

## CHAPTER 8

### *RICHARD RUSSELL; THE DEFENDING CHAMPION*

The Southern Democrats opposed to the civil rights bill had little of importance to do before the bill reached the United States Senate. The Southern forces were clearly outnumbered in the House of Representatives, and even Howard Smith's House Rules Committee had only been able to slow the bill's progress rather than stop it. In the Senate, however, the strategic situation was completely different. As a result of the Senate rules and the "extended debate" which they permitted, the Southern Democrats in the Senate had a powerful weapon -- the filibuster -- with which to oppose the bill.

The leader of the Southern Democratic forces in the Senate was Richard Russell of Georgia. On his shoulders now fell the responsibility of stopping the civil rights bill, or at least amending it in such a way that it no longer threatened the white South and its traditional institution of racial segregation. A review of Russell's life and Senate career indicated that he was an unusually well qualified man for the job.

#### A TRUE SON OF THE SOUTH

Richard Brevard Russell, Jr., was born in 1897 in the small northern Georgia town of Winder. Located approximately 40 miles northeast of Atlanta, Winder was on the northern edge of the "black belt," a group of counties that contained most of Georgia's rural black population. Winder existed to serve the farms nearby, many of them

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less than fifty acres and farmed by tenants or sharecroppers.

Russell's father, Richard Russell, Sr., practiced law and was active in Georgia politics. He became chief justice of the Georgia Supreme Court in 1922 and served in that office for the remainder of his life. Richard Russell, Jr., grew up on his father lands just outside of Winder. The Russell family owned several hundred acres of farmland and employed a number of sharecropping families.

Richard Russell, Jr., received a Bachelor of Laws degree from the University of Georgia in 1918. He served in the Naval Reserve during World War I, guarding a coastal battery. He returned to Winder and in 1920, at the age of 23, was elected to the Georgia House of Representatives. He became speaker of the Georgia House in 1927 and, in 1930, was elected governor. He was the youngest Georgian to ever sit in the governor's chair.

In 1932, when Russell was a relatively young 35, one of Georgia's two U.S. senators, William J. Harris, died. Russell was elected to serve out the remaining four years of Harris's term. By the spring of 1964, therefore, when the bipartisan administration civil rights bill arrived on the Senate floor, Russell had been in the U.S. Senate for more than 31 years.

Russell found a home in the U.S. Senate, a legislative body that revered tradition and custom as much as the South did. It was rumored that, upon arriving in the Senate, Russell memorized the Senate rulebook. Whether or not the rumor was true, the existence of the rumor symbolized the fact that Russell had solidly mastered the intricacies of parliamentary maneuvering.

A lifelong bachelor, Russell worked long hours at the Capitol, devoting his life to attending committee meetings, serving the needs of his constituents, and, it was said, reading the Congressional Record every day the Congress was in session.

In 1936, when Russell's four year term in the senate neared its end, he was challenged for reelection by Eugene Talmadge, who had succeeded Russell as governor of Georgia. When Talmadge charged that Russell was supporting U.S. Government programs that forced

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"social equality" among the races, Russell had no choice but to firmly state his belief in white supremacy. "As one who was born and reared in the atmosphere of the Old South," Russell replied, "with six generations of my forebears now resting beneath Southern soil, I am willing to go as far and make as great a sacrifice to preserve and insure white supremacy in the social, economic, and political life of our state as any man who lives within her borders."<sup>1</sup>

The Russell-Talmadge battle for Russell's Senate seat was hard fought. When Talmadge attempted to get votes by charging that Southern white women had "associated" with blacks at the Democratic National Convention in Philadelphia, Russell responded with a strong statement of his belief in white supremacy coupled with the charge that Talmadge was stirring up racial prejudice for political purposes. "This is a white man's country, yes, and we are going to keep it that way," Russell said. Later, however, he noted that Talmadge was "doing what every candidate who is about to be beaten does -- he comes in crying nigger."<sup>2</sup>

When the votes were counted, Russell, with his somewhat more dignified approach to the race issue in Georgia, easily defeated Talmadge. It was the last serious challenge Russell ever faced for his Senate seat. He thus began to accumulate the untouchable political power of a veteran Southern senator. As a student of Russell's political career noted:

