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Reform's Mating Dance: Presidents, Social Movements, and Racial Realignments

Presidents and social movements figure prominently in nearly every seismic shift in American political development and policy regimes. Ironically, they also regularly loom as rivals devoted to frustrating each other's reform agenda, from Andrew Jackson's open suppression of antislavery mailings in the South to Tea Party mobilizations against Barack Obama's health-care plan. In this article, we focus on rare but crucial historical moments when the mating dance between these agents of change produced unprecedented breakthroughs in U.S. civil rights policy and race relations. Given the tenacity of racial subjugation in the American past and present, it is little wonder that generations of social scientists and historians have carefully examined the abolition of slavery in the 1860s and the civil rights revolution that dismantled many Jim Crow institutions a century later. Few of these scholars would question that social movements and presidents were pivotal actors during these realignments in racial governance. Yet we know precious little either analytically or empirically about the interactions of the American presidency and social movements or their role in shaping political change in the United States. How and why have collaborations between the presidency and social movements—however fraught and fleeting—proved capable of challenging the nation's dominant racial structures? In what ways have these tense alliances between presidents and social movements reconfigured the partisan alignments, laws, and administrative structures that were forged on the racial realignments in the 1860s and 1960s? Existing scholarship provides few answers. This is perhaps a reflection of academic specialization. The respective literatures on the presidency and social movements rarely intersect, with

specialists in one field largely unaware of or indifferent to the theoretical insights and research findings of those in the other.

We argue that both presidents and social movements have played leading roles in the development of major legal and policy innovations that recast race relations in the United States. More precisely, the uneasy partnership of these two forces has served as an important catalyst for advancing civil rights reform in key periods of American political development. As much as scholars have devoted scant attention to the relationship between the presidency and social movements, the few works that do probe the subject tend to emphasize the inherent conflict between a centralizing institution tasked with conserving the constitutional order and grass-roots associations dedicated to structural change.¹ Even presidents with large reform ambition have had to keep some distance from social movements and causes so as to avoid alienating the support necessary to secure a national consensus for their programs; at the same time, political insurgents have viewed alliances with presidents as a threat to their dedication to values that pose severe challenges to core American principles.² There is a hint of caricature here, with presidents cast as regularly indifferent, resistant, or openly repressive toward insurgent causes and social movements deemed too hamstrung by radical visions or noninstitutionalized tactics to engage effectively in the art of political compromise. In this article, we take stock of the conflicts and rivalries between these political actors, but we also want to reach beyond them to focus on key moments of American political development when executives and insurgents have needed each other. Presidents sometimes find themselves at the center of national crises where conserving the Constitution requires a redefinition of the social contract. Social activists sometimes seek to secure the rights of the dispossessed and to advance moral causes not merely by opposing the existing order of things but through a principled commitment to reconstituting it. Both presidents and social movements have the potential to be important agents of change during critical junctures of American political history, albeit typically from very different vantage points.

To grasp the tense yet essential relationship that sometimes has joined presidents and social movements, we consider it crucial to develop an analytical framework that emphasizes neither executive power nor insurgency but, rather, the fascinating interplay between them. In particular, our aim is to illuminate the dynamics that sometimes allow presidents and social movements to come together and to achieve critical breakthroughs and enduring reform. Equally important, it is necessary to specify the political, legal, and

administrative legacies of these breakthroughs over time. We seek to lay the groundwork for such analysis by considering three dynamics over time: (1) the agency of presidents with broad authority to exercise power and to pursue ambitious policy change, (2) the leverage of social movements with the capacity to employ both conventional and disruptive political tactics, and (3) the mediating role played by party politics, Congress, and national administration. We explore these institutional factors in two cases that offer useful variation, both on the dynamics of reform breakthroughs and on the administrative and political legacies of these innovations: Abraham Lincoln's relationship with the Abolitionist movement and Lyndon Johnson's with the civil rights movement.

Racial politics offers an especially fruitful avenue to explore the executive-social movement nexus. As "a lived experience, a hierarchically ranked social category, and a site of institutional action," race "can help us transcend the false divide between culture and identity, on the one hand, and institutions and structure on the other."³ Our approach to race and American political development embraces the charge by Desmond King and Rogers Smith to carefully consider "enduring tensions between and within the nation's racial orders."⁴ But whereas King and Smith's framework emphasizes the conflict over race in American politics, we train a spotlight on the contentious partnership between executive power and insurgency that has led to important breakthroughs in civil rights. By exploring how the collisions and collaborations of social movements and presidents have influenced race relations and civil rights policy in the United States, we build on earlier work by race, gender, and ethnicity scholars who have sought to explicate the institutional dynamics that sustain invidious discrimination in American political development.⁵ But our findings point to the productive friction between competing agents of reform and their distinctive political and policy legacies.

Lincoln and the antislavery movement could not have formed an alliance in the service of transformative change if it were not for a major crisis that empowered insurgents and gave the presidency exceptional prerogative power. Yet these conditions that shaped the opportunity structure of the Civil War, although necessary, are not sufficient for an effective executive-activist nexus. Such an uneasy partnership also requires a powerful social movement that can both mobilize grass-roots activists capable of considerable societal disruption and movement pragmatists who can exploit these pressures to lobby effectively for enduring reform. Such was the case with the Abolitionists during the Civil War. To be sure, this fissiparous mixture of interest-oriented organizations and militants was bound to have an uneasy relationship

with the executive office. Nevertheless, presidents who pursue, as Alexander Hamilton put it in *Federalist* 72, “extensive and arduous enterprises for the public benefit,” may share the same high ideals that social movements champion. For all the tension that sorely tested their relationship, Lincoln and the abolitionists shared a commitment to condemning slavery to ultimate extinction. Moreover, the relationship between Lincoln and the antislavery movement was mediated, and to a point rendered less contentious, by an intensely mobilized and highly decentralized party and a strong Congress. These forces encouraged Lincoln and the abolitionists to form an uneasy alliance that forged a strong Republican coalition and brought formal constitutional reform—the Thirteenth, Fourteenth, and Fifteenth Amendments. And yet, public administration was too decentralized to adequately enforce these reforms. Moreover, executive prerogative was constrained by institutional arrangements and constitutional principles closely associated with the Whig model upon which Lincoln first cut his political teeth. In short, the powerful, decentralized “state of courts and parties” of this era made impractical the expansion of national administration that might ensure the enforcement of the rights embodied by these landmark amendments.⁶

The decidedly contentious but productive relationship between Johnson and the civil rights movement reflects both similarities and telling contrasts with the Lincoln-Abolitionist collaboration. To begin with, there was little doubt about the presidency’s dominant role in the American polity. Johnson claimed broad authority to transform domestic policy on his own terms at a time when Congress and parties were subordinate to a “modern” presidency that was at high tide and national administration was expansive. This also was a period when the civil rights movement’s ability to blend and balance disruptive collective action and conventional political pressure was at its zenith. Johnson and the civil rights movement thus formed a more direct and combustible relationship than was true of the Lincoln-Abolitionist connection: the result was both a historic body of civil rights reforms and enormous political fallout for Johnson and the Democratic Party. Even as the Democratic coalition imploded, however, national administration was deployed in a form that not only enforced at long last the rights codified by the Fourteenth and Fifteenth amendments but also upheld statutory entitlements that went beyond the unfulfilled promises of the Civil War amendments.

