the Clark-Celler committee and began to retreat from his promised civil rights bill, stressing instead the need for executive action in this area.[48] After the election, Harris Wofford, author of the platform plank on civil rights and practically the only JFK aide who viewed civil rights as a moral issue, argued that a racial program focused on executive action was more apt to hold the Democratic party together than one centered around legislation.[49] Late in 1960, Clark informed the president-elect that, with southerners prepared to filibuster, prospects were "bad" for any civil rights bill in the next Congress, although, he added, a liberal majority on the Senate Labor and Public Welfare Committee favored "a desegregation measure."[50] These words confirmed JFK's view that his party's platform had raised "too many unwarranted hopes and unnecessary fears."[51]

Nevertheless, Kennedy's presidential campaign had, in Martin's words, "stimulated" the "expectation" that comprehensive civil rights legislation would be introduced in 1961.[52] Clark, who viewed JFK's election as a "great liberal breakthrough," disregarded his earlier forecasts and began forging ahead.[53] Along with Celler, the Pennsylvanian advanced six bills to implement the Democratic platform plank on civil rights.[54] Among them, S. 1817, submitted by Clark, required school boards resisting *Brown* to file desegregation plans with the Secretary of Health, Education, and Welfare within six months of the bill's passage. By the beginning of the 1963 school year, districts were to begin the first step toward implementing their plans. The HEW secretary would

https://doi.org/10.1353/jph.2005.0013 Published online by Cambridge University Press

dispense grants to schools that desegregated, while the attorney general received the power to sue districts refusing to comply with *Brown*.[55]

By this time, JFK had taken a different approach to civil rights. In March 1961, Kennedy announced that he planned to advance civil rights through executive orders and defer proposing legislation.[56] Wofford, who had been encouraging civil rights groups to support the strategy of executive action, viewed the Clark-Celler bill as a "low blow" to the administration's efforts.[57] Clark might have used those same words to describe the White House's posturing. Senator Lister Hill, Democrat of Alabama and chair of the Labor and Welfare Committee, scheduled, and then postponed indefinitely, hearings on S. 1817. Hill, liberal on social welfare but conservative on race, advised Clark to solicit "White House and HEW views" on his measure and then wait until January for action. Yet JFK, by the end of 1961, had neither endorsed nor renounced S. 1817.[58]

The proposals of Clark and Celler stemmed from principle as well as politics. African Americans formed key voting blocs in Pennsylvania and New York, where Republicans had a long tradition of backing civil rights, and neither Clark nor Celler could remain in office without black support. Unlike JFK, neither man needed to court white southerners for electoral reasons. Nevertheless, both Clark and Celler believed deeply in racial equality. Clark's philosophy, a compound of patrician noblesse oblige and New Deal liberalism, led him "to view his principal duty as that of writing wrongs," including racial injustice, setting him against party leaders in the Senate.[59] Similarly, when asked, in 1980, whether racial integration should remain a national aim, Celler, without hesitation, replied: "Yes. Gotta be. We couldn't exist . . . with segregation."[60] Not all Democrats, as we will see, shared this sense of urgency, especially during the early 1960s.

The administration shunned Clark's bill for two reasons. First, S. 1817 seemed administratively cumbersome. RFK complained that Clark had "complicated" the "problem" by proposing "administrative machinery requiring local officials to make plans, without prior lawsuits, for the desegregation of their schools."[61] HEW officials seemed unenthusiastic about S. 1817's plans for desegregation, which they would have to oversee.[62] Assistant HEW Secretary James M. Quigley wrote HEW Secretary Abraham Ribicoff that, if pressed, he "would almost have to favor this bill" since it conformed with the 1960 platform.[63] Second, since Clark's bill was likely to provoke white southerners and unlikely to pass Congress, it did not warrant the expenditure of political capital. To enact his "New Frontier," the president needed the votes of lawmakers

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such as Hill, an advocate of federal aid to education and health-care improvements.[64] "The President," recalled Martin, who had become White House liaison to African American groups, "privately argued that he did not want to move on such controversial legislation [as civil rights] until he had the political 'muscle' to get the bills through the Dixiecrat minefield on the hill."[65] Hill played upon such concerns, warning that hearings on S. 1817 would discourage the House Rules Committee, with its southern membership, from approving an aid-to-education bill.[66] Attorney General Robert Kennedy placed the blame elsewhere, arguing that no potential sponsor "could really give any leadership in getting [a civil rights bill] through," a swipe at Clark and Celler.[67] The attorney general, the president's point man on civil rights, had no use for "professional liberals" who preferred to die fighting for a cause rather than follow a successful course of action.[68] Even Burke Marshall, RFK's soft-spoken assistant attorney general for civil rights, thought that liberal senators, including Javits, Keating, and Clark, were simply "going through the motions" since "there was no public support really for civil rights legislation."[69]

Despite its meager prospects for passage, the Clark bill did not lack supporters, and as a desegregation device it was not without merit. The *New York Times* dubbed the first-step idea "reasonable" and when Clark reintroduced his measure in 1963, eight senators, including Javits, co-sponsored it.[70] Clark simply wanted to "give legislative teeth" to a Supreme Court ruling.[71] By authorizing the attorney general to sue hold-out districts, a tactic later employed successfully by the Nixon administration under the Civil Rights Act of 1964, his bill promised to do just that. Moreover, a White House endorsement of S. 1817 would have signaled that the administration's patience on school desegregation was not without limits. It also might have helped the president ascertain the strength of his political muscle. Even Wofford, who favored the executive-action approach, later remembered Kennedy as "unduly inhibited" in his dealings with the Senate: "You worry most about what you know best, an old Washington hand, Averell Harriman, had noted. . . . [T]he President feared the power of the senatorial club he knew well but in which he had always been something of a junior member."[72]

After remaining silent on Clark's bill, administration officials announced that they lacked the power to enforce *Brown.* Similar to the Eisenhower administration, Robert Kennedy focused on assuring blacks the right to vote. The Civil Rights Acts of 1957 and 1960, Wofford advised, empowered the Justice Department to sue persons suspected of voting rights violations. Did the government have similar authority over

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school desegregation? Neither law said so specifically. But Wofford, arguing that the government inherently possessed such authority, recommended lawsuits against segregated universities. Burke Marshall disagreed.[73] In a debate about what the law allowed, Marshall, with a distinguished legal career behind him, had the advantage over Wofford, a lawyer-turned-political-activist, whom the attorney general deemed "emotionally involved" with civil rights. Accordingly, RFK declared that the Justice Department could not sue in desegregation cases.[74]

Yet the president's hesitancy on school desegregation, at its core, stemmed from his sense of what white southerners at the grassroots would—and would not—accept. The Kennedys wanted no part in planning desegregation; if administration lawyers were able to take holdout districts into court, they feared, a judge might ask them to offer a remedy. JFK voiced such concerns during a White House discussion about how to handle parental requests for help with desegregation: "I don't like the attorney general being involved in this [or] the commissioner of education [at HEW]." Charges of federal coercion troubled him. "[To have an] appointment of mine . . . making up the school desegregation plan in some county down South," Kennedy explained, "isn't going to work. It's going to raise hell about every line that's drawn and every student that's in there." The president's answer was to defer to federal courts: "We're all subject to the court, but we're the ones who appoint these commissioners. So in a sense I'm writing the desegregation plan."[75] JFK's thinking was somewhat askew; since the planning for desegregation had to be done locally, by either a school board or a judge, it is unlikely that the administration would have been called upon to draft desegregation plans. Nevertheless, leaving enforcement to the courts, the president correctly noted, was one way to take the heat off the administration.

Without legislation or lawsuits, the administration was left with three choices on school desegregation: inaction, moral suasion, or, when required, the use of troops to uphold the law. Robert Kennedy, eager to solicit white southern advice, chose the middle option.[76] In 1961 the Justice Department entered a school desegregation case in New Orleans as a "friend of the court."[77] By autumn, Justice officials were traveling about the South, "encouraging, coaching, and exchanging ideas," to help districts desegregate.[78] The year 1962 brought another story. Unrest forced the president to send army troops to enforce court-ordered desegregation at the University of Mississippi. A year later, Robert Kennedy's staff had resumed its southern visits but also readied an army battle group for dispatch to Alabama, where integration of the state's university

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had fanned resistance to school desegregation in Tuskegee, Huntington, and Birmingham. In those cities, JFK federalized the National Guard and withdrew the troops, leaving school desegregation to local officials.[79] Such actions reflected an administration strategy to desegregate institutions of higher education first before tackling elementary and secondary schools. In March 1961, Robert Kennedy had instructed his lieutenants not to "rock [the] boat" on school desegregation in Alabama "until a Negro student gets into U of A," something that did not happen until 1963.[80]

Such efforts yielded glacial progress. In August 1962, Marshall noted that just thirty-three districts, none in the "hard-core" states of the Deep South, were preparing to comply with *Brown* for the first time.[81] Desegregation under Kennedy took place chiefly in urban areas or in such outer South states as Kentucky, Texas, and Florida. The number of desegregated school districts in seventeen southern and border states inched from 912 in 1961 to 1,141 in 1963 and the proportion of black children in those schools also rose slightly from 6.9 to 9.2 percent.[82]

By taking an incremental approach, Kennedy averted criticism that he was desegregating southern schools in haste. Moreover, civil rights leaders, such as Wilkins, only mildly protested the "meager" progress on desegregation partly because *Brown* had improved the prospects for gains in other areas of civil rights.[83] The political center, however, could not satisfy the African American discontent that was erupting across the South. Policymakers, by 1965, were debating whether the federal government should deny funds to segregated schools. Perhaps they also were lamenting JFK's shunning of the more "reasonable" remedy of first-step plans for desegregation.