In one way he was fortunate, since he was secure to direct his energies and emerging talents to fight the last battles against the modernization of the South over civil rights. On the other hand, he was unfortunate since he never had to continue the process of political reeducation every politician faces in each election year.<sup>3</sup>

RUSSELL IN THE SENATE

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Richard Russell participated in his first filibuster of a civil rights bill in 1935. He and his fellow Southern senators easily stopped an anti-lynching bill with 6 days of nonstop talking. When a similar bill came before the Senate in 1938, a 6 week filibuster by the Southerners was required to stop it. Russell was critical of lynchings, mainly because they disrupted the settled life of the South and disregarded the rule of law. He filibustered against the 2 anti-lynching bills, however, because he believed it was important to defend the principle that the United States Government should not interfere in the internal affairs of the Southern states.

Russell proved to be a skillful practitioner of the filibuster and an apt student of the Senate rules that make it possible. The leader of the Southerners at that time, Tom Connally of Texas, named Russell his second-in-command and had him organize filibuster strategy meetings. Similar to his behavior in his electoral campaigns in Georgia, Russell refrained in the senate from giving the harsh racial speeches characteristic of many deep South senators.

By the end of World War II, Richard Russell was the acknowledged leader of the Southern bloc in the U.S. Senate. No longer a student and helpful aide, Russell was in firm command of the Southern forces. When a fair employment practices (FEPC) bill reached the Senate floor in 1946, Russell altered the Southerner's filibuster strategy. Instead of giving long and unrelated speeches in the Senate on any subject that came to mind, the Russell led Southerners debated the fair employment bill on its merits. The provisions of the bill were attacked with relevant and reasonable arguments, and the filibusterers rarely if ever strayed from the subject matter of the bill.

Russell proved very able at keeping the Southern bloc in the Senate well organized. He became skilled in defending against parliamentary maneuvers on the part of the opposition, and he worked to set a high tone of debate for the Southern defense. No longer could social pundits and comedians make jokes about the irrelevant subjects discussed by Southern senators during a filibuster. Russell strove,

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with some success, to make the filibuster a more respectable parliamentary tool.

Russell faced a crucial career decision in 1951. Both the Senate Democratic leader and the Senate Democratic whip had been defeated in the November 1950 general elections. Russell probably could have been elected Democratic leader in the Senate if he had sought the job. If he became part of the Democratic leadership in the Senate, however, he would have to take a "national" approach on the civil rights issue rather than remain a staunch defender of Southern racial segregation. Russell was unwilling to do this. He decided his role of being the Southern leader in opposing civil rights was more important than being Senate Democratic leader.<sup>4</sup>

Once he had decided not to seek the post of Senate Democratic leader himself, Richard Russell threw his support to a young Southern colleague, Senator Lyndon B. Johnson of Texas. The two men became close friends and allies in the Senate. Russell often spent his Sunday mornings at Johnson's home, and Johnson's daughters affectionately referred to Russell as "Uncle Dick." It was Lyndon Johnson, however, and not Richard Russell, who became a party leader in the Senate and thus began the process of moderating his views on race relations. As Senate Democratic leader, Johnson became a supporter of compromise on civil rights issues. Later, when he became president, Johnson evolved into a strong supporter of civil rights. Because Russell declined to become part of his political party's leadership in the Senate, Russell never had to change his views. He remained strongly committed to the twin Southern values of white supremacy and racial segregation.

Russell and Lyndon Johnson remained the closest of friends, but they opposed each other when civil rights bills would come before the Senate during the period that Johnson was Democratic leader. One time Johnson was trying to defeat a Southern filibuster with round-the-clock Senate sessions. It was late at night, and although he had a group of pro-civil rights senators guarding the floor, Johnson became worried that Russell might be about to pull a

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parliamentary trick or two. Johnson dressed and went down to the Senate chamber. He pushed open a swinging door to see what was going on. He could hear the Southerners speaking; he could see that his pro-civil rights colleagues were dutifully listening. He also could see that the swinging door at the other end of the Senate was pushed open, and Richard Russell was standing there. Russell had come down to make certain that Johnson did not try anything.<sup>5</sup>

Russell saw the filibuster as a genuine asset to the legislative process in the U.S. Congress. The filibuster enabled him and his Southern colleagues to delay any legislative proposal long enough for a number of senators from outside the South to come to see the flawed character of the particular proposal. Most of these converts to the Southern cause would be conservative Republicans, a group of senators who shared Southern concerns for states' rights and protecting the individual from strict government regulation.