The cases we examine thus suggest how important it is not only to take account of the enduring features of the executive-social movement relationship but also to consider those developments that have significantly altered the interaction between presidents and insurgents. Episodically, as Skowronek

has pointed out, presidents are given the opportunity to “reconstruct” American politics, to “reset the very terms of constitutional government”; at the same time, since the consolidation of the modern presidency during New Deal, executive prerogative, abetted by a more or less permanent state of war, has become almost routine.⁷ Similarly, for much of the nineteenth and twentieth centuries, the relationship between presidents and social movements was brokered by a powerful Congress and a localized party system. But since World War II, this relationship has increasingly been shaped by the development of a powerful but fragmented administrative state that has made it difficult for presidents and social activists to join forces in bringing about change while still retaining a vital connection with the public. Participation in administrative politics, although perhaps necessary, has exacted an especially steep price for social activists. Since the 1960s, as Charles Tilly observed, professional political organizers and administratively-oriented reform organizations “have taken an increasingly prominent part in promoting social movements—to the dismay of [their] populist critics.”⁸

RIVALRY AND BREAKTHROUGH: LINCOLN, ABOLITIONISTS, AND EMANCIPATION

The U.S. campaign against slavery can be traced back to the earliest days of the republic, yet abolitionists agitated at the fringes of American politics for decades.⁹ The exceptional breakthroughs eventually won by the abolitionist movement turned on a paradox: insurgent goals were well served by internal leadership rivalries that produced strong moderate and militant wings. Rivalry within the abolitionist movement emerged early on. Abolitionists aligned with William Lloyd Garrison were hostile to conventional forms of political activism, devoted to the purity of their principles and unwilling to compromise. Their hostility toward a constitutional system they viewed as explicitly supportive of slavery heightened their disdain for mainstream politics.¹⁰ Many abolitionists disagreed with the Garrisonians’ disavowal of mainstream politics, however. At the close of the 1830s, a sizable wing of the abolitionist movement parted ways with Garrisonian radicals in the belief that a conventional strategy of advancing their cause through elections and party politics was most likely to secure meaningful legal change.¹¹

During the 1840s, Wendell Phillips, the staunch Garrisonian and electrifying orator, told audiences that America and its constitutional system were so riddled with sin that Christian reformers had little choice but to “seek to be in this country like an alien, like a traveler.”¹² The more pragmatic abolitionist

Charles Sumner responded by scolding Phillips for such utopian thinking. The only solution to evils like slavery, he averred, was to boldly enter the political fray: "Take your place among citizens, and use all the weapons of a citizen in this just warfare."¹³ Over the next two decades, Sumner and other moderate abolitionists gained increasing influence in party politics, elections, and ultimately the composition and work of Congress. These antislavery activists formed the Liberty Party, which nominated the abolitionist James Birney for president: Birney garnered only 7,000 votes in the 1840 presidential election, but his campaign succeeded in placing the slavery debate on the national agenda; nominated again in 1844, Birney won 62,000 votes, which may have cost the Whig candidate, Henry Clay, the election. In 1848, many abolitionists, including Sumner, supported the Free Soil Party candidate, former president Martin Van Buren, who received more than 300,000 votes, about 10 percent of the total. The Free Soil campaign spurred party-building efforts that led to the creation of the Republican Party in 1854, with abolitionists forming a principal part of the new party's coalition. As Sumner presciently stated in a speech during the 1848 campaign, only a new party could reconcile abolitionism and fealty to the American creed: "The important sentiment of hostility to the Slave Power . . . was never till now put forth as the paramount principle of a large and national party. It is true, indeed, that here is no new idea. It is as old as the Revolution—as old as Washington, Jefferson, and Franklin; but it is an idea neglected by both the great parties which have recently swayed the country. Were it recognized by either, there would be no occasion for the new party whose existence has so auspiciously begun."¹⁴

The hopes of Sumner and other political insurgents were realized by the Republican Party, which, animated by the national outrage over the Kansas-Nebraska Act, quickly replaced the Whigs as the Democrats' major rival in a realigned two-party system. As historian David Potter writes of this period, "The antislavery bloc in Congress, strengthened by militant recruits like Sumner and [Benjamin] Wade, was no longer a little handful of isolated men."¹⁵ While Garrisonian abolitionists continued to agitate outside the traditional institutional arenas of American politics, other abolitionists—dubbed "radical Republicans"—were advancing a promising "insider" strategy that won them increasing clout in the nation's capitol, and especially within the halls of Congress. Diversity in the movement was accentuated further by a consequential split among militant insurgents loyal to Garrisonian nonviolence and those committed to far more aggressive confrontations, as John Brown and his followers dramatically illustrated in their raid at Harper's Ferry. Militant antebellum abolitionism ensured that the slavery conflict

dominated the public agenda, despite the best efforts of political leaders like Franklin Pierce, Stephen Douglas, the principal promoter of the Kansas-Nebraska legislation, and James Buchanan to change the subject. In turn, moderate abolitionists were gaining northern support and electing allies to Congress who would be well positioned to assist the cause when the time was ripe.

Crisis, Movement Activism, and Presidential Resistance

The crisis of the Civil War provided abolitionists with unprecedented opportunities. Abraham Lincoln's victory in 1860 brought to the executive office for the first time a Republican president who was hostile to the institution of slavery and dedicated to halting its expansion into new territories, itself a partial triumph of abolitionist electioneering. Indeed, abolitionists had been coveting Lincoln's support since hearing him denounce the Kansas-Nebraska Act at Springfield and Peoria, Illinois, in the fall of 1854. The Springfield address was not published, but Lincoln gave essentially the same speech in Peoria, which he wrote out for a week's issues of the *Illinois State Journal*, so that it would be widely read throughout the state. Listening to Lincoln condemn the opening of the Kansas and Nebraska territories to slavery and Stephen Douglas's doctrine of popular sovereignty in terms that appeared to embrace the principles of the fledgling Republican Party, key abolitionists were encouraged. Owen Lovejoy and Ichabod Coddling, both instrumental in the grass-roots movement to form a Republican organization in Illinois, thought they had found a savvy Whig politician who could make their cause effective. Yet Lincoln assumed a cautious position that typified his minuet with antislavery activists for much of the next decade, declining the invitation of Lovejoy and Coddling to join the Illinois Republican central committee. "I suppose my opposition to the principle of slavery is as strong as that of any member of the Republican Party," he wrote Coddling, "but I had also supposed that the *extent* to which I feel authorized to carry that opposition, practically, was not all that satisfactory to the party."¹⁶

Indeed, Lincoln's famous Peoria address made clear that even as he strongly opposed the Kansas-Nebraska Act's repeal of the 1820 Missouri Compromise, which would allow slavery to expand above the boundary proscribing slavery in northern portions of the Louisiana Territory, he was no abolitionist. Tellingly, he would not even go so far as to condemn the hated fugitive slave law. Despite the speech's soaring rhetoric, which Lovejoy and Coddling praised as a "glorious abolition speech," Lincoln's message was a

moderate one that sought to command the fragile center in the polarizing struggle over slavery. He was willing to cooperate with but not join the abolitionist movement or the party that their more moderate wing helped found. "Some men, mostly Whigs, who condemn the repeal of the Missouri Compromise, nevertheless hesitate to call for its restoration, lest they be thrown in company with the abolitionists. Will they allow me as an old whig to tell them good humouredly, that I think this is very silly? . . . Stand WITH the abolitionist in restoring the Missouri Compromise; and stand AGAINST him when he attempts to repeal the fugitive slave law. . . . In both cases you are right. In both cases you oppose the dangerous extremes."¹⁷

Lincoln did not abandon his conservative Whig principles once he finally joined the Republican Party in 1856. Indeed, his relative moderation on the slavery issue helped him wrest his party's 1860 presidential nomination from the avowedly pro-emancipation William H. Seward, the former governor of New York and the most prominent national Republican leader. Lincoln's nomination signified that the Republicans' abolitionist wing did not have a stranglehold on the party. Although Lincoln earned his victory in the general election by sweeping every northern state but New Jersey with 54 percent of the North's popular vote, his inaugural address reaffirmed his opposition to any efforts "to interfere with the institution of slavery in the states where it already exists."¹⁸ The new president believed that the "only substantial dispute" was whether slavery could be extended to new territory. Still, Lincoln insisted, as he had since the Peoria address, that this conflict was linked to fundamental principles. "One section of the country believes slavery is *right* and ought to be extended," he said, "while the other believes it is *wrong* and ought not to be extended." This moral dispute was not a matter that could be settled by "legal right," despite the Supreme Court's *Dred Scott* ruling against congressional limits on slavery in the territories. Rather, it was a matter to be decided by ordinary voters and their representatives. Otherwise, "the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of an eminent tribunal."¹⁹

Some abolitionists were disdainful of Lincoln's adherence to Whig principles that, at best, prescribed gradual emancipation, but most were more hopeful. Even Garrison, who had harsh words for Republicans, especially the more temperate wing of the party that Lincoln represented, was cautiously optimistic that the 1860 election would advance the abolitionist cause. He argued that Republicans could "create such a moral and religious sentiment against slavery as shall mould all parties and sects to effect its overthrow."