Leverage: From the Powell Amendment to Title VI

Although many white liberals had long resisted using federal aid as leverage to spur desegregation, the Johnson administration eventually adopted such a policy. The ill-fated Powell Amendment, advanced during the 1950s, came to pass as Title VI of the Civil Rights Act of 1964. Yet even with the advent of Title VI, many Great Society liberals remained ambivalent about denying federal funds to racially segregated schools.

The Powell Amendment was almost as divisive as its mercurial sponsor. In 1955, New York Congressman Adam Clayton Powell Jr., famous for his peccadilloes, both financial and sexual, proposed an amendment

https://doi.org/10.1353/jph.2005.0013 Published online by Cambridge University Press

to a school construction bill forbidding federal aid to districts with segregated facilities. The rider sparked a lively debate. Some liberals, such as Wilkins, saw desegregation and federal aid to education as inseparable and endorsed the Powell Amendment.[84] Others, such as Eleanor Roosevelt and Adlai Stevenson, objected to the rider, knowing that an education bill with the Powell amendment could not withstand a filibuster.[85] Southern liberals, such as Harry Ashmore, predicted that Powell's proposal would only abrade the South and "stiffen resistance" to *Brown*.[86] In the end, both the school bill and the Powell amendment, which Eisenhower also opposed, failed to pass the House.[87]

JFK was reluctant to link federal assistance for education to school desegregation. In 1961 he sent Congress a three-year $3.3 billion bill to assist elementary and secondary public schools and defray costs for classroom construction.[88] At the same time, he opposed antidiscrimination riders as obstacles to needed programs. "The trouble with the goddamned thing," Kennedy fumed, regarding a public works bill that he wanted passed in 1963, "is we've got all these programs and then everybody wants to . . . say you shouldn't spend money in a way to encourage segregation."[89] JFK never endorsed Powell's rider and Powell, in a nod to party solidarity, stopped introducing it in 1961. In so doing, they ceded the high ground to the GOP. Keating, destined to become a burr under Kennedy's saddle with his warnings about Soviet missiles in Cuba, endorsed a plan to deny federal aid to state universities practicing segregation.[90] Along with Republican Senators Prescott Bush of Connecticut and Javits of New York, he also sponsored two measures denying funds to segregated hospitals and schools.[91]

Keating directed his toughest criticism at HEW Secretary Abraham Ribicoff, who, like JFK, placed federal aid to education ahead of desegregation. A son of Jewish immigrants, Ribicoff learned the values of hard work and education early in life.[92] Eager to be elected to the U.S. Senate from Connecticut, he was also a "political animal" who at this point in his career wanted to avoid controversy.[93] In 1961 Ribicoff warned senators not to let "side issues" such as desegregation derail the president's aid-to-education bill.[94] A year later he told a House panel that segregated schools were not "automatically" illegal under the "with all deliberate speed" dictum and that antidiscrimination amendments would doom new programs.[95] Accordingly, Keating lamented that Ribicoff, like Kennedy, was "ignoring, not enforcing" the law.[96]

When forced to choose, the administration preferred to sue segregated districts rather than deny them funds. Civil rights leaders pressed Ribicoff to change course and require "impacted" schools to be

https://doi.org/10.1353/jph.2005.0013 Published online by Cambridge University Press

nonsegregated. These schools, whose enrollments had swelled because of their proximity to federal installations, gained funds if they provided "suitable" education for children living on federal property. Accordingly, Ribicoff announced that starting in 1963 segregated schools would no longer constitute suitable education.[97] Marshall testified in favor of a bill outlawing segregation in impacted schools but wanted enforcement via the "positive approach" of a desegregation suit rather than through withdrawal of funds, which was, in his words, "negative and punitive."[98] HEW, meanwhile, affirmed that any action to withhold funds from impacted schools required "authorization by the Congress."[99]

External pressure slowly forced the administration's hand. In January 1963, Emanuel Celler, chair of the House Judiciary Committee, proposed three civil rights bills, including one to require schools to draft "first-step" plans for desegregation.[100] In the Senate, Democratic liberals such as Clark, Philip A. Hart of Michigan, Hubert H. Humphrey of Minnesota, and Paul H. Douglas of Illinois told the president the time was ripe for civil rights legislation.[101] JFK might ignore the demands of GOP liberals but not those of Democrats from large, northern states, who were critical to his own reelection. At the same time, RFK decided that some type of bill was in order. Unveiled early in 1963, the administration's legislation focused narrowly on voting rights and fair employment problems. To enforce *Brown,* it endorsed the carrot, more aid for desegregated schools, over the stick, the withdrawal of funds from those still segregated.[102]

The volatile nature of school desegregation continued to trouble Kennedy. In February 1963, Ambassador-at-Large Chester Bowles prepared to deliver an address at Lincoln University, a historically black college near Philadelphia, in which he criticized both the slow pace of school desegregation and his fellow liberals for resting on the proposition, "The Supreme Court has spoken and victory has been won." Kennedy, quite "disturbed," thought the speech represented a "call to rebellion" and urged Bowles to soften his tone. The ambassador refused, arguing that copies of his remarks had already been distributed to members of the press. JFK, unwilling to spark a national incident, pressed no further. Although relations between Kennedy and Bowles had by this point grown chilly, the ambassador understood JFK's mindset. "The President's reaction to this speech did not reflect any personal opposition to desegregation," Bowles remembered. "But having won by only a narrow margin in 1960, he was hesitant to open up any controversial questions unless absolutely necessary."[103]

Ultimately, mass protest forced Kennedy to endorse new civil rights legislation. In 1963 peaceful demonstrations against segregation in

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Birmingham, Alabama, begun by local blacks and Dr. Martin Luther King Jr., provoked a brutal response by the local police, led by Eugene "Bull" Connor.[104] Telecast nationwide, these events both embarrassed and stirred the president. He decided to discourage future unrest and avoid its fallout by supporting a civil rights bill that went beyond his earlier proposals. In a televised address, JFK stated his intention, calling racial equality a "moral" issue "as old as the scriptures" and "as clear as the American Constitution."[105]

Yet Kennedy's concern about white southern resistance to school desegregation died hard, even under the weight of African American protest. The administration's civil rights bill allowed the Department of Justice to sue districts that were not desegregating. "That's pretty big, isn't it?" Kennedy sighed, after his aides read the provision. "Yes it is," Marshall replied. "It's gonna be pretty tough in Mississippi and those places," JFK remarked. "Yeah," Robert Kennedy conceded, "but . . . we try to do it by conciliation . . . and get some suggestions and recommendations on it. We just don't go into it." The president persisted: "If you live in a place [that is] thirty-five percent Negro . . . you don't want that school integrated, do you?"[106] JFK accepted the section permitting lawsuits reluctantly and only after receiving reassurances from his aides. The federal government, they seemed to tell him, *had* to act on this problem. Kennedy mustered even less enthusiasm for withholding dollars from racially segregated schools. On 16 June, he discussed the matter with his staff and Anthony J. Celebrezze, who had succeeded Ribicoff at HEW. "Celebrezze said he had been following the line laid down by Ribicoff about cutting off funds," Martin jotted. "President seem[ed] irritated."[107] From JFK's past remarks, the likelihood, not the lack, of stronger federal actions to desegregate schools was the source of his irritation.

Following Kennedy's assassination in November 1963, the issue of school desegregation fell to his successor, Lyndon Johnson. The Civil Rights Act of 1964, drafted under Kennedy and passed in revised form under Johnson, added some muscle to *Brown*. Title III of the act empowered the attorney general to sue segregated schools, settling an old question, and authorized the U.S. commissioner of education to assist schools in planning desegregation, the carrot that JFK had suggested earlier. The stick came in Title VI, which directed government agencies to fight discrimination in programs receiving federal aid. Dubbed by Senator Wayne Morse, Democrat of Oregon, as a "Powell amendment of general application," Title VI permitted, but did not mandate, withdrawal of funds from programs practicing bias.[108] Assistant Attorney

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General Norbert Schlei, chief drafter of the civil rights bill, recalled bipartisan support for Title VI on Capitol Hill. Democrats outside Dixie wanted the issue of withholding funds, which threatened every assistance bill, put behind them, while Republicans backed it as an "economy measure."[109] Such GOP liberals as Keating, of course, had opposed aid to segregated schools on constitutional, not fiscal, grounds.

The sweeping scope of Title VI caused both HEW and Justice to reject mandatory withdrawal of aid. The mere capacity to deny funds, HEW's general counsel warned, posed "many problems for the Department."[110] Assistant HEW Secretary Quigley wanted withdrawal of aid to occur "on a program-by-program basis," and Deputy Attorney General Nicholas deB. Katzenbach promised that the administration would not withhold dollars "in a punitive way."[111] Even Clark paused at granting the government such wide latitude under Title VI, which Senator Richard B. Russell, Democrat of Georgia, denounced as an "unwarranted" boon to authority of the executive branch.[112] By authorizing withdrawal of federal aid, Title VI, more than Title II, which outlawed bias in public accommodations, later became the most contentious part of the civil rights law that President Johnson skillfully pushed through Congress.