Thus, as the bipartisan civil rights bill arrived in the Senate in the spring of 1964, Richard B. Russell, Jr., the senior senator from Georgia, could be characterized as "the defending champion." Since becoming the leader of the Southern bloc in the Senate during World War II, he and his colleagues had never lost a civil rights battle in the Senate. With Russell at the helm, the filibuster had become more respectable, and the Southerners had progressively improved their filibustering techniques. With his 30 years experience in the Senate and his firm ideological commitment to racial segregation, Russell was going to be a hard man to beat.

## THE SOUTHERN IDEOLOGY

Throughout his years in the United States Senate, Richard Russell worked to clarify and justify the Southern point of view on race relations. Although Russell had no dislike for blacks personally, he was a staunch supporter of a hierarchical view of Southern society. Blacks were at the bottom of the society, whites were above them, and the white elite ruled over all. There was room for

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individual advancement for blacks, but only so long as black advancement did not disturb white control of the society. Russell believed that blacks were inferior to whites, both biologically and socially, and therefore blacks needed white guidance and control in order to survive and prosper. "He believed that blacks out of the control of whites would destroy Southern civilization as he knew it," and he fought all efforts to weaken the system of white supremacy that kept Southern blacks under strict white control.<sup>6</sup>

Over the years, Russell developed a standard response to any civil rights proposal that came up for debate in the U.S. Senate. He would begin by explaining how brave Southern soldiers had fought the Civil War to preserve the Southern way of life. He would describe the path of destruction across his home state of Georgia left by General Sherman's march to the sea. Defeated on the battlefield, the South was subjected to the tyranny of Northern Reconstruction. Fortunately, once Union troops were removed, the doctrine of white supremacy restored order to race relations in the South. That racial order had functioned well and remained undisturbed until outsiders, primarily communists and Northern liberals, attempted to come into the South and impose social change. It was the efforts of these outside groups, and not the doctrine of white supremacy, that was the main cause of racial discord in the South.<sup>7</sup>

Russell therefore portrayed himself as fighting for a way of life that he loved and cherished. He believed he was fighting to sustain social institutions which both the white man and the black man approved as being essential to harmony in racial relations in the South. "We will resist to the bitter end," Russell once told the Senate, "any measure or any movement which would have a tendency to bring about social equality and intermingling and amalgamation of the races in our [Southern] states."<sup>8</sup>

As the years went by and the doctrine of white supremacy came under increasing attack, Russell toned down his arguments that the white race was superior. He began to portray racial segregation as benefitting both races. Along with the other Southern senators, he

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began to oppose civil rights bills, at least publicly, on constitutional issues and states' rights issues rather than by defending white supremacy as a concept.

Yet the doctrine of white supremacy, and the strict racial segregation that went with it, remained at the core of Russell's opposition to all civil rights bills. Richard Russell, after all, was the product of the South's plantation culture, a culture which still partly survived in the tenant farmers and sharecroppers of Russell's Winder, Georgia, home. In the minds and hearts of many of Russell's fellow Southerners, both rich and poor, it was this Southern culture that really mattered in life. This culture "forbade the slightest compromise with the 'evil' of social equality. For Russell and many of his contemporaries, white supremacy was more than a system of beliefs; it was vital to their identity as a society."<sup>9</sup>

## THE SOUTHERN CRITIQUE OF THE BILL

When the bipartisan civil rights bill came before the Senate in March 1964, Russell and his Southern colleagues based most of their opposition on the idea that the bill was unconstitutional. The bill represented, they said, an unwarranted invasion by the United States Government of the property rights of those Americans who owned restaurants, motels, and swimming pools and who ought to be allowed to serve whomever they pleased. Exactly as there was a freedom not to buy at a particular store or restaurant, there was a freedom not to sell a commodity to a particular customer or a particular group of customers. There is a "natural right to discriminate," the Southerners concluded, and this right was just as important as the more traditional rights of life, liberty, and the pursuit of happiness.<sup>10</sup>

A second major Southern criticism of the bill was that it gave the United States Government too much power to interfere in state and local affairs. The bill, it was argued, would create a "Federal blackjack" under which U.S. Government officials could come into



any community in the country and override the wishes of the local politicians and the local citizenry. Because the United States Constitution provided for a "territorial" separation of powers between the national and state governments, giving the national government the power to dictate racial policies to the states violated this territorial separation of powers and thus was unconstitutional.<sup>11</sup>