Despite Lincoln's moderation, Garrison sensed that his party's ascendance revealed "a marked division between the political forces of the North and the South; and though it relates, ostensibly, solely to the question of the further extension of slavery, it really signifies a much deeper sentiment in the breasts of the people of the North, which, in process of time, must ripen into more decisive action."²⁰

The secession of southern states clearly made decisive action far more likely. As soon as secession became violent and irrevocable, Lincoln believed that his oath of office compelled him to take extraordinary measures, including the suspension of *habeas corpus*, to preserve the Union. Abolitionists hoped that the president's grasp of prerogative power to put down the domestic rebellion would include emancipating the slaves. The day after the North's surrender of Fort Sumter, the White House and Congress were flooded with abolitionist petitions, letters, and personal confrontations demanding immediate emancipation. Radical Republicans were quick to take up the cause of their more fervent brethren. Charles Sumner, representing Massachusetts in the Senate, argued in October 1861 that the Civil War had transformed emancipation into a "weapon" that all true patriots should be eager to deploy: "It is often said that war will make an end of slavery. This is probable. But it is surer still that the overthrow of Slavery will make an end of the war. . . . War must be brought to bear directly on the grand conspirator and omnipresent enemy. Not to do so is to take upon ourselves all the weakness of Slavery, while we leave the Rebels its boasted resources of military strength."²¹

But Lincoln was slow to accept the necessity of abolishing slavery by executive action. On July 4, 1861, the president once again assured the nation that he had no intention to disturb slavery in the states; three weeks later he told Congress that "this war is not waged . . . for any purpose . . . of overthrowing or interfering with the rights or established institutions of . . . Southern states."²² Indeed, Lincoln feared that an emancipation edict would weaken the Union by alienating the Border States. He revoked General John C. Fremont's emancipation order, issued in August 1861, which confiscated the property and freed the slaves of all Confederate activists in Missouri. Lincoln's slap-down of Fremont, the crusading standard bearer of the Republican Party in the 1856 presidential election, was unpopular with most Republicans.

"Astonished" that even moderate Republicans like Orville Browning were now urging such an extraordinary use of executive power, Lincoln insisted that Fremont's proclamation was "simply dictatorship." It assumed that the general could "do *anything* he pleases—confiscate the lands and free

the slaves of *loyal* people, as well as disloyal ones.” Rather than save the government, Lincoln insisted, actions like Fremont’s would signify the surrender of it: “Can it be pretended that it is any longer the government of the U.S.—any government of Constitution and laws—wherein a General, or a President, may make permanent rules of property by proclamation?” Compounding this perversion of principle, Lincoln feared, was that it was likely to fail as a policy. “I was assured,” Lincoln informed Browning, “that [letting Fremont’s order stand meant that] the very arms we had furnished Kentucky would be turned against us. I think to lose Kentucky is nearly the same as to lose the whole game. Kentucky gone, we cannot hold Missouri, nor, I think, Maryland.” Invoking the carefully modulated pledge their party had made in 1860—to prevent the expansion of slavery, and no more—Lincoln pleaded with his old friend to give up his “restlessness for new positions.”²³

Lincoln’s invocation of the Republican platform was not disingenuous. Holding firmly to its pledge, he rejected Seward’s importunities immediately after the 1860 election that, while still the president-elect, he seek a compromise on the extension of slavery into the territories. When word leaked that Congress was considering a plan presented by Senator John J. Crittenden of Kentucky that would accept the expansion of slavery south of the Missouri Compromise’s 36/30 line, Lincoln intervened to defeat it. To surrender under threat that which Lincoln defined as the Republican bedrock would have been disastrous not only for his party but also for American democracy. His fellow Republicans in Congress agreed. Despite Seward’s talk of a negotiated settlement, not a single Republican in Congress voted for the Crittenden Plan. Moreover, Lincoln’s moral aversion to slavery and his eagerness to assuage moderate abolitionists in Congress led him to distance himself from the proslavery positions of earlier presidents. In defiance of the *Dred Scott* decision, Lincoln signed legislation barring slavery from all the national territories. He also supported a new treaty with Great Britain aimed at better attacking the Atlantic slave trade, and, at the urging of Senator Sumner, he refused to commute the death sentence of the first American convicted of participating in the slave trade. Even as he took these measures, Lincoln remained unwilling to endorse “radical and extreme measures.” Nonetheless, as the president acknowledged in defending his slouch toward emancipation, “I claim not to control events, but confess that events have controlled me.”²⁴ Undaunted by Lincoln’s unyielding defense of the “middle ground,” militant and moderate abolitionists pressed strongly for a decidedly bolder course. In the end, Lincoln was persuaded to lend critical support to their cause.

Radical Agitation and Collective Responsibility

Movement radicals launched provocative publicity campaigns and rallies meant to unravel Lincoln's gradualism. In November 1861, an Emancipation League was formed by Phillips, Garrison, and Frederick Douglass to coordinate a vigorous publicity campaign of public speeches, writings, and demonstrations aimed at "urging upon the people and the Government emancipation of the Slaves, as a measure of justice, and military necessity."²⁵ Garrisonian abolitionists saw their militancy as playing a critical role. "I do not believe that [Lincoln] has the boldness to declare an emancipation policy, until, by a pressure which we are to create, the country forces him to do it," Phillips reasoned. "I must educate, arouse, and mature a public opinion which shall compel the administration to adopt and support [abolition]. . . . My criticism is not, like that of the traitor presses, meant to paralyze the administration, but to goad it to more activity and vigor."²⁶ These efforts drew unprecedented attention. The *New York Tribune* estimated that during the winter and spring of 1861–62 more than 5 million people heard or read antislavery speeches of Phillips and other Emancipation League agitators.²⁷ "Keep pounding the rock," Douglass urged his colleagues, while his own speeches assailed Lincoln's "vacillation, doubt, uncertainty, and hesitation."²⁸ The League was not alone in its efforts to instigate change. The White House also was beleaguered from a steady stream of antislavery petitions, letters, and delegations.²⁹

Yet this deluge was mediated in critical ways by the Republican Party, which lent authority and effective organization to the abolitionist cause. Moderate abolitionists at the center of power recognized the moral and practical strains that these publicity and protest activities placed on Lincoln, and they sought to capitalize on them in two ways. First, reform-minded lawmakers and cabinet members, most notably Senator Sumner, conferred with the president several times a week on how to address both abolitionist demands and the moral obligations to end slavery.³⁰ Sumner and others also gave more respected voice to militant arguments that freeing slaves served an immediate military purpose. Second, abolitionists in Congress (including prominent members of the influential joint congressional Committee on the Conduct of the War) worked to force the president's hand amid the constant drumbeat of external abolitionist criticism.³¹

The Radical Republicans' commitment to pushing Lincoln toward emancipation was especially evident in how Congress addressed the issue of thousands of slaves who fled behind the lines of Union armies in pursuit of freedom. Some Union officers followed the Fugitive Slave Act and permitted

slave masters to reclaim these fugitives, while others refused to return the slaves on the grounds that they were contrabands of war. Lincoln made no public comment on the subject in the summer of 1861, but he privately resolved that these fugitives ought not to be returned to bondage.³² Still, he faced a nettlesome dilemma: most people living in the Border States crucial to the Union cause supported the return of these fugitives and those in northern states resisted the resettlement of large numbers of freed slaves in their territory.³³ As the White House responded slowly, movement allies in Congress seized the initiative. When numerous fugitive slaves sought haven at a Union fort in Virginia, abolitionists in Congress persuaded their colleagues to adopt a Confiscation Act in the summer of 1861 that allowed Union forces to seize all property used to aid the Confederacy. The measure was carefully designed to provide relief for fugitive slaves behind Union lines. Lincoln reluctantly signed the legislation.³⁴ The law fell far short of the ringing endorsement that Phillips and Douglass were championing—the contrabands were no longer slaves only if they had been employed directly by the Confederate army—but it was too strong for Democrats and a few border-state Republicans. As James McPherson has noted, “This was the first breach of bipartisan support for Union measures.” More to the point, it marked a critical turning point, signifying that “the conflict was being transformed into a Republican *and* antislavery war.”³⁵

Such a development worried Lincoln, especially as he feared it encouraged Fremont’s edict, which went well beyond the letter of the law. Even as the pressure for emancipation grew in the spring of 1862, Lincoln continued to prescribe gradualism. Although expressing sympathy with the objective of the Religious Society of Progressive Friends, a Pennsylvania abolitionist society that met with him in June 1862, Lincoln made clear that he was not yet prepared to embrace the method they and their radical Republican allies proposed to fulfill it. “If a decree of emancipation could abolish Slavery,” he told his visitors, “John Brown would have done the work effectually.”³⁶

To resolve the puzzle of what to do with fugitive slaves who escaped into Union encampments, Lincoln considered colonization but eventually developed an emancipation plan intended to address abolitionist demands for dismantling slavery without alienating the majority of citizens in both border and northern states. Unveiled in his annual message to Congress in December 1861, Lincoln’s proposal called for abolition to be voluntary on the part of loyal slave states, for compensation to be made to the slave owners, and for freed slaves to be colonized.³⁷ It was meant to be a compromise plan that spoke to abolitionist demands. “If the President has not entered Canaan,”

Phillips observed, “he has turned his face Zionward.”³⁸ Lincoln’s careful designs for compensated emancipation ultimately went nowhere as none of the loyal slave states agreed to the plan. But his efforts speak to abolitionist influence both inside and outside the councils of government, with the Republican Party playing an important role in reconciling insurgency and executive power.