Regarding civil rights, LBJ's strength was his leadership of Congress, where his record was as opportunistic and fruitful as his slain predecessor's had been cautious and belated.[113] Yet like Kennedy, Johnson was a realist. As a senator, he had muffled his concern for the disadvantaged in order to pacify conservative Texans. As president, Johnson's greatest sense of achievement derived "not from an executive action but from a measure that the Administration had been able to steer through Congress."[114] Like his two predecessors, LBJ saw expanded voting rights as important to racial progress and ranked the Voting Rights Act of 1965 ahead of the Civil Rights Act of 1964 in terms of importance. As Johnson explained: "Once the black man's voice could be translated into ballots, many other breakthroughs would follow."[115]

In contrast, the desegregation of schools, an administrative chore, never sustained Johnson's interest. As a southern senator with national ambitions, LBJ, unlike JFK, could neither avoid the issue nor exploit it politically. As a result, Johnson tried to sound moderate, endorsing *Brown* without zeal. He warned Texans, who by three to one disapproved of *Brown*, that the ruling could not be overturned but predicted that southerners would "work this matter out within the boundaries of the Supreme Court decision."[116] In 1956, LBJ joined with Democratic Senators Albert Gore Sr. and Estes Kefauver of Tennessee in refusing to

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sign the "Southern Manifesto," a segregationist treatise backed by all other southern senators. In so doing, Johnson, then Senate majority leader, maintained ties with Democrats of all regions and kept viable his prospects for higher office. As president, LBJ considered school desegregation a vexing problem, not a pressing concern. "We've got to be understanding," he told Governor Carl Sanders of Georgia, a racial moderate, in 1965. "We can't go through another Reconstruction. We've taken a hundred years to live that down."[117]

Within this setting, enforcement of desegregation under Title VI fell to HEW's Office of Education, which distributed federal aid to schools. Commissioner of Education Francis Keppel felt stymied by five hundred districts that had submitted plans for desegregation, most of them unacceptable.[118] Faced with denial of funds over a "widespread area" or acceptance of a "lot of worthless paper as compliance," Keppel moved to explain what his office expected of districts set to desegregate. HEW and Justice seconded the idea.[119] HEW Secretary Celebrezze directed that any statement be cast as "guidelines," authorized by his department, not "regulations," requiring presidential approval. Rather than Johnson, this one-time mayor of Cleveland reasoned, "HEW should bear the political burden."[120] The White House voiced no objection.

Johnson's hands-off approach merits explanation, since it conflicts with what historians have written about his handling of desegregation. Allen J. Matusow, relying on the oral histories of LBJ's two commissioners of education, portrayed the president as prodding his lieutenants to do more to desegregate schools. "Not until the civil rights movement migrated North," Matusow argued, "did his commitment falter."[121] Johnson biographer Robert Dallek agreed.[122] Yet LBJ's willingness to solicit the opinions of white southerners, such as Sanders, and his public silence on school desegregation, something even Matusow acknowledged, suggests that he had not written off Dixie and wished to defray the political costs of a Second Reconstruction.[123] If Johnson's desegregation policies departed from those of earlier presidents, his feelings about and posturing on *Brown* differed little.

LBJ's silence appeared to depart from his usual leadership style. According to the political scientist Larry Berman, Johnson "often insisted that important announcements originate from the White House, not the departments" and seldom used cabinet members as lightening rods, meaning that "the President, not his staff, caught flack on many issues."[124] Yet regarding civil rights, such scholars as Alan Wolk and James Harvey have noted LBJ's "laissez faire attitude" toward

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executive branch enforcement of the laws he had secured from Congress.[125] Moreover, Johnson was willing to appease white backlash, especially in the aftermath of rioting by blacks. In 1965, following the unrest in Watts, LBJ undertook a "tactical pause" by limiting his public discussions of race and shifting his focus to other issues.[126]

In 1965, HEW announced its school desegregation guidelines, which combined bold aims with mild enforcement. They called upon schools to make a "good faith start" by desegregating at least four grades for the 1965–66 academic year and set autumn 1967 as the "target date" for completing desegregation. To guarantee federal assistance, districts had either to assure HEW that they were in compliance with *Brown*, follow a "final" court order, or file a desegregation plan with the Office of Education. Yet HEW hedged by declaring "freedom of choice" plans acceptable if they offered pupils "an adequate opportunity to make a choice." These plans placed the burden of desegregation on blacks, who had to apply for admission to white schools, and they emerged as a delaying tactic, since whites almost never chose to attend black schools. Also, to "take some of the sting out of the 1967 target date," the guidelines empowered the commissioner of education to modify the final deadline to enable schools to retain their federal assistance.[127] Nevertheless, Senator Strom Thurmond, Republican of South Carolina, denounced the 1967 target as "impractical" and "unwise," while civil rights leaders criticized freedom-of-choice plans for encouraging whites to intimidate black parents "so that they dare not exercise any choice."[128]

The administration's greatest failing in this first set of guidelines was allowing freedom of choice plans to continue. One example, from Dorchester County on Maryland's Eastern Shore, illustrates how whites used such plans to thwart desegregation. In 1957 the county's board of education began accepting "bona fide requests" to change schools from students in Mace High, the black school, and Cambridge High, its white counterpart.[129] The option of enrolling in either school started with juniors and seniors and gradually became available to pupils in the lower grades. Alas, by 1963, no black and white students attended school together. In September 1962, three African Americans had enrolled in Cambridge High, but, after nine days, they withdrew in the face of harassment.[130] Nevertheless, since "no pupils" had filed requests to change schools "for any grade," the county school superintendent in 1963 declared Dorchester County in "good faith" compliance with school desegregation requirements.[131] While the Johnson administration, of course, had a very different idea of what "good faith" compliance meant, that troublesomely vague phrase had entered its guidelines on desegregation.

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There was plenty of blame to go around. Officials at HEW "expected" freedom-of-choice plans to generate "considerable controversy" and yet endorsed them anyway.[132] Keppel believed that a gigantic carrot, the $1.3 billion Elementary and Secondary Education Act of 1965, would entice southerners to desegregate and claim their share of the mushrooming federal education budget. C. Douglass Cater, the White House aide who handled education issues and coordinated the drafting of the guidelines, wanted it both ways: a policy that was "enforceable" and would not obstruct the stream of federal dollars into schools.[133] Celebrezze and White House aides, in the meantime, kept school desegregation away from LBJ and in so doing undermined their own efforts. Segregationist Governor George C. Wallace of Alabama doubted the legality of the guidelines since Johnson had not signed them.[134] David S. Seeley, director of equal opportunity at HEW, grasped the department's "vulnerability" and urged reissuing the guidelines as "official regulations approved by the President."[135] That never happened.

The 1965 guidelines had a mixed impact. On the one hand, the storm produced by the guidelines reflected an emerging shift in national policy and presidential politics. To the South, they signaled that education policy as it related to race increasingly would fall under the watchful gaze of federal officials. And, beginning with Johnson, presidents would have a more difficult time evading the question of school desegregation. On the other hand, HEW's policy posted few gains in desegregation. In 1966 the U.S. Commission on Civil Rights reported that across the Deep South only one in thirteen black children attended school with whites. The panel faulted freedom-of-choice plans and lax enforcement by HEW for the slow pace and urged revising, not ending, the free-choice approach.[136] It did not press the Office of Education to withhold funds under Title VI, suggesting that liberals remained uneasy with that penalty.

While the administration had moved beyond its predecessors in pressing for desegregation, it still held back. Johnson, like Eisenhower and Kennedy, failed to affirm what Harry Ashmore had called the "doctrine of inevitability," the idea that the South would have no choice but to desegregate its schools.[137] In resisting *Brown*, white southerners had proven resourceful, especially after Little Rock showed the futility of confronting the national government. By the mid-1960s, asserting the idea of inevitable desegregation would have required a combination of federal actions, including Justice Department lawsuits, court orders, stricter HEW guidelines, Title VI cutoffs, and presidential, not departmental,

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leadership to educate the public about its responsibilities. Johnson's team instead placed added pressure on segregated schools via HEW, not Justice, and in a manner that would limit the political damage to the president. The result would be meager desegregation.

Guidelines and More Guidelines

Between 1966 and 1968, the pattern of enforcement continued. HEW twice revised its guidelines, upsetting white southerners while desegregating few districts. The White House found itself trapped between HEW officials, who were serious about enforcing desegregation, and reluctant members of Congress, who sensed the rising backlash against racial integration. Accordingly, federal courts expressed impatience over the delays in implementing *Brown,* while LBJ's last HEW secretary ultimately concluded that desegregation required a new approach.

By 1966 some administration officials, for different reasons, favored tougher guidelines. Commissioner of Education Harold Howe II, a self-described "agitator" who had replaced Keppel in 1965, advocated "more rigorous steps" on desegregation.[138] For John W. Gardner, Celebrezze's successor at HEW, stricter guidelines were "absolutely necessary."[139] Neither man was a politician; Gardner came from the Carnegie Foundation, where he had been president, while Howe later joined the Ford Foundation, where he worked to improve education in India. If HEW, with its social welfare programs, became an attractive venue for idealistic liberals, officials at the Department of Justice, long at the center of civil rights controversies, proved more practical. Katzenbach advised Johnson to "move firmly now" on school desegregation to "get most of the painful steps behind us before 1968," the year of the next presidential election.[140] While the appointment of Howe and Gardener might suggest a presidential commitment to enforce school desegregation, it is not certain that LBJ appointed them chiefly for that purpose. Moreover, as we will see, other presidential appointees proved more cautious on desegregation.