The Southerners also argued that basing the public accommodations section of the civil rights bill on the commerce clause of the Constitution was a complete misinterpretation of what the Founding Fathers had in mind when they put the commerce clause in the Constitution. The Founders were only thinking of goods moving in interstate commerce, this argument stated, and defining people driving down highways and stopping at restaurants and motels as articles of commerce was simply pushing the commerce clause much further than it was ever intended to go.<sup>12</sup>

It also was frequently hinted by the Southerners that the civil rights bill was mainly the result of "illegal" civil rights demonstrations, primarily those held in the South under the direction of Martin Luther King, Jr. Rather than rewarding these illegal demonstrations with legislation, the Southerners implied, the Congress should encourage local authorities to punish the demonstrators with sterner police measures and longer jail sentences.<sup>13</sup>

Last, but in many ways most important, the Southern Democrats repeatedly made the point that, once the American people learned about the many constitutional violations that were included in the civil rights bill, they would turn strongly against it. At one stage of the debate Senator Russell put the argument this way:

I do not hesitate to predict that there will come a time when some of those . . . who are deceiving the American people with cries of "civil rights" so that they will not understand what is in the bill, will have an opportunity to explain to a number of outraged constituents the reasons that prompted this action.<sup>14</sup>

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Russell was stating more than an argument here. In fact, he was explaining the entire philosophy of the filibuster. The Southern Democrats' basic rationale for the extended Senate debate on the bipartisan civil rights bill was that time was needed to allow the American public to become fully informed about the actual effect of the bill and to register the negative opinion which, the Southerners believed, such knowledge would naturally create.<sup>15</sup>

## THE SOUTHERN LEGISLATIVE STRATEGY

Early in March 1964 Richard Russell gathered the Southern senators together for the first of many strategy conferences on how best to oppose the civil rights bill. After the meeting ended, Russell told the press that he and the Southerners "intend to fight this bill with all the vigor at our command."<sup>16</sup> What Russell was really saying was that the Southerners were ready to tie up the Senate for weeks and weeks with "extended debate" until the civil rights forces were ready to make major concessions.

Russell's strategy was that, as the Southern filibuster continued over a long period of time, public sentiment would rise against the civil rights bill. Russell believed that the increasing violence and the confrontational character of the continuing racial demonstrations throughout the nation would soon produce an anti-civil rights reaction in the American people. He also hoped the proponents of the legislation, an uneasy coalition of liberal Democrats and moderate Republicans in the Congress, soon would begin fighting among themselves. There also was the possibility that church and civil rights groups, in their all-out drive for votes for cloture, might overpressure uncommitted senators and "turn them off."

Russell possibly could benefit from the frequent statements by Ohio Representative William McCulloch and other pro-civil rights Republicans in the House of Representatives that they would not accept major amendments to the bill while it was before the Senate. If Russell could keep the filibuster going long enough to gain some

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major Senate amendments to the bill, such as eliminating the funds cutoff or the equal employment opportunity provisions, then possibly McCulloch and his band of House Republicans would drop their support of the bill. Stalled by a serious disagreement between the Senate and the House, the bill might ultimately die a quiet death.

There also was the external political situation to consider. The year 1964 was a presidential year. Both Democratic and Republican presidential primary elections would be taking place. Certainly the civil rights bill would become an issue in the presidential nominating campaigns in both parties, some candidates committed to the bill and other candidates strongly opposed to it. Who could say what effect the campaign would have on public attitudes toward the civil rights bill? It certainly made sense to keep the filibuster going long enough to find out. If necessary, Russell might be able to keep the filibuster going until the Republican and Democratic national nominating conventions in the summer of 1964. Who knew what might occur at those two nationally publicized political events? Something might happen to damage the civil rights movement, which would have the effect of weakening the chances of getting cloture on the civil rights bill.

It also was important to keep in mind that the arithmetic was all working in Russell's favor. He had 18 Southern Democratic senators filibustering. Also on the filibuster team was John Tower, the Republican senator from Texas. That totaled 19 certain votes against cloture. Russell only needed 1/3 of the Senate, 34 votes, to defeat a cloture vote. If he could convince only 15 more senators, probably conservative Republicans and conservative Mountain West Democrats, to not vote for cloture, he could continue the filibuster indefinitely.