The Final Push: Sustained Pressure and Executive Action

Early in 1862, the abolitionist leaders of the Emancipation League noted a significant change in how northern audiences greeted their fiery demands for immediate emancipation. Douglass marveled that earlier jeers and mob violence against abolitionist speeches had been replaced by hearty applause and cheers from packed audiences, but he was quite certain that the change in public sentiment was driven by the belief that abolition would hasten Union victory rather than any faith in racial justice.³⁹ Following Sumner, abolitionists also grew adroit at framing the abolition of slavery as consistent with Lincoln’s self-proclaimed duty to do whatever was necessary to preserve the Union. Militant abolitionists, too, began to take greater care to cast emancipation as a crucial war measure in line with two executive and popular goals: swift victory and enduring peace. “We are fighting the rebels with only one hand,” Douglass told an enthusiastic audience in Philadelphia. “We are recruiting our troops in the towns and villages of the North, when we ought to be recruiting them on the plantations of the South. We are striking the guilty rebels with our soft white hand, when we should be striking with the iron hand of the black man, which we keep chained behind us.”⁴⁰ As another movement leader put it in more strategic terms, an emancipation order by the president “would compel every fighting [Confederate] man to remain at home and look to their negroes instead of going into the army to kill our friends.”⁴¹

In March, Phillips brought his rhetorical campaign directly to Washington, where “he took the town by storm.” Phillips’s celebrity as an eloquent agitator led Lincoln to grant him an interview, during which he counseled the president on his moral duty to liberate slaves. While militants like Phillips were gaining mainstream appeal and recasting northern views, Sumner and other abolitionist insiders advanced the League’s arguments through private lobbying and public action. Radicals derailed readoption of the so-called Crittenden-Johnson Resolution that originally disavowed the abolition of slavery as a central war aim of the Union. They subsequently won passage

of an article of war prohibiting U.S. troops from returning fugitive slaves to slaveholders, followed by legislation in April 1862 that abolished slavery in the District of Columbia.

By the summer of 1862, the Republican Party was united in the view that Lincoln and the military should take all action, including emancipation, to put down the rebellion. Even moderate Republicans supported the enactment of two laws that made all but inevitable the link between restoration of the Union and emancipation. The Militia Act not only drafted soldiers for a nine-month tour of duty but also empowered the president to enroll “persons of African descent” for any “war service for which they may be found competent,” including service as soldiers, a step that Lincoln was not yet prepared to take.⁴² This revolutionary provision was underlined with Congress’s enactment of a second Confiscation Act, which punished “traitors” by confiscating their property, including slaves who were “deemed captives of war . . . and forever free.”⁴³

Lincoln had deep reservations about the sweeping powers the second Confiscation Act bestowed on the military; he signed the legislation, but took the extraordinary step of sending back to Congress a draft veto message that detailed his concerns about its failure to clearly stipulate the meaning of treason and to distinguish between confederates’ real property and slaves. Nevertheless, recognizing that to resist the rising sentiment for abolition would unite his partisan brethren in Congress against him, Lincoln not only signed the Confiscation Act but also made no effort to resist the pressure that the Committee on the Conduct of War put on generals to aggressively enforce it.⁴⁴

Spurred by the radicals of his party and frustrated by the border-state’s adamant rejection of his plan for compensated emancipation, Lincoln finally tilted toward the abolitionist position. He privately consulted with various confidantes, including moderate abolitionists, about issuing an emancipation proclamation as a military measure liberating slaves behind Confederate lines. A draft of a proclamation was soon prepared and locked in his desk drawer. When Sumner persistently urged Lincoln to issue the proclamation, the president firmly explained, “We *mustn’t* issue it till after a victory.” To begin preparing northern sentiment for such an order, he resuscitated his colonization proposal as a way of assuaging popular fears that emancipation would lead freed slaves to resettle *en masse* in northern states.⁴⁵ He also issued his famous public response to Horace Greeley’s New York editorial, titled “The Prayer of Twenty Millions,” which criticized the president’s lethargy on emancipation. Lincoln’s open letter clarified what he saw as his official obligation to subordinate the slavery question to preserving the Union, although

this duty represented “no modification of my oft-expressed *personal* wish that all men everywhere could be free.”⁴⁶ His open letter was designed to reassure northerners “who did not want to see the war transformed into a crusade for abolition” and alert “antislavery men that he was contemplating further moves against the peculiar institution.”⁴⁷

When military victory finally came at Antietam in September, Lincoln issued a “Preliminary Emancipation Proclamation” followed by a permanent proclamation a few months later. The centerpiece of the executive order was its declaration of presidential intent to emancipate all slaves in areas failing to return to the Union by January 1, 1863. Using language consistent with his constitutional role as commander-in-chief, Lincoln defined emancipation in terms of military imperative; the proclamation was to be applied essentially in unconquered sections of the Confederacy. Slaves also were described in martial terms as commodities of war; their freedom was “not a question of sentiment or taste, but one of physical force, which may be preserved and estimated as horsepower, and steampower, are measured and estimated.”⁴⁸

Despite the limited scope of the proclamation’s language and spirit, abolitionists regarded it as a tremendous breakthrough: Lincoln had finally made the connection between abolitionism and military necessity that they had been urging on him since the start of the war. “We shout for joy that we live to record this righteous decree,” Douglass proclaimed. Greeley hailed the president’s order as “the beginning of the new life of the nation,” and Garrison described it as “an act of immense historic importance.”⁴⁹ Indeed, abolitionists played an important part in recruiting black soldiers. Douglass was especially active in this cause, helping to recruit the Massachusetts 54th Infantry, the first regiment of northern blacks, which his sons, Lewis and Charles, joined.⁵⁰

Fortified by wide reports that black soldiers took full advantage of this opportunity for honor, both militant and moderate antislavery leaders soon urged more sweeping emancipation. Throughout his presidency, Lincoln insisted that full emancipation of slaves could only be achieved by constitutional amendment, and not by executive fiat. Nor could the slaves be freed by regular legislation. To the chagrin of Radical Republicans, he vetoed the 1864 Wade-Davis Bill, which included the sort of comprehensive emancipation and Reconstruction measures that he still believed the federal government had no constitutional right to impose on the states. At the same time, Lincoln made clear that he had moved significantly in the abolitionist direction. He conceded that it was unthinkable to return blacks to slavery, especially since African American soldiers performed as bravely and effectively as abolitionists

had told a skeptical president they would. When some northern Democrats argued that permanent emancipation was the only stumbling block to peace negotiations with the Confederacy, Lincoln countered that “as a matter of policy, to announce such a purpose, would ruin the Union cause itself.”⁵¹

As he made clear at Gettysburg, Lincoln had come to sense a historic opportunity to join abolitionists in assuring that the “nation, under God, [would] have a new birth of freedom.” Supported by the radical members of his party, the president persuaded the chairman of the Republican National Committee, New York Senator E. D. Morgan, to make an emancipation amendment the “key-stone” of the 1864 campaign platform. Because slavery was “hostile to the principles of republican government, justice and national safety,” the platform declared, the Republican Party vowed to accomplish its “utter and complete extirpation from the soil of the Republic.”⁵² The president also showed his resolve by plotting with Frederick Douglass in August 1864 to free the slaves from the Confederacy should the Republicans, as he thought probable, lose the election and thus any opportunity to end forced servitude constitutionally.⁵³ The Democratic candidate, the reluctant General McClellan, although he disavowed his party’s “peace before reunion” plank, opposed the Emancipation Proclamation and wanted the Union to continue fighting only until the precession status quo could be restored.⁵⁴