The new guidelines, fashioned by Gardner, Howe, Katzenbach, and their staffs, were somewhat more stringent than those issued the year before. Released in March 1966, the updated statement called for "substantial progress" in school desegregation for the 1966–67 school year.[141] Otherwise the new guidelines represented another exercise in compromise. They kept the 1967 target date for completing desegregation, a sop to civil rights advocates, and free-choice plans, long favored by southern

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educators and politicians.[142] Furthermore, HEW, on the advice of Peter Libassi, an aide to Gardner, again cast its policy as departmental guidelines rather than regulations signed by the president. Seeley disagreed with this decision, arguing that without gaining Johnson's approval, HEW spread doubt as to "whether the guidelines constitute the final word in the Administration's policy."[143] Since Johnson's poll numbers in Dixie had been respectable following his election in 1964, he had no incentive to enter this fray.[144] Gardner correctly warned LBJ that "southern school officials will claim that the guidelines ask too much" while "civil rights groups will claim that they ask too little."[145] The desegregation issue was forcing LBJ either to straddle or risk dividing his party.

Although some administration officials thought Johnson was firmly behind the guidelines, the White House had grown wary of HEW.[146] Early in 1966, LBJ insisted that HEW contact southern politicians and educators before redrafting its desegregation rules; Johnson especially wanted to "touch base" with Governor John B. Connally of Texas, his long-standing political protégé, on how they might be received.[147] Before HEW initiated its first hearing, against Baker County, Georgia, for violating Title VI, LBJ bypassed the department, telling staffers to "go over [the procedure] very carefully with Katzenbach—Have K. talk to the two senators."[148] Responding to southern complaints about the revised guidelines, the president stressed both their limited scope and acceptance of "freedom of choice."[149] When White House assistant Douglass Cater urged financial incentives to foster school desegregation and a presidential announcement of such a policy, Johnson deferred to another aide: "Talk to [Joe] Califano. I'm speaking too much."[150]

Johnson proved reluctant to deny federal dollars to schools. He had an "almost mystical faith in the capacity of education to transform people's lives."[151] Or, as Hugh Davis Graham put it, "His constantly reiterated faith in the almost panacean powers of education is universally conceded as genuine."[152] Accordingly, LBJ did not want schools harmed by loss of federal funds. That seemed likely to happen in 1965, when Commissioner of Education Keppel delayed granting $30 million to Chicago schools suspected of violating Title VI. Chicago Mayor Richard J. Daley, a Johnson ally, protested, and the White House brought HEW into line.[153] The president ordered Wilbur J. Cohen, HEW's undersecretary and a longtime administrator, to "go out there and settle it."[154] Within twenty-four hours, Cohen struck a bargain, allowing the schools to regain their aid in exchange for pledges by the Chicago Board of

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Education to review its racial policies. This "surrender" dismayed Adam Clayton Powell Jr.[155] Others surmised that LBJ would never sacrifice his Great Society programs on the altar of desegregation. "There is a fear," an assistant to Senator Clark observed, "that the President, rather than have Medicare flop, will order HEW to cave in and find some way to give Medicare money to [segregated] hospitals."[156]

Some White House officials differed with HEW over the need to withhold funds. In 1966 Cater, LBJ's point man on education, called Title VI a "faulty instrument" that had transformed the commissioner of education "into policeman, judge and jury" on desegregation. He argued that denying aid to schools only hurt disadvantaged black children and urged using "the carrot rather than the stick to achieve desegregation."[157] HEW objected. Gardner and Howe, while eager to lavish dollars on education, asserted that their department could not swap the power to withdraw funds for financial rewards because all federal aid fell under Title VI.[158] Accordingly, by the end of 1966, HEW had terminated aid to forty-six segregated districts.[159]

The guidelines and withdrawals—HEW's first under Title VI—inspired a congressional counterattack. Representative William B. Spong, Democrat of Virginia, thought HEW's policy the "biggest single drawback facing the Democratic party in the South."[160] Northerners, jarred by ghetto rioting, shrank before rising white backlash. Senate Majority Leader Mike Mansfield of Montana said that desegregation of hospitals and schools was moving "too fast."[161] Within this setting, LBJ agreed to meet with Congressman Harold D. Cooley, a very conservative North Carolina Democrat, who one White House assistant labeled a "bum," to listen to him "fuss" about the guidelines.[162]

Between late 1966 and early 1968, the contours of Johnson's desegregation policy remained in place. LBJ voiced his intention to "enforce the law," then beseeched aides to review carefully protests from southern congressmen. Gardner, meanwhile, defended Howe as a "very fine" commissioner.[163] And Howe pledged to fight on.[164] In December 1966, HEW received a boost when the U.S. Fifth District Court of Appeals, with authority over the Deep South, ruled in *United States v. Jefferson County Board of Education* that the guidelines and the 1967 target for school desegregation fell "within the scope of the Civil Rights Act."[165] "The only school desegregation plan that meets constitutional standards," Chief Judge John Minor Wisdom maintained, "is one that works." "*Jefferson*," the historian James T. Patterson observed, "marked a long stride in the direction of judicial supervision of public education."[166] Nevertheless, in 1967 only 14 percent of black children in the South attended desegregated schools.[167]

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Over time, congressional salvos took their toll, and the Office of Education lost influence to LBJ's realistic political advisers. During 1967 Congress debated a number of measures that would have weakened Title VI. For example, Representative Albert Quie, Republican of Minnesota, proposed replacing aid to specific educational programs with bloc grants, allowing states to spend federal dollars with little oversight.[168] Although the amendment never became law, Gardner felt the winds shift. The secretary, pressed by Congress and Cater, centralized authority for civil rights in his own office, transferring desegregation policy from Howe, HEW's resident advocate, to Libassi, who had advised against having LBJ sign the guidelines.[169] Johnson, aware of the "loud objections" to HEW's enforcement of Title VI, approved the reorganization.[170]

The year 1968 wrought additional changes in school desegregation policy. First, Johnson promoted Wilbur Cohen from undersecretary to secretary of HEW, succeeding Gardner, who left in January.[171] Wily and realistic, Cohen was both a veteran administrator willing to work with Congress and a politically savvy Democrat eager to serve his president. When Johnson once inquired if "anyone with political sensitivity" had reviewed HEW's Title VI guidelines, Howe proposed Cohen since "Wilbur's antennae take the political temperature as well as any."[172] Moreover, the incoming secretary's expertise was social insurance, not civil rights, and he preferred to expand an existing program rather than initiate a new one.[173]

Under Cohen, the department revised and extended its Title VI guidelines. Issued in March 1968, HEW's newest guidelines ordered northern schools to end segregation caused by methods other than housing patterns. In so doing, they softened the protests of white southerners, who no longer felt singled out. And by not requiring an end to de facto segregation through the busing of children, a contentious tactic, they dampened northern criticism. Regarding the South, HEW kept freedom-of-choice plans but now set a deadline: all schools had to be desegregated by the start of the 1969–70 academic year.[174]

Events outraced HEW's guidelines. In March 1968, Johnson announced that he would not seek reelection, meaning he would not be responsible for implementing the 1969 deadline for desegregation. The guidelines failed to bury concerns about busing, anathema to most whites; in 1968 the House approved an amendment to ban the compulsory busing of pupils.[175] Mostly, the days of freedom-of-choice plans appeared numbered. In May, the Supreme Court, in *Green v. New Kent County* (1968), decreed that when such plans had proven deficient, more

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effective means had to be employed. Writing for a unanimous court, Justice William J. Brennan ordered school boards to design desegregation remedies that would "work now."[176] Although the court had not invalidated all free-choice plans and had proposed no alternative method for desegregation, it placed the burden for finding solutions on school boards, not parents. Judicial patience with southern delays was wearing thin.[177]

The court may have grown weary with HEW as well. Cohen, like many liberals, placed enhancing education with more dollars ahead of abolishing Jim Crow, and, like LBJ, he was reluctant to withhold money from segregated schools and eager to restore their eligibility for federal funds.[178] The prolonged desegregation of southern schools did not distress him too much. In July 1968, Cohen defended HEW's policy as "working reasonably well from the standpoint of securing voluntary compliance."[179] Yet by late 1968 only 15 percent of black children attended desegregated schools in Dixie.[180]

Cohen's realism also left him open to new ideas, such as using court action, initiated by the Justice Department, to enforce Title VI. Late in 1968, William L. Taylor, a fellow at Yale Law School, examined the shortcomings of federal civil rights policy and its reluctance to apply sanctions, including the withdrawal of funds. He asserted that litigation, "once the only civil rights weapon of the government," had fallen out of favor, even as a "backup remedy for Title VI type policies." Schools willing to forgo federal aid in order to keep Jim Crow facilities could do so under HEW's guidelines, he rightly argued, but they could not evade a court order telling them "to stop discriminating."[181] Cohen, who reached many of same conclusions as Taylor, proposed transferring Title VI enforcement from HEW to Justice.[182]

Under LBJ, however, court enforcement went only so far. Following the *Green* decision, Attorney General Ramsey Clark launched Justice's "first coordinated South-wide desegregation campaign," entreating federal courts to require 159 districts to replace freedom-of-choice plans with more effective desegregation methods.[183] Yet the Leadership Conference on Civil Rights opposed any wholesale shift of enforcement from HEW to Justice as "unwise." Wilkins, speaking for the organization, worried that lawsuits, pursued case by case, would delay school desegregation, which he thought could happen through more, not less, action by HEW.[184] Cohen, in his final days at HEW, elected to leave this question to the new administration.