Russell and his Southern colleagues thus appeared to have much in their favor as the filibuster of the bipartisan civil rights bill began. Based on the experience of the past, civil rights supporters would not be able to get the necessary 2/3 vote for cloture and would, in the end, come to Russell to "make a deal." The result would be a

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severely weakened civil rights bill. If the pro-civil rights drive for cloture really bogged down, the end result might be no civil rights bill at all.

## MAINTAINING THE SOUTHERN COALITION

Exactly as Senator Humphrey would have to keep the pro-civil rights senators organized and cooperating, Russell would have to keep the filibustering Southerners working together. The Southern senators were unanimous in their opposition to the civil rights bill, but there were varying degrees of anti-civil rights commitment. Some of the Southern senators could be characterized as moderates. They would be willing to end the filibuster in return for major amendments to the civil rights bill. Others, such as Strom Thurmond of South Carolina, might oppose any compromise whatsoever and urge that the Southerners fight the civil rights bill to the bitter end. Similar to any party leader in a legislative setting, Russell would have to adjust his strategy and tactics to meet the needs and demands of his closest colleagues and supporters.

Russell took advantage of every opportunity to state the Southern position on the civil rights bill. In a letter to a constituent, he expressed his concern about the U.S. Government forcing the integration of the races:

I believe that the Negro is entitled to equal and exact justice before the law and that he is entitled to every right that I enjoy. There is nothing in our Constitution . . . , however, that says we must enjoy these rights together at the same time and in the same place. . . . I cannot believe that anyone who supports this iniquitous legislation has any real understanding of the extent to which it destroys the Constitution . . .<sup>17</sup>

He developed this idea further in a subsequent letter:

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The legislation now before the Congress is so drastic that I cannot support it. I do not believe that Federal compulsion can be properly employed under our Constitution to compel one group to share its rights with another at the same time and in the same place against its will. This is, in my opinion, an unconstitutional infringement upon one's right to choose his associates . . .<sup>18</sup>

Russell repeatedly argued that no bill had ever been submitted to the American Congress that posed a greater threat to the American form of government. In place of a government of laws, Russell contended, the civil rights bill threatened to substitute a government of men -- men clothed with an official title but operating without the restraint of law. "The American people," Russell concluded, were "completely unaware of what they are doing to themselves and their own rights as American citizens."<sup>19</sup>

Similar to Russell, Strom Thurmond of South Carolina was a well-known spokesman for the Southern opponents of the civil rights bill. "It is my firm conviction that every weapon available in the legislative book of procedures should be employed to kill these obnoxious proposals," Thurmond told his constituents in a televised statement when the civil rights bill was first introduced in Congress.<sup>20</sup> Thurmond was particularly concerned about the problem of the U.S. Government interfering in social relationships. In a constituent newsletter he noted:

Even many who favor integration indicate in correspondence to me that they oppose this legislation because it would give unprecedented power to Washington bureaucrats to try to force changes in human attitudes on the selection of associates, both in private as well as in public life.<sup>21</sup>

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Senator Thurmond expressed his views in opposition to civil rights so forcefully that one senator once said of him: "Just listen to 'ole Strom. He really believes all that stuff."<sup>22</sup>

In a radio broadcast early in the struggle over the civil rights bill, Thurmond quoted a Supreme Court opinion that ably summed up his viewpoint and the general Southern viewpoint on racial integration:

Freedom of the individual to choose his associates or his neighbors; to use and dispose of his property as he sees fit; to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from government interference.<sup>23</sup>

## CONCLUSIONS

As Senate debate on the civil rights bill began, Richard Russell was aware that he was in for one of the toughest battles of his long and, heretofore, successful career. His longtime friend from the Senate, Lyndon B. Johnson, was president, but Johnson now was committed to civil rights and, on this issue, a skilled opponent of Russell. Russell also faced a well organized bipartisan coalition of civil rights supporters.

Senator Russell could see exploitable weak spots in his opponents' armor, however, and he meant to exploit those weak spots to the very best of his ability.<sup>24</sup> During his time as Southern leader, Russell had defended the white South successfully every time a civil rights bill had come before the Senate. Many believed he would successfully defend the white South this time also.

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