In the end, a spirited Republican campaign and the timely capture of Atlanta turned the tide in the Republicans’ favor. Reelected by large majorities, Lincoln and GOP leaders persuaded Congress to propose by the necessary two-thirds majority to end slavery everywhere in the United States. The president played a critical part in the complicated congressional maneuvers, “intervening more directly in the legislative process than at any other point in his presidency.”⁵⁵ More than three decades after Garrison founded the AASS, the complete abolition of slavery finally was achieved with congressional passage and ultimate ratification of the Thirteenth Amendment in 1865. Yet this grand accomplishment also owed significantly to a Whig politician who first reluctantly, but later decisively, formed an alliance with a social movement. Once the House and Senate had passed the amendment, Congress sent it to Lincoln for his signature. The Constitution does not require presidents to sign constitutional amendments, but legislative leaders somehow forgot that Lincoln’s was not needed.⁵⁶ This oversight, whether deliberate or not, testifies to the important role that the president played in persuading the Congress and the people to embrace constitutional change—as he put it, “a King’s ransom for all the evils.”⁵⁷ As Douglass observed in his famous 1876 oration upon the occasion of the dedication of the Freedmen’s Monument, “Viewed from

genuine abolition ground, Mr. Lincoln seemed tardy, cold, dull, and indifferent; but measuring him by the sentiment of his country, a sentiment he was bound as a statesman to consult, he was swift, zealous, radical, and determined.”⁵⁸

Douglass aptly highlighted the competing pressures to which Lincoln was subjected and the importance of his efforts to prepare public opinion. The form, substance, and timing of sweeping emancipation was ultimately a shared, albeit contentious, leadership enterprise. Militants kept abolitionism before the nation and ultimately played a critical part in reshaping public debate over slavery during the war. Sumner and other abolitionist “insiders” capitalized on the political strains and ideas posed by militants, but reframed them in congressional legislation and private deliberations at the White House. But Lincoln’s strategic choices and actions in his exercise of executive powers were also integral to winning large-scale change.

The Limits of Constitutional Change

In the final analysis, the relationship between Lincoln and the abolitionists was sealed on the basis of the birth and rise to power of a new party. Firmly united in its commitment to emancipation, sanctified by a popular election and Lee’s surrender at Appomattox, the Republicans added two more amendments to the Constitution after Lincoln’s death. The Thirteenth Amendment transformed America’s scripture, the Declaration of Independence, into a formal constitutional obligation. That obligation was further extended by the Fourteenth Amendment, ratified in 1868, which granted all Americans the “privileges and immunities of citizens of the United States,” “due process,” and “equal protection of the laws.” The Fifteenth Amendment, added in 1870, proclaimed the “right of citizens of the United States to vote shall not be abridged by the United States or any State on account of race, color, or previous condition of servitude.”

The three Civil War amendments changed the course of constitutional development and expanded government’s obligation to protect the rights of the common citizen. President Ulysses S. Grant, elevated to the White House in 1868, declared in his March 1870 message to Congress that the ratification of the Fifteenth Amendment “completes the greatest civil change and constitutes the most important event that has occurred since the nation came to life.”⁵⁹ This was not merely rhetorical flourish: Grant was determined to deploy the military government in the South to enforce the Fourteenth and Fifteenth Amendments and to protect freedmen from the violent backlash of

the Ku Klux Klan. African Americans jubilantly celebrated, hoping with Douglass that the amendment ratification “means that we are placed on an equal footing with all other men . . . and that liberty is to be the right of all.”⁶⁰ Indeed, a number of former abolitionist groups disbanded on the assumption that now, finally, their work was done.

But these hopes would be bitterly dashed. The political order that Lincoln and the Republican Party formed imposed limits on presidential power and the constitutional transformation promised by the Civil War Refounding. Even in the war, Lincoln did not forsake entirely the Whig view of executive power that he had celebrated in the Peoria address. Consistent with this view, which most Republicans—radical and moderate—embraced, Lincoln denied that the president could veto bills merely because he disagreed with them; only legislation, like the Wade-Davis bill, that he regarded as unconstitutional would be returned to Congress.⁶¹ Despite serious reservations, he signed the Confiscation Acts; moreover, the president deferred almost entirely to Congress on matters unrelated to the war, “contributing little more than his signature” when Republican lawmakers “created a Department of Agriculture, established land grant colleges, passed the Homestead Act [to encourage western settlement], instituted the income tax, and erected the legislative framework that would lead to the construction of a transcontinental railroad.”⁶²

Dedicated to Whig principles, Lincoln did not believe that emancipation would secure black rights quickly. His celebrated second inaugural both invoked a divine mandate to expurgate the sin of slavery and an appeal to pursue God’s will mercifully—“with malice toward none; with charity for all.” Hoping to moderate the Radicals’ bold plans to remake the South, he sought to realize the constitutional revolution in a lenient fashion, preferring to address the prejudices of Americans with persuasion rather than force. Lincoln’s assassination, and his bigoted successor, Andrew Johnson, severely limited the Republicans’ constitutional legacy. But the failure of Reconstruction was also attributable to the party’s principled opposition to executive power—to most Republicans’ diffidence in the task of strengthening national administrative authority. In the face of Johnson’s betrayal of the Republicans’ commitment to civil rights, the party set out to diminish rather than reconstruct executive power. As Sumner insisted, the Constitution made the president “only the instrument of Congress.” The impeachment and near conviction of Johnson, therefore, reversed the expansion of executive power during the Civil War and the early days of reconstruction and redefined the presidency as “primarily ministerial.”⁶³ What Sumner and his radical brethren failed to

acknowledge, however, was that their indifference, indeed avowed hostility to national administrative power, would ultimately make the expansive government power they prescribed impractical.

The Republicans' fear of centralized power formed a critical backdrop to the notorious "Compromise of 1877," which settled the controversial 1876 presidential election in favor of Republican Rutherford B. Hayes. Hayes, in turn, removed the federal troops from the South, thus putting an end to virtually all attempts to enforce the rights of former slaves. "More profoundly than Constitutional amendments and wordy statutes," C. Van Woodward has written, this unsavory bargain "shaped the future of four million freedman and their progeny for generations to come."⁶⁴ In truth, the negotiations between Democrats and Republicans that led to the 1877 agreement had stretched over several months. Prompted by the Democrats regaining control of the House in 1874 and the waning power of the military occupation, Grant had maintained a "benevolent neutrality" during the last three months of his administration that enabled to so-called Redeemers of South Carolina and Louisiana to take de facto control over the two remaining Republican governments below the Mason Dixon Line. In the final analysis, the military, especially one that was small and widely scattered, was no substitute for a national bureaucracy: military personnel were not trained for such work, and military government proved impossible for democratically elected representatives to defend.⁶⁵

Putting an end to Reconstruction and recognizing a new regime in the South, the Compromise of 1877 paved the way for white majorities in southern states to enact Jim Crow laws, a system of forced segregation that prevented enforcement of the Fourteenth and Fifteen Amendments and that denied African Americans a full share of American citizenship for nearly a century. The Civil War and its aftermath had firmly ensconced the Republicans as the majority party, but this partisan realignment did not prevent a debased form of local self-determination—"a state of courts and parties"—from returning to American politics. This decentralized party state would severely constrain presidential authority for the rest of the nineteenth century, so much so that the self-styled modern reformers who emerged during the 1890s overwhelmingly viewed partisan politics as an obstacle to their ambition to construct an executive-centered "modern" state on American soil.