Wilkins's stand against Justice Department litigation was, on one level, understandable. Litigation had a reputation for being expensive,

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slow, and often futile; Jack Greenberg, a longtime NAACP lawyer worried that "segregation forever" would become "litigation forever."[185] Nevertheless, sterner enforcement by HEW alone might have inflamed white backlash and renewed the congressional assault on Title VI. Would it have been unreasonable to try suing segregated districts since, as JFK had noted earlier, all citizens are subject to the courts? Moreover, the existing HEW policy had proven inadequate. By March 1968, ninety-eight districts had lost federal aid, and the administration planned no action to bring them into compliance.[186] "Progress has been minimal," Howe admitted late in 1968.[187] Not surprisingly, White House fact sheets, which trumpeted the administration's accomplishments on civil rights, avoided LBJ's record on school desegregation altogether.[188] By 1969 a fresh approach to desegregation seemed in order.

Legacies: Toward the "Doctrine of Inevitability"

On school desegregation, Richard Nixon's policies departed from those of Kennedy and Johnson, but his initial caution did not. As with earlier policymakers, Nixon and his advisers deemed school desegregation an "intensely controversial" issue.[189] The new president also placed other rights-related issues ahead of school desegregation, telling aides, in words reminiscent of Kennedy: "Jobs are more important to Negroes than anything else."[190] Yet with the courts applying greater pressure on schools to desegregate, it was, in the end, Nixon, not JFK or LBJ, who "completed the task ordered by the Supreme Court in 1954 to end school segregation."[191]

Like his Democratic predecessors, Nixon distanced himself from school desegregation. At the outset, he left the matter to his HEW secretary, Robert H. Finch, a liberal Republican friendly to previous policies.[192] Finch sought to enforce Johnson-era guidelines, complete with funding cutoffs and deadlines, to desegregate schools. But Nixon, not unlike Kennedy, wanted the judicial, not the executive, branch to absorb the political fallout of desegregation. He thus shifted responsibility for school desegregation from HEW to Justice, relied on lawsuits, not denial of funds, to implement the law, and postponed the fall 1969 deadline. In so doing, Nixon endured a public scolding from civil rights leaders.[193] Partly as a result, the perception of Johnson as a vigorous desegregator and Nixon as a timid enforcer persisted for over a decade.[194]

Nixon, in fact, succeeded where JFK and LBJ had failed. Justice Department lawsuits helped force rebellious districts to carry out

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previously drafted, but unimplemented, desegregation plans. And the denial of federal aid, although not favored by the White House, remained an option for the government. Most important, the Supreme Court, in *Alexander v. Holmes County* (1969), ordered the South to "terminate dual school systems at once."[195] A firm judicial mandate, litigation, and memories of Title VI enforcement by HEW, which had so abraded the South, together revived Ashmore's "doctrine" that school desegregation was now "inevitable." White southerners surrendered as two million African Americans entered desegregated schools during the autumn of 1970.[196] By 1972, 8 percent of southern blacks were enrolled in all-black schools, down from 68 percent in 1968.[197] Nixon, like Kennedy and Johnson, was a reluctant desegregator. Pressed by the Supreme Court, however, the president in 1970 paid greater attention to school desegregation than his two Democratic predecessors had.[198] "He got the job done," the journalist Tom Wicker observed, partly by conferring with white southerners to persuade them to comply with *Alexander.*[199]

In retrospect, the clearest continuity between the policies of Kennedy, Johnson, and Nixon was their respect for federalism. All three men knew that education historically had been a local concern and that racially segregated schools had been legal for over half a century. Accordingly, Kennedy could not imagine his education commissioner "trying to write a plan for desegregation in South Carolina."[200] Neither could Johnson, who relied on HEW to implement desegregation plans drafted by southerners, and neither could Nixon, who formed committees of prominent southern whites and blacks to encourage voluntary compliance following *Alexander.* While scholars often credit Republicans with displaying greater sensitivity to state and local prerogatives on civil rights, that was not always the case.[201] In 1963, Kennedy told civic leaders from Birmingham, Alabama, that he favored local solutions, which were "better than anything I can say up here about what you ought to do."[202] Similarly, in 1970, Nixon reminded southerners that the choice between "good schools, inferior schools, or no schools" rested with them.[203]

The greatest policy change occurred when Nixon transferred responsibility for school desegregation from HEW to Justice. The president understood the dilemma of Title VI. "When funds are cut off," he explained, the "law has failed. [You have] neither integration [n]or education."[204] Nixon, like Doug Cater and Wilbur Cohen, saw Title VI, by itself, as a flawed vehicle for desegregation. Unlike Johnson, however, he oriented his policy away from it.

The shift in policy involved style as much as substance. Nixon capitalized on southern perceptions of Johnson and HEW as "arrogant"

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enforcers of desegregation by casting his policies as "even-handed."[205] Partly as a result, Nixon solidified his white southern support. Then, in 1970, he formed biracial, state-level committees to encourage compliance with *Alexander.* True, Nixon had not planned this course of action from the start. And his school desegregation policy dismayed conservatives such as Strom Thurmond.[206] Nonetheless, the president's "velvet, soft glove" approach, as Harry S. Dent Jr., his southern strategist, labeled it, benefited from having a suitable foil.[207] Put another way, Nixon played good cop to HEW's, and Johnson's, bad cop.

School desegregation continued to bedevil Nixon's successors, especially after the issue migrated north. When the U.S. Commission on Civil Rights in 1977 urged a White House Conference on Desegregation, President Jimmy Carter dismissed the idea as duplicating the panel's own work.[208] White House fact sheets accented Carter's successes in making added funds available to schools, not its position on overcoming racial imbalance in education.[209] By keeping school desegregation policy distant from the White House and improving education with greater federal aid, Carter, for better or worse, acted within the contours of recent federal policy.

Despite their shortcomings, the policies of Kennedy and Johnson form an important chapter in the struggle for school desegregation. They highlight the problems that this issue raised for national politicians mindful of both black and white opinion. The decisions of both presidents underscore how officials selected from a range of rights-related remedies, and how civil rights came to be balanced against other imperatives, such as bolstering education with additional federal money. Lastly, the frustration of school desegregation policy during the 1960s helps to explain Nixon's relative success in this area. Inconsistent, ineffective enforcement by HEW, combined with the growing impatience of the judiciary, paved the way for Nixon's court enforcement approach, the *Alexander* decision, and the encouragement of compliance through state committees. By 1970, the cumulative effect of these actions had signaled to white southerners that the prolonged era of delay on *Brown* was nearing an end.

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Acknowledgments

In researching this article, I received financial support from the Lyndon B. Johnson Library in Austin, the John F. Kennedy Library in Boston,

https://doi.org/10.1353/jph.2005.0013 Published online by Cambridge University Press

and the Charles R. and Martha N. Fulton School of Liberal Arts, Department of History, and University Foundation—all at Salisbury University. For their comments, insights, and encouragement, I thank the journal's anonymous referees as well as Dean J. Fafoutis, Jamie Manuele, Ricky Earl Newport, Timothy G. O'Rourke, Elizabeth Ragan, Clara Small, Polly Stewart, Donald Whaley, and Taryn White.

Notes

1. "White House Pattern Seen in Desegregation," *Los Angeles Times,* 3 December 1969, 1-A, 2.

2. A mostly favorable account of Kennedy's handling of civil rights is Carl M. Brauer, *John F. Kennedy and the Second Reconstruction* (New York, 1977), while more critical accounts include Mark Stern, *Calculating Visions: Kennedy, Johnson, and Civil Rights* (New Brunswick, N.J., 1992), 1–112; Allen J. Matusow, *The Unraveling of America: A History of Liberalism in the 1960s* (New York, 1984), 60–96; Kenneth O'Reilly, *Nixon's Piano: Presidents and Racial Politics from Washington to Clinton* (New York, 1995), 189–237; and Robert Dallek, *An Unfinished Life: John F. Kennedy, 1917–1963* (Boston, 2003), 707. Favorable interpretations of Johnson's handling of civil rights include Steven F. Lawson, "Civil Rights," in *Exploring the Johnson Years,* ed. Robert A. Divine (Austin, 1981), 93–114; John Morton Blum, *Years of Discord: American Politics and Society, 1961–1974* (New York, 1991), 162–86; Irving Bernstein, *Guns or Butter: The Presidency of Lyndon Johnson* (New York, 1996), 80–81, 244; Joseph A. Califano Jr., *The Triumph and Tragedy of Lyndon Johnson* (College Station, Tex., 2000), 55–57; and Jeremy D. Mayer, "LBJ Fights White Backlash: The Racial Politics of the 1964 Presidential Campaign," *Prologue* 33 (Spring 2001): 7–19. More critical accounts include Matusow, *Unraveling of America,* 180–216; O'Reilly, *Nixon's Piano,* 239–76; Robert A. Caro, *The Years of Lyndon Johnson,* Vol. 3, *Master of the Senate* (New York, 2002), 711–60; Robert Dallek, *Flawed Giant: Lyndon Johnson and His Times* (New York, 1998), 111–21, 211–26, 322–29.