LYNDON JOHNSON AND THE CIVIL RIGHTS MOVEMENT

Even during the unprecedented crisis of civil war, both Lincoln's prerogative powers and his relationship with the antislavery movement were mediated by

a strong party and a formidable legislative branch. Little wonder that the presidents who followed, shorn of wartime authority for seizing power, found that the disruptive capacities of their office were significantly limited by constitutional norms, the strength of rival branches, and a highly mobilized, decentralized, and disciplining party system. By contrast, the modern presidency that emerged in the early twentieth century inspired many Progressive Era reformers. Theodore Roosevelt's pathbreaking administration and his 1912 Progressive Party campaign suggested to these reformers that the president, not the Congress or political parties, was the principal instrument of popular rule.⁶⁶ With the advent of the modern executive, reformers, including the leaders of social movements, were more likely to view occupants of the Oval Office as critical political agents capable of either advancing or derailing nonincremental change. Alice Paul of the woman's suffrage movement captured this new preoccupation well when she and her supporters made Woodrow Wilson the focus of regular protest activities throughout his administration. Paul explained that these efforts reflected a new conviction that winning the services of the energetic presidency established by Theodore Roosevelt was essential. "We knew that [the presidency], and perhaps it alone, would ensure our success," she noted.⁶⁷

Yet the idea that the American executive might act as a spearhead of racial justice and enduring civil rights reform was only partially and haltingly expressed in the relationship between presidents and social movements during the Progressive Era and New Deal years. Not until the Great Society, animated in large part by Lyndon Johnson's uneasy alliance with the civil rights movement, did the progressive vision of the modern presidency reach fullest expression. Only with Johnson was the entire arsenal of modern presidential powers—political, administrative, and rhetorical—unwaveringly deployed on behalf of insurgent interests and demands.

Determined to forge direct ties with civil rights leaders, the Johnson administration was indifferent, if not avowedly hostile, to the traditional Democratic Party. Since the New Deal, the southern Democrats had been, as one progressive journalist put it, the "ball and chain which hobbled the Party's forward march."⁶⁸ More fundamentally, scarred by the failure of Reconstruction, progressives had long considered American political parties, rooted in the states and localities, as an obstacle to "enlightened administration." As one Johnson aide noted, "Johnson viewed political parties as an impediment to progress. . . . Parties are little more than figments of people's imagination, a binary system that inhibits political possibilities."⁶⁹ Whereas the Republican Party mediated the relationship between Lincoln and the

abolitionists, LBJ put himself out front on civil rights, seeking from the start to lead the movement toward its goals, tap its energy, and manage its unfolding. Tying his presidency to this cause from the beginning, Johnson defied the structural logic that had traditionally kept insurgent movements and presidents at arm's length. In turn, Johnson's inability to sustain that vanguard role exposed more fully than any other example the unresolved constitutional tensions at the heart of the progressive vision.

Seizing the Moment: Lyndon Johnson and the Politics of Race

When Johnson assumed the presidency, he had instrumental reasons for taking a strong civil rights stand. By this time, the Solid South was no more, as Eisenhower and Nixon had won substantial support below the Mason-Dixon Line. The best hope for establishing an executive-centered liberal coalition lay in expanding the black vote. Black voters were suspicious of a southern president, as were many northern liberals who had become strongly committed to the civil rights cause after the demonstrations in Birmingham, Alabama, and the March on Washington in 1963. Johnson felt the need to prove himself to the growing civil rights movement by carrying out—indeed surpassing—the civil rights program of the Kennedy administration.⁷⁰

Equally important, Johnson wanted to make his own historic mark on the presidency and he viewed civil rights reform and an alliance with the leaders of the civil rights movement as critical to the success of the Great Society. In the view of Johnson and aides like Richard Goodwin and Bill Moyers, the social movements that emerged in the 1960s suggested that ideas and practices that were marginal during the Progressive Era and New Deal might become the foundation of a new reform program. “Johnson intended to align himself with the cause of blacks and women and consumers,” Goodwin has claimed, “and he saw their causes as evidence that the country was ready for leadership committed to social change.” In the civil rights movement especially, the Johnson administration saw “not only the power and possibility of organized protests, but the unsuspected fragility in America to liberating changes.”⁷¹

Viewing the growing civil rights movement as an opportunity for the White House to forge a new reform coalition, Johnson was scornful of the Kennedy administration's cautious moves toward new federal intervention, even as it pushed unsuccessfully for a major civil rights bill in 1963.⁷² He intended to fully deploy the White House in fulfilling his reform ambition, and few presidents had broader political opportunities or executive powers at

their disposal.⁷³ Never recognized for his rhetorical ability, LBJ even made surprising use of the bully pulpit. The president delivered speeches in Georgia during May 1964 that appeared to defy his reputation as an unprincipled power broker. In a notable address to the state legislature, he declared unequivocally that the time had come for “justice among the races.” Johnson insisted that he would never feel that he had done justice to his “high office”—the national constitutional office—so long as those old hatreds continued to rend the country. This constitutional responsibility presupposed searing the American creed, and how racial discrimination tarnished it, into the national consciousness. “Georgians helped write the Constitution. Georgians have fought and Georgians had died to protect that Constitution,” he observed in a calm but firm tone. “Because the Constitution requires it, because justice demands it, we must protect the constitutional rights of all of our citizens, regardless of race, religion, or the color of their skin.”⁷⁴

Johnson’s resolve to take the civil rights fight into the Deep South reverberated far beyond Georgia’s borders. In going before the legislature of a southern state to make an unflinching statement on civil rights, he gained the hard-won respect of northern liberals and civil rights leaders. It was “becoming of the President of the United States,” a *Washington Post* editorial declared, that he should make such a “forthright statement” below the Mason-Dixon Line. Johnson’s words were not novel; he and other presidents had said as much before. “But said in this setting,” the *Post* recognized, “the words have special impact, special meaning. They throw down the gauntlet of a challenge: they say to the South—in part because they are spoken by a President of the United States who is himself a Southerner—‘Remember that you are Americans; remember that you belong to a Union, not a confederacy.’”⁷⁵

Johnson’s remarkable and widely praised trip to Georgia strengthened his resolve to see civil rights legislation enacted that would dismantle the Jim Crow system. Martin Luther King, who had met LBJ during his tenure as vice president and quickly sized him up as a valuable ally, recognized the importance of the president’s early and earnest advocacy of civil rights: “[Lyndon Johnson’s] approach to civil rights was not identical with mine—nor had I expected it to be. Yet his careful practicality was nonetheless clearly no mask to conceal indifference. His emotional and intellectual involvement was genuine and devoid of adornment. . . . It was Vice President Johnson I had in mind when I wrote in *The Nation* that the white South was splitting, and that progress could be furthered by driving a wedge between the rigid segregationists and the new white elements whose love of their land was stronger than the grip of old habits and customs.”⁷⁶ For a time, LBJ’s “careful practicality”

and moral leadership made him an indispensable ally of the civil rights movement. His greatest strength as Senate Majority Leader had been personal persuasion, a talent he now used to convince the Senate Republican leader, Everett Dirksen, to endorse the 1964 Civil Rights Bill and enlist moderate Republicans in the cause. This support did not come without a price. Dirksen insisted on compromises that reduced the power of the Equal Employment Opportunity Commission (EEOC) and limited the authority of the Justice Department to bring suits against businesses to those situations in which a clear “pattern and practice” of discrimination existed.⁷⁷ These compromises responded to moderate Republicans’ distaste for overlapping bureaucracies and excessive litigation, as well as their desire to protect northern and western businesses from intrusive federal agencies. Still, the principal objective of the Civil Rights Bill—eliminating entrenched segregation in the South—was preserved.