3. Works that portray Nixon as an opportunistic reformer in domestic affairs include Hugh Davis Graham, *The Civil Rights Era: Origins and Development of National Policy* (New York, 1990); John David Skrentny, *The Ironies of Affirmative Action: Politics, Culture, and Justice in America* (Chicago, 1996); J. Brooks Flippen, *Nixon and the Environment* (Albuquerque, 2000); Gareth Davies, "The Great Society After Johnson: The Case of Bilingual Education," *Journal of American History* 88 (March 2002): 1405–29. Scholars who credit Nixon with having some liberal principles include Tom Wicker, *One of Us: Richard Nixon and the American Dream* (New York, 1991); Joan Hoff, *Nixon Reconsidered* (New York, 1994); Melvin Small, *The Presidency of Richard Nixon* (Lawrence, Kan., 1999); Dean J. Kotlowski, *Nixon's Civil Rights: Politics, Principle, and Policy* (Cambridge, Mass., 2001); Iwan Morgan, *Nixon* (London, 2002), 67–94.

4. The literature on the civil rights struggle and resultant backlash is large and growing. See Robert Weisbrot, *Freedom Bound: A History of America's Civil Rights Movement* (New York, 1990); Harvard Sitkoff, *The Struggle for Black Equality, 1954–1992,* rev. ed. (New York, 1992); Taylor Branch's two volumes, *Parting the Waters: America in the King Years, 1954–1963* (New York, 1988) and *Pillar of Fire: America in the King Years, 1963–1965* (New York, 1998); and John A. Salmond, *"My Mind Set on Freedom": A History of the Civil Rights Movement* (Chicago, 1997). Conservative backlash is discussed in William C. Berman, *America's Right Turn: Nixon to Clinton,* 2d ed. (Baltimore, 1998); Jonathan Rieder, *Canarsie: The Italians and Jews of Brooklyn Against Liberalism* (Cambridge, Mass., 1983); Ronald P. Formisano, *Boston Against Busing: Race, Class, and Ethnicity in the 1960s and 1970s* (Chapel Hill, N.C., 1991); Dan T. Carter, *The Politics of Rage: George Wallace, the*

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Origins of the New Conservatism, and the Transformation of American Politics (New York, 1995). Policy historians have analyzed the events of the 1950s, especially the social, political, and legal impact of *Brown*. See Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York, 1975); J. Harvie Wilkinson, *From Brown to Bakke: The Supreme Court and School Integration* (New York, 1979); George R. Metcalf, *From Little Rock to Boston: The History of School Desegregation* (Westport, Conn., 1983); Tony Freyer, *Little Rock: A Constitutional Interpretation* (Westport, Conn., 1984); Michael Klarman, "How *Brown* Changed Race Relations: The Backlash Thesis," *Journal of American History* 81 (June 1994): 81–118; James T. Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy* (New York, 2001).Other scholars have examined how Kennedy and Johnson diffused crises, such as protests in Birmingham, Alabama, during 1963, or how they worked to pass civil rights laws and enhance employment opportunities. Brauer, *John F. Kennedy and the Second Reconstruction;* James N. Giglio, *The Presidency of John F. Kennedy* (Lawrence, Kan., 1991), 159–87; Irving Bernstein, *Promises Kept: John F. Kennedy's New Frontier* (New York, 1991), 44–117; Graham, *Civil Rights Era,* 27–297; Bernstein, *Guns or Butter* (New York, 1996), 43–81, 214–44; Lawson, "Civil Rights," 93–125; Steven F. Lawson, "Mixing Moderation with Militancy: Lyndon Johnson and African-American Leadership," in *The Johnson Years,* Vol. 3: *LBJ at Home and Abroad,* ed. Robert A. Divine (Lawrence, Kan., 1994), 82–116. Historians then leaped into studying Nixon's presidency before other parts of the Kennedy and Johnson administrations, such as school desegregation received thorough treatment.

5. The best account of school desegregation during the 1960s remains Gary Orfield, *The Reconstruction of Southern Education: The Schools and the 1964 Civil Rights Act* (New York, 1969). Revisionist accounts of Nixon's school desegregation policies include Wicker, *One of Us,* 484–94; Hoff, *Nixon Reconsidered,* 83–90; Dean J. Kotlowski, "Nixon's Southern Strategy Revisited," *Journal of Policy History* 10, no. 2 (1998): 207–38; and idem, *Nixon's Civil Rights,* 15–43. President Gerald R. Ford and school desegregation has received treatment in Lawrence J. McAndrews, "Missing the Bus: Gerald Ford and School Desegregation," *Presidential Studies Quarterly* 27 (Winter 1997): 791–804.

6. Dallek, *An Unfinished Life,* 518.

7. Jack Greenberg, *Crusaders in the Courts: How a Dedicated Band of Lawyers Fought for the Civil Rights Revolution* (New York, 1994), 110.

8. Graham, *Civil Rights Era,* 233–54, 301–45, 468–70. Graham especially sees a policymaking vacuum occurring under Nixon. See Hugh Davis Graham, "Richard Nixon and Civil Rights: Explaining an Enigma," *Presidential Studies Quarterly* 26 (Winter 1996): 93–100, 102–4. For an insightful look at the unintended consequences of national policymaking, see Steven M. Gillon, *"That's Not What We Meant to Do": Reform and Its Unintended Consequences in Twentieth-Century America* (New York, 2000).

9. David Halberstam, *The Fifties* (New York, 1993), 423.

10. Sitkoff, *The Struggle for Black Equality,* 23.

11. Good examples of these judges are Elbert Parr Tuttle, Chief Judge of the Fifth District Court of Appeals, covering the states of Texas, Louisiana, Mississippi, Alabama, Georgia, and Florida, and District Judge J. Skelly Wright. See Jack Bass, *Unlikely Heroes: The Dramatic Story of the Southern Judges Who Translated the Supreme Court's Brown Decision into a Revolution for Equality* (New York, 1981), 15–22, 112–24.

12. Jack Bass, *Taming the Storm: The Life and Times of Judge Frank M. Johnson, Jr. and the South's Fight over Civil Rights* (New York, 1993), 273.

13. John Bartlow Martin, *The Deep South Says Never* (New York, 1957), 1 (quotation). On the issue of interracial marriage, see also Robert Sherrill, *Gothic Politics in the Deep South* (New York, 1969), 37, 90, 228, 286.

14. James Graham Cook, *The Segregationists* (New York, 1962), 204.

15. James T. Patterson, *Grand Expectations: The United States, 1945–1974* (New York, 1996), 391.

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16. Steve Neal, *The Eisenhowers* (Lawrence, Kan., 1984), 383.

17. Numan V. Bartley, *The New South, 1945–1980* (Baton Rouge, 1995), 195.

18. Dwight D. Eisenhower to Swede Hazlett, 22 July 1957, Folder: July 1957—DDE Dictation, Box 25, Dwight D. Eisenhower Diary Series, Ann C. Whitman File, Dwight D. Eisenhower Papers, Dwight D. Eisenhower Library (DDEL), Abilene, Kansas.

19. Eisenhower to Ralph McGill, 26 February 1959, Folder: Ralph McGill, Box 23, Name Series, Whitman File, Eisenhower Papers, DDEL.

20. Ann C. Whitman Diary, 10 July 1957, Folder: July 1957—ACW (2), Box 9, Ann Whitman Diary Series, Eisenhower Papers, DDEL.

21. Eisenhower to James F. Byrnes, 23 July 1957, Folder: July 1957—DDE Dictation, Box 25, Eisenhower Diary Series, Whitman File, Eisenhower Papers, DDEL.

22. Bartley, *The New South,* 159; Robert Frederick Burk, *The Eisenhower Administration and Black Civil Rights* (Knoxville, Tenn., 1984), 204–5.

23. "Stevenson Favors Going Slow on Desegregation," *New York Herald Tribune,* 8 February 1956, Folder 9, Box 354, Adlai E. Stevenson Papers, Seeley G. Mudd Library, Princeton University (PU), Princeton, New Jersey.

24. Harry S. Ashmore to Adlai E. Stevenson, 30 March 1956; "Eric Sevareid, CBS Radio News Analysis," 14 February 1956; News release, 14 February 1956—all in Folder 9, Box 354, Stevenson Papers, PU.

25. Richard A. Watson, *The Presidential Contest* (New York, 1984), 86.

26. Herbert S. Parmet, *Jack: The Struggles of John F. Kennedy* (New York, 1980), 408–14.

27. Roy Wilkins to John F. Kennedy (JFK), 29 May 1958, Folder: Civil Rights 5/6/58–10/30/58, Box 9, Subject Files 1953–60, Theodore C. Sorensen Papers, John F. Kennedy Library (JFKL), Boston.

28. Edwin O. Guthman and Jeffrey Shulman, eds., *Robert Kennedy: In His Own Words* (New York, 1988), 149.

29. "Record of Senator John F. Kennedy (Dem.-Mass.) on Civil Rights and Race Relations," no date, Folder: Civil Rights 11/3/58–2/6/59, Box 9, Subject Files 1953–60, Sorensen Papers, JFKL.