Dirksen’s support of the Civil Rights Bill also followed from the senator’s perception, confirmed by the president’s successful southern tour, that public opinion’s support for civil rights was building in the country.⁷⁸ The bipartisan alliance of Johnson and Dirksen sounded the death knell for the conservative coalition of southern Democrats and Republicans against civil rights. For the first time, the Senate voted cloture against a southern filibuster designed to thwart a civil rights bill and did so by a considerable margin of seventy-one to twenty-nine. Once the filibuster was killed, Congress passed the bill quickly, and Johnson signed it on July 2, 1964. Throughout the fight for this legislation, Johnson drew strength from and collaborated with civil rights leaders, even seeking their support on which day he should sign the bill.⁷⁹

More controversially, most civil rights leaders accepted the compromise that the Johnson White House struck with Mississippi Freedom Democratic Party (MFDP) at the 1964 Democratic Convention, albeit not without a great “sense of distress.”⁸⁰ The compromise plan included the seating of the regular Mississippi delegation, provided its members signed a loyalty oath that pledged them to support the presidential ticket; the symbolic gesture of making MFDP delegates honored guests at the convention, with two of its members seated as special delegates at large; and a prohibition of racial discrimination in delegate selection at the 1968 convention, to be enforced by a special committee to assist state parties in complying with this expectation. The Student Nonviolent Coordinating Committee (SNCC) and the Committee of Racial Equality (CORE) scorned the White House’s willingness to sacrifice the MFDP’s moral cause on the altar of expediency. But the MFDP, through its lawyer John Rauh, joined King and most moderate civil rights

leaders in swallowing the compromise.⁸¹ Not only were southern states threatening to walk out of the convention if the regular Mississippi delegation was purged, but Johnson and Democratic leaders also warned civil rights leaders that an unruly convention would cost the party the support of several border states and deprive Democrats of a chance to win a historic landslide—and a mandate for further reform.⁸²

Just as important, LBJ helped to diffuse the Mississippi controversy by championing a fundamental reform of convention rules that would have enormous long-term consequences for the Democratic Party. Previously, state parties had sole authority to establish delegate selection procedures. Johnson's proposed solution to the MFDP compromise established the centralizing principle that henceforth the national party agencies would decide not only how many votes each state delegation got at the national convention but also would enforce uniform rules on what kinds of persons could be selected. As the president told Reuther, "We don't want to cut off our nose to spite our face. If they [MFDP protesters] give us four years, I'll guarantee the Freedom delegation somebody representing views like that will be seated four years from now."⁸³ Moreover, LBJ made it clear to all parties—civil rights reformers and regular southern delegates alike—that he did not propose this compromise merely as a short-term, stopgap measure to ensure peace at the 1964 convention. Rather, he viewed the new nondiscrimination rule as a justified extension of the national party's power over state delegations that carried on discriminatory practices. As Humphrey confirmed with Johnson in a telephone conversation soon after the compromise plan was accepted, the MFDP representatives should "be heralded not as delegates from the state of Mississippi," but, rather, "as an expression of the conscience of the Democratic party, as to the importance of the right to vote . . . by all peoples in this country."⁸⁴

Having gained credibility with civil rights leaders during the first critical year of his presidency, Johnson directly coordinated with them during the dramatic prelude to the enactment of the 1965 voting rights legislation, which would enfranchise millions of African Americans. New archival materials cut against the received wisdom that the White House wanted to go slow after the 1964 act. Indeed, LBJ not only pushed aggressively to continue the advance of civil rights but even seemed to welcome the movement's ability to disrupt politics-as-usual and to spur action. On January 15, 1965, for instance, Johnson urged King and the grass-roots organization he led to put pressure on Congress by dramatizing "the worst conditions [of blacks being denied the vote] that you can run into. . . . If you can take that one illustration and get it on the

radio, get on the television, get it in the pulpits, get it in the meetings—every place you can—then pretty soon the fellow who didn't do anything but drive a tractor would say, 'Well, that is not right—that is not fair.'⁸⁵

In the days that followed, King and movement activists took direct action in Selma that aroused massive resistance from local police and state troopers, as well as national demonstrations in support of the marchers. When King sought his public endorsement of the Selma campaign, Johnson championed the demonstrators' cause despite the efforts of White House aides to shield him from public involvement in the crisis. "I should like to say that all Americans should be indignant when one American is denied the right to vote . . . all of us should be concerned with the efforts of our fellow Americans to register to vote in Alabama," Johnson said. "I intend to see that the right is secured for all our citizens."⁸⁶

The following month, as the crisis in Selma worsened, Johnson lived up to this promise. On March 15, 1965, for the first time in nineteen years, a president appeared before a joint session of Congress to present a legislative message. Sensing that America was at a pivotal moment in its long and tortured history of slavery and discrimination, hoping to seize the opportunity presented by the brave civil rights demonstrators, Johnson spoke with unusual feeling about the Voting Rights Act:

What happened in Selma is part of a far larger movement which reaches into every section and State of America. It is the effort of American Negroes to secure for themselves the full blessings of American life.

Their cause must be our cause too. Because it is not just Negroes, but really it is all of us, who must overcome the crippling legacy of bigotry and injustice.

And we shall overcome.⁸⁷

Johnson thus adopted as his own rallying cry a line from an old hymn that had become the slogan of the civil rights movement. LBJ did not win over southern congressmen, most of whom slumped in their seats as the joint session erupted in applause. Yet he had triumphed where FDR failed. Without embroiling himself in an enervating purge campaign against conservative Democrats, as Roosevelt had in 1938, he joined civil rights activists to discredit southern resistance to liberal reform.⁸⁸ King, watching the speech on television in Montgomery, Alabama, was moved to tears. As he wrote of the historical address, "President Johnson made one of the most eloquent, unequivocal, and passionate pleas for human rights ever made by a President of the United States. He revealed an amazing understanding of the depth and dimension of the problem of racial justice. . . . We had the support of the

President in calling for immediate relief of the problems of the disinherited people of our nation.”⁸⁹ Even the more skeptical John Lewis, then president of SNCC, acknowledged that on this night LBJ was “a man who spoke from his heart, a statesman, a poet.”⁹⁰

Yet tensions within the civil rights movement threatened to sever its critical but uneasy ties with his White House. Indeed, in contrast to moderate civil rights leaders, more radical insurgents scorned White House leadership and their views increasingly gained a hold over the movement. Moderate abolitionists, such as Charles Sumner, gained prestige and authority as “radical” leaders of a new party; on the contrary, more practical civil rights activists like King sacrificed a measure of moral authority in forging direct ties with a president their more militant brethren deeply distrusted. For activists like James Foreman, the field secretary for SNCC, Johnson’s voting-rights sermon, coming on the heels of his maneuvers at the 1964 Democratic Convention, was little more than a “tinkling, empty symbol.” As he told reporters, “Johnson spoiled a good song that day.”⁹¹

Social Protest and Limits of White House Leverage

Toward the end of 1965, the energy and resources committed to the Great Society began to suffer, threatened by Johnson’s preoccupation with the Vietnam War. The war also fatally wounded his relationship with the civil rights movement.⁹² Even moderate civil rights leaders like King became visible participants in the antiwar movement. Many abolitionists welcomed the Civil War as a boon to their cause; King saw the Vietnam War not only as morally indefensible but also as a growing commitment that would divert resources needed to address problems of poverty at home. As the schisms in the civil rights movement deepened along with the administration’s involvement in Vietnam, Johnson became the target rather than the ally of civil rights activists.

In late November, White House aide Hayes Redmon lamented the antiwar efforts of civil rights activists. “I am increasingly concerned over the involvement of civil rights groups with anti-war demonstrators,” he wrote in a memo to Bill Moyers. “The anti-Vietnam types are driving the middle class to the right. This is the key group that is slowly being won over to the civil rights cause. Negro leadership involvement with anti-Vietnam groups will set their programs back substantially.”⁹³ King’s opposition, especially, which he voiced publicly in September 1965, angered Johnson and exposed the inherent conflict between the interests of the president and the civil rights

movement. Like Kennedy, Johnson deferred to FBI director J. Edgar Hoover's use of telephone wiretaps and hotel room microphones to discredit King on national security grounds; like Kennedy, too, he took seriously Hoover's ill-founded warning that Communists had infiltrated the civil rights movement.⁹⁴

Johnson had tried to renew ties with King a few weeks before the civil rights leader publicly voiced opposition to his administration. In August, soon after race riots broke out in Watts, he called the civil rights leader to express his continued support for civil rights and to question him about rumors that he was opposed to the administration's actions in Vietnam.⁹⁵ Trying in vain to meet the demands of spiraling civil rights militancy, the president urged King to take seriously and to help publicize a commencement address the president had given on June 4 at Howard University.⁹⁶ The speech proclaimed that "freedom was not enough" and that the time had come to "seek . . . not just equality as a right and a theory but equality as a fact and as a result." LBJ told King that it demonstrated his administration's commitment to address the most stubborn forces sustaining racial inequality.⁹⁷ The Howard address was arguably the boldest rhetorical presidential challenge to racial injustice since Lincoln's Second Inaugural. And yet, as the president complained, civil rights activists had in large part greeted it with a deafening silence. Johnson also urged the civil rights leader to support the administration on Vietnam, telling King: "I want peace as much as you do if not more so," because "I'm the fellow who had to wake up to 50 marines killed."⁹⁸

King acknowledged that Johnson's Howard University speech was "the best statement and analysis of the problem" he had seen and that "no president ever said it like that before."⁹⁹ Indeed, he had saluted the president by wire soon after it was delivered "for your magnificent speech . . . [that] evinced amazing sensitivity."¹⁰⁰ Nonetheless, King and other movement leaders refused to lavish praise on the Howard University Address, concerned that associating too closely with Johnson might weaken their standing in the civil rights community. As David Carter has written, "In this period of growing polarization it had become increasingly clear to civil rights leaders, and ultimately even to the President and his staff, that a White House blessing of a leader was tantamount to a curse."¹⁰¹

In truth, King was the least of the administration's problems. As the civil rights movement trained its eye on the poverty-stricken ghettos of large northern cities, King lost influence to more militant leaders who were better attuned than he to the frustrations and rage of young urban blacks.¹⁰² "Black power" advocates like Stokely Carmichael, newly elected head of SNCC, and

Floyd McKissick, of CORE, were not only dissatisfied with the achievements of Johnson's civil rights program, but they also were contemptuous of its objective of racial integration. As Carmichael and political scientist Charles Hamilton wrote in *Black Power*, a manifesto for the ascending militancy of the civil rights movement: "The goal of the black people must *not* be to assimilate into middle class America, for that class—as a whole—is without a viable conscience as regards humanity. . . . The values of that class do *not* lead to the creation of an open society. That class *mouths* its preference for a free, competitive society, while at the same time forcefully and even viciously denying the black people as a group the opportunity to compete."¹⁰³ The growing militancy of black America erupted during the summer of 1966 as urban riots swept across the nation. In the wake of these developments, the moderately conservative middle class, as the White House feared, grew impatient with reform. The administration's string of brilliant triumphs in civil rights was snapped. Its 1966 Civil Rights Bill, an open-housing proposal, fell victim to a Senate filibuster. Johnson's leadership of the civil rights movement was a great asset to him in 1964, but it was a political liability by the summer of 1966.

From the start of his presidency, Johnson had recognized that his alliance with the civil rights movement risked substantial Democratic losses in the South. The president's encouraging visit to Georgia gave him hope that he would be forgiven by white southerners; this was the very purpose of his appeal to conscience. But the elections of November 1966 confirmed the South was not in a forgiving mood. Three segregationist Democrats—Lester Maddox in Georgia, James Johnson in Arkansas, and George P. Mahoney in Maryland—won their party's gubernatorial nomination. In Alabama, voters ratified a caretaker administration for Lurleen Wallace, since her husband, George, was not permitted to succeed himself. George Wallace, dubbed the "prime minister" of Alabama, had by 1966 emerged as a serious threat to consummate the North-South split in the Democratic party, either by entering the 1968 presidential primaries or running as a third-party candidate. The gubernatorial race in California, where former movie star Ronald Reagan handily defeated the Democratic incumbent Edmund G. Brown, revealed that conservative insurgency was not limited to southern Democrats.¹⁰⁴

The prospect of losing the White House in 1968 made certain members of the administration nervous, if not completely repentant, about Johnson having alienated southern Democrats. Yet the fear of "white backlash"—the new phrase for white resentment of black gains through political action—did not shake Johnson's determination to obtain civil rights progress through legislation and executive action. Johnson had no stomach for a "southern strategy" that

retreated from civil rights. The defense of this cause above all was how he intended to make his mark on history, and Johnson's place in history meant more to him than serving another term as president or the standing of the Democratic Party. Moreover, the civil rights movement had become far too powerful and the issues it raised too riveting for a return to relatively "safe" New Deal issues such as economic security and educational opportunity. Johnson believed that as long as the economy remained strong, the Democrats "could still squeeze through." "But whatever the consequences," White House aide Harry McPherson has insisted, LBJ "was determined to make major advances in the area of civil rights."¹⁰⁵

In the wake of the civil rights crisis of 1966, Johnson no longer met with civil rights leaders; nor, however, did he sound a full retreat from civil rights reform. His position on civil disorders is telling. LBJ condemned riots, declaring in a nationwide July 1967 address that "there is no American right to loot stores, or to burn buildings, or to fire rifles from the rooftops. That is a crime—and crime must be dealt with forcefully, and swiftly, and certainly—under law." At the same time, he insisted, "This is not a time for angry reaction. It is a time for action: starting with legislative action to improve the life in our cities. The strength and promise of the law are the surest remedies for tragedy in the streets."¹⁰⁶ Johnson responded to the riots by intensifying his efforts to expand civil rights and the War on Poverty programs. The administration continued to push for an open-housing bill, and in the aftermath of King's assassination, one was passed in 1968. That year, LBJ also submitted and Congress passed the most extensive and most expensive public housing legislation in American history. Finally, Johnson continued to support the White House's Office of Economic Opportunity, even though its sponsorship of Community Action Programs (CAPs), requiring "the maximum feasible participation of residents of the areas and groups involved," was reportedly having a disruptive influence in many cities and was the target of bitter complaints from local party leaders.¹⁰⁷ LBJ seethed privately about the "revolutionary" activity that some CAPs were fomenting. Nonetheless, he never repudiated them publicly and continued to support federal funds for neighborhood organizations. The War on Poverty's Community Action Program was the administration's final, frail hope that it could benefit from the transformative energy of a movement over which it was rapidly losing influence.

Political Failure and "Enlightened" Administration

Against the general norm that presidents are repressive or indifferent in their response to the demands of insurgent groups, Johnson's uneasy collaboration

with the civil rights movement shows how an ambitious president and social activists can form an alliance in the service of enduring reform. Although this fusion of presidential power to a movement for social justice was short-lived, the fragile partnership made possible the most dramatic civil rights legislation since the Reconstruction era. Without the work of King and other civil rights leaders in mobilizing demonstrations that elicited the violent reaction of segregationists and aroused strong sympathy in the country, no civil rights revolution would have been possible. At the same time, without Johnson's willingness to support, indeed take advantage of, the opportunity that civil rights direct action provided, the landmarks laws of 1964 and 1965 might never have been enacted.

Yet this singularly determined fusion of executive power to a social movement eventually imploded. As early as 1965, it became clear that Johnson's effort to become a leader of the civil rights movement suffered from his attempt to manage all the other responsibilities that the modern presidency pulls in its train. Johnson's decision to expand America's involvement in Vietnam, in particular, stemmed in part from his firm belief that nothing could be accomplished unless certain received commitments were steadfastly affirmed. However, this view unwittingly confirmed the view of civil rights activists that the presidency ultimately could not be trusted to further their cause or to embody their moral vision.

At the end of the day, the Great Society revealed both the untapped potential for cooperation between the modern presidency and social movements and the inherent tensions between "high office" and insurgency that made such collaboration tempestuous. Johnson ultimately failed in his ambition to align himself and the powers of the modern executive with the carriers of a new politics, not only civil rights activists but also consumer and environmental advocates, as well those fighting for women's rights.¹⁰⁸ The tasks of the modern presidency—the domestic and international responsibilities that constrained the "steward of the public welfare"—necessarily limited the extent to which Johnson could become a trusted leader of the social movements that arose during the 1960s. By 1968, Johnson, the self-fashioned agent of a political transformation as fundamental as any in history, had become a hated symbol of the status quo, forced into retirement lest he contribute further to the destruction of the liberal consensus.¹⁰⁹

Although Johnson's presidency profoundly wounded the Democratic Party and the modern executive, the civil rights acts led to the construction of a national administrative apparatus that had an enduring effect on American politics and governance. Whereas the postbellum Republicans denigrated

executive administration, the 1964 and 1965 civil rights acts enlisted the president and several executive agencies in an ongoing effort to ban racial discrimination. The civil rights statutes empowered the federal bureaucracy—especially the Department of Justice, the Department of Health, Education, and Welfare, and the newly formed EEOC—to assist the courts in creating parallel enforcement mechanisms for civil rights. These proved effective. For example, in four years the Johnson administration accomplished more desegregation in southern schools than the courts had in the previous fourteen.

Indeed, the “civil rights state” that arose from the ashes of the Johnson presidency implemented civil rights reforms in a manner that went well beyond the unfulfilled promises of the Civil War amendments and their explicit design to legislate a colorblind nation.¹¹⁰ Attorney General Robert Kennedy expressed a broadly shared national sentiment in 1964 when he said, “I don’t think quotas are a good idea.”¹¹¹ Yet as historians like Hugh Davis Graham have chronicled, “new theories of compensatory