30. Jackie Robinson Column, no date, Folder: Jackie Robinson, Box 649, General Correspondence, Richard M. Nixon Pre-Presidential Papers, National Archives–Pacific Southwest Region, Laguna Niguel, California.

31. "Statement of Senator John F. Kennedy," 27 September 1957, Folder: Civil Rights 9/10/57–3/28/58, Box 9, Subject Files 1953–60, Sorensen Papers, JFKL.

32. JFK news release, 18 October 1957, Folder: Civil Rights 9/10/57–3/28/58, Box 9, Subject Files 1953–60, Sorensen Papers, JFKL.

33. Adam Clayton Powell Jr. to JFK, 5 November 1957, Folder: Civil Rights 9/10/57–3/28/58, Box 9, Subject Files 1953–60, Sorensen Papers, JFKL.

34. Conversation between John F. Kennedy and Eugene Carson Blake, 30 September 1963, audiotape #113.2, Presidential Recordings, President's Office Files (POF), John F. Kennedy (JFK) Presidential Papers, JFKL.

35. Conversation between John F. Kennedy, Landon Miller, Caldwell Marks et al., 23 September 1963, audiotape #112.6, Presidential Recordings, POF, JFK Presidential Papers, JFKL.

36. Jacob K. Javits news release, 13 January 1959, Folder 4, Box 1001, Series II, Kenneth B. Keating Papers, Rush Rhees Library, University of Rochester (UR), Rochester, New York.

37. "Wilkins Defends Plank on Rights," *New York Times,* 18 July 1960, 11; Joint press release by Senators Kenneth B. Keating and Hugh Scott, 8 August 1960, Folder 4, Box 1001, Series II, Keating Papers, UR.

38. Chester Bowles, *Promises to Keep: My Years in Public Life, 1941–1969* (New York, 1971), 291; Howard B. Schaffer, *Chester Bowles: New Dealer in the Cold War* (Cambridge, Mass., 1993), 174.

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39. "Statement on Democratic Civil Rights Plank," 13 July 1960, Folder 4, Box 1001, Series II, Keating Papers, UR.

40. Louis E. Martin Oral History for the John F. Kennedy Library, 14 March 1966, 14, Folder 8, Box 5, Louis Martin Papers, Manuscript Division, Library of Congress (LC), Washington, D.C.

41. "Wilkins Defends Plank on Rights," *New York Times,* 18 July 1960, 11; "Barnett Presses His Bid for Bolt," *New York Times,* 28 July 1960, 18 (quotation).

42. Bowles, who led the fight for the plank, and Harris Wofford, who drafted it, both used the phrase "cursory glance" to describe JFK's attention to it. Bowles, *Promises to Keep,* 291; Harris Wofford, *Of Kennedys and Kings: Making Sense of the Sixties* (New York, 1980), 51. On the following page, Wofford attributes the Kennedy camp's laissez-faire stance to poor coordination within the campaign.

43. "Transcript of Kennedy's News Conference in Los Angeles," *New York Times,* 17 July 1960, 35.

44. "Statement by Senator Joseph S. Clark and Representative Emanuel Celler," 16 September 1960, Folder: Civil Rights—General 1960–62, Box 462, Emanuel Celler Papers, LC.

45. Brauer, *John F. Kennedy and the Second Reconstruction,* 40.

46. Memorandum to Senator Kennedy, "Civil Rights and the August Session," 28 July 1960, Folder: Civil Rights, Box 1044, JFK Pre-Presidential Papers, JFKL.

47. Louis Martin unpublished memoirs, no date, p. 245, Folder 3, Box 9, Martin Papers, LC.

48. Speech excerpts, "Kennedy Calls for Executive Leadership," 12 October 1960, Folder: Civil Rights—Kennedy, Box 2-W(C), Joseph S. Clark Papers, Historical Society of Pennsylvania (HSP), Philadelphia.

49. Harris Wofford to JFK, 30 December 1960, Folder: Civil Rights—Harris Wofford Memorandum, Box 1071, JFK Pre-Presidential Papers; Harris Wofford, "Memorandum to President-Elect Kennedy on Civil Rights—1961," 30 December 1960, Folder: Harris Wofford Memo and Speeches on Civil Rights 10/15/57–1/12/61, Box 52, Pre-Administration Political Files, Robert F. Kennedy (RFK) Papers, JFKL.

50. Bernstein, *Promises Kept,* 39.

51. Theodore C. Sorensen, *Kennedy* (New York, 1965), 157.

52. Louis E. Martin Oral History for the John F. Kennedy Library, 7 April 1966, 1–2, Folder 8, Box 5, Martin Papers, LC.

53. Joseph S. Clark Oral History for Former Members of Congress, Inc., 2 October 1978, 11, Box 2, Association of Former Members of Congress Papers, LC

54. John Sillard to William Welsh, 16 January 1961 and Joseph S. Clark to Joseph L. Rauh Jr., 9 May 1961, Folder: School Desegregation Act of 1961, Box 41, Joseph L. Rauh, Jr. Papers, LC.

55. "A BILL To provide for the all deliberate speed desegregation of public schools," 2 March 1961, Folder: School Desegregation Act of 1961, Box 41, Rauh Papers, LC.

56. "President Kennedy's Press Conference," 8 March 1961, Folder: Civ. Rights—Kennedy, Box 2-W(C), Clark Papers, HSP.

57. Wofford, *Of Kennedys and Kings,* 150.

58. "Memo JSC Recount of Morse's Description of Morse's Talk with Hill," 15 November 1961, Folder: JSC-Morse-Hill, Box 2-W(D), Clark Papers, HSP (quotation). On Kennedy's silence, see Dallek, *An Unfinished Life,* 331.

59. Steve Neal et al., "Political Giant Joseph Clark Dead at 88," *Philadelphia Inquirer,* 15 January 1990, 1. Clark, a former mayor of Philadelphia, later remembered: "All the 'right-thinking people' in Philadelphia were strong on civil rights." Clark Oral History, 2 October 1978, 10, Box 2, Association of Former Members of Congress Papers, LC

60. Emanuel Celler Oral History for the William E. Wiener Oral History Library, American Jewish Committee, 19 June 1980, 31, Box 2, Association of Former Members of Congress Papers, LC.

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61. Robert F. Kennedy (RFK) to Jacob K. Javits, 14 December1961, Folder: Civ. Rites—School Deseg., Box 2-W(B), Clark Papers, HSP.

62. Burke Marshall to the Attorney General, 16 September 1963, Folder: School Desegregation 1963, Box 75, Ramsey Clark Papers, Lyndon B. Johnson Library (LBJL), Austin, Texas.

63. James M. Quigley to the Secretary, no date, Folder 10, Box 114, Wilbur J. Cohen Papers, State Historical Society of Wisconsin (SHSW), Madison.

64. Wilbur J. Cohen, "A Tribute to Senator Hill," 11 March 1968, Folder 2, Box 96, Cohen Papers, SHSW.

65. Louis Martin unpublished memoirs, no date, pp. 12–13, Folder 1, Box 13, Martin Papers, LC.

66. B.H.R. to J.S.C., 18 October 1961, Folder: JSC-Morse-Hill, Box 2-W(D), Clark Papers, HSP.

67. Guthman and Shulman, eds., *Robert Kennedy: In His Own Words,* 149.

68. Arthur M. Schlesinger Jr., *Robert Kennedy and His Times* (Boston, 1978), 372.

69. Burke Marshall Oral History, 13 June 1964, 65, JFKL.

70. "Integration and the Schools," *New York Times,* 26 September 1961, 38 (quotation); "Desegregation Bill in Congress," *Washington Star,* 14 February 1963, and Joseph S. Clark news release, 11 February 1963, Folder: School Deseg. 1963, Box 2-W(B), Clark Papers, HSP.

71. "Desegregation Bill in Congress," *Washington Star,* 14 February 1963, Folder: School Deseg. 1963, Box 2-W(B), Clark Papers, HSP.

72. Wofford, *Of Kennedys and Kings,* 139.

73. Wofford to RFK, 12 January 1961, Folder: Harris Wofford Memo and Speeches on Civil Rights 10/15/57–1/12/61, Box 52, Pre-Administration Political Files, RFK Papers; Marshall to Edwin O. Guthman, 5 February 1962, Folder: Civil Rights—Education and Busing, Box W-55, Arthur M. Schlesinger Jr. Papers—both in JFKL.

74. Guthman and Shulman, *Robert Kennedy: In His Own Words,* 78 (quotation). "From *Congressional Quarterly,* No. 15," 14 April 1961, Folder: Civ. Rights—Kennedy, Box 2-W(C), Clark Papers, HSP. Bryan K. Landsberg, who worked as a lawyer at the Justice Department's Civil Rights Division between 1964 and 1986, agrees with Marshall and RFK: "Theoretically, the attorney general might have brought criminal prosecutions against school officials who willfully violated *Brown.* However, the ambiguities of *Brown* could have made it difficult to prove the requisite specific intent to deny a constitutional right." Bryan K. Landsberg, *Enforcing Civil Rights: Race Discrimination and the Department of Justice* (Lawrence, Kans., 1997), 138. See also John T. Elliff, *The United States Department of Justice and Individual Rights, 1937–1962* (New York, 1987), 673–74.

75. Conversation between John F. Kennedy, Robert F. Kennedy, Burke Marshall et al., 1 June 1963, audiotape #90.2, reel 2 of 3, Presidential Recordings, POF, JFK Presidential Papers, JFKL.

76. Conversation between John F. Kennedy, Robert F. Kennedy, Lawrence O'Brien et al., 20 May 1963, audiotape #88.4, Presidential Recordings, POF, JFK Presidential Papers, JFKL.

77. Department of Justice news release, 17 March 1961, Folder 3, Box 1006, Series II, Keating Papers, UR.

78. "Moderates Make Gain in the South," *New York Times,* 1 October 1961, 61.

79. Civil Rights fact sheet, no date, Folder: Civil Rights General, Box 2, Campaign Files, RFK Senate Papers, JFKL; Marshall to RFK, 31 August 1963, Folder: Attorney General July 1961–August 1963, Box 8, Burke Marshall Papers, JFKL.

80. Edwin O. Guthman notes on Civil Rights Meeting held in Robert Kennedy's office, 6 March 1961, Folder: RFK—Department of Justice Civil Rights, Box 1, Edwin Guthman Papers, JFKL.

81. Marshall to RFK, 12 August 1962, Folder: Attorney General July 1961–August 1963, Box 8, Marshall Papers, JFKL.

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82. Department of Justice, "A Report of the Activities of the Department of Justice in Civil Rights, 1963," Folder: Year End Reports 1961–64, Box 16, Marshall Papers, JFKL.

83. "Wilkins Calls Climate Better in School Integration Fight," *New York Times,* 21 May 1962, 6.

84. Charles V. Hamilton, *Adam Clayton Powell, Jr.: The Political Biography of an American Dilemma* (New York, 1991), 226–35.

85. Stevenson to Cecil Newman, 20 January 1956, Folder 9, Box 354, Stevenson Papers, PU.

86. Ashmore to Stevenson, 30 March 1956, 9, Folder 9, Box 354, Stevenson Papers, PU.

87. Hamilton, *Adam Clayton Powell, Jr.,* 334; Diary entry, 13 September 1957, in *The Eisenhower Diaries,* ed. Robert H. Ferrell (New York, 1981), 347.

88. Hugh Davis Graham, *The Uncertain Triumph: Federal Education Policy in the Kennedy and Johnson Years* (Chapel Hill, N.C., 1984), 19.

89. Telephone conversation between John F. Kennedy and Carl Albert, 12 June 1963, 4, Item 22A2, Presidential Recordings, POF, JFK Presidential Papers, JFKL.

90. SM to KBK, 23 January 1961 and Bill Sprague to Kenneth B. Keating, 26 January 1961, Folder 16, Box 793, Series II, Keating Papers, UR.

91. News release, 17 April 1962, "President Urged to End Discrimination Under Grant-In-Aid Programs," Folder 13, Box 1002, Series II, Keating Papers, UR.

92. WRC-TV, NBC, "A Moment with . . . Abraham A. Ribicoff," 7 July 1962, Box 20, Abraham Ribicoff Papers, LC.

93. Wilbur J. Cohen Oral History for the John F. Kennedy Library, 24 May 1971, Folder 2, Box 23, Cohen Papers, SHSW.

94. "Kennedy Warns on School Plans," *New York Times,* 9 March 1961, 17.

95. "Testimony of Secretary Ribicoff Before House Committee on Education and Labor," no date [1962], Folder 2, Box 329, Series II, Keating Papers, UR.

96. UPI news release, 29 March 1962, Folder 1, Box 1006, Series II, Keating Papers, UR.

97. Memorandum, "Suggested points to be discussed with Secretary Ribicoff," 29 March 1962 and HEW news release, 30 March 1962 Folder: Health, Education, and Welfare Dept., 1962–65, Box I:98, NAACP–Washington Bureau Papers, LC.

98. "Statement of Burke Marshall," 16 April 1962, Folder 3, Box 1006, Series II, Keating Papers, UR.

99. Anthony J. Celebrezze to Keating, 6 March 1963, Folder 10, Box 204, Series II, Keating Papers, UR.

100. Emanuel Celler news release, 14 January 1963, Folder: Civil Rights—Desegregation of Schools, Box 462, Celler Papers, LC.

101. Hubert H. Humphrey to JFK et al., 8 January 1963, Folder: Civ. Rights—Admin. Program 88th Cong., Box 2-W(C), Clark Papers, HSP.

102. Wilbur J. Cohen to HEW Secretary, 9 January 1963, Folder 6, Box 278, Cohen Papers, SHSW; Emanuel Celler news release, 28 February 1963, Folder: Civil Rights Omnibus Bill, Box 462, Celler Papers, LC.

103. All quotations come from Bowles, *Promises to Keep,* 445–46.

104. David J. Garrow, *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference* (New York, 1988), 236–58.

105. Branch, *Parting the Waters,* 808, 823–24 (quotation).

106. Conversation between John F. Kennedy, Robert F. Kennedy, Lawrence O'Brien et al., 20 May 1963, audiotape #88.4, Presidential Recordings, POF, JFK Presidential Papers, JFKL.

107. Louis Martin notebook, 16 June 1963, Folder 5, Box 12, Martin Papers, LC.

108. "Provisions of the Civil Rights Bill," *New York Times,* 30 March 1964, 16; Wayne Morse news release, no date, Folder: Civil Rights—Powell Amendments, Box 2-W(E), Clark Papers, HSP. The story of this bill's origins and passage are covered in

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Graham, *Civil Rights Era,* 74–152, and Charles Whalen and Barbara Whalen, *The Longest Debate: A Legislative History of the Civil Rights Act of 1964* (Cabin John, Md., 1984).

109. Graham, *Civil Rights Era,* 82.

110. Alanson W. Wilcox to Commissioner of Education et al., 24 June 1963, Folder 1, Box 115, Cohen Papers, SHSW.

111. "Statement by James M. Quigley," 26 June 1963, Folder 1, Box 115, Cohen Papers, SHSW (first quotation); Nicholas deB. Katzenbach to Emanuel Celler, 13 August 1963, Folder: H.R. 7152—Working Papers—Notes #1, Box 465, Celler Papers, LC (second quotation).

112. Note from Bernie Norwitch, no date, Folder: Civil Rights—Powell Amendments, Box 2-W(E); Norwitch to JSC-HKS, 30 July 1963, Folder: Civ. Rites—Admin. Program 88th Congress, Box 2-W(C) (quotation)—both in Clark Papers, HSP.

113. Caro, *Master of the Senate,* xx–xxiv; Doris Kearns, *Lyndon Johnson and the American Dream* (New York, 1976), 165–66.

114. Eric F. Goldman, *The Tragedy of Lyndon Johnson* (New York, 1974), 68.

115. Dallek, *Flawed Giant,* 212.

116. Ibid., 445.

117. Caro, *Master of the Senate,* 785–89; Michael Beschloss, *Reaching for Glory: Lyndon Johnson's Secret White House Tapes, 1964–1965* (New York, 2001), 319 (quotation).

118. Memorandum attached to Douglass Cater to Marvin Watson, 26 April 1965, Folder: Ex HU 2-5 Education Schooling 11/22/63–9/6/65, Box 50, White House Central Files (WHCF), Human Rights (HU), LBJL.

119. Francis Keppel to Quigley, 26 January 1965, Folder: Civil Rights Act of 1964, Box 195, Office Files of the Commissioner of Education, Record Group (RG) 12, Records of the Office of Education, National Archives (NA), College Park, Maryland.

120. Memorandum attached to Cater to Watson, 26 April 1965, Folder: Ex HU 2-5 Education Schooling 11/22/63–9/6/65, Box 50, WHCF-HU, LBJL.

121. Matusow, *Unraveling of America,* 190–94.

122. Dallek, *Flawed Giant,* 324.

123. Matusow, *Unraveling of America,* 194.

124. Larry Berman, "Johnson and the White House Staff," in *Exploring the Johnson Years,* ed. Divine, 191.

125. Lawson, "Civil Rights," 112–13.

126. "By slowing administration efforts for civil rights and making them less visible," Dallek asserted, "Johnson hoped not only to get more done for blacks in the long run but also to free himself to advance the many other programs he believed essential to a Great Society." Dallek, *Flawed Giant,* 226.

127. Memorandum attached to David S. Seeley to Keppel, 5 November 1965, Folder 4, Box 115, Cohen Papers, SHSW (first quotation); "Summary of Statement of Policies Under Title VI of the Civil Rights Act of 1964," no date, Folder: Ex HU 2-5 Education Schooling 11/22/63–9/6/65, Box 50, WHCF-HU, LBJL (second quotation).

128. Strom Thurmond to Celebrezze, 30 April 1965, Folder: Civil Rights Act Guidelines February–December 1965, Box 197, Office Files of the Commissioner of Education, RG 12, NA (first quotation); Henry Loomis, Memorandum for the File, 15 April 1965, Folder: LL10 Civil Rights Act-Complaints, Box 196, Office Files of the Commissioner of Education, RG 12, NA (second quotation); Arnold Aronson to the Attorney General, 2 December 1965, Folder: HEW 1965–68, Box I:102, Leadership Conference on Civil Rights (LCCR) Papers, LC (third quotation).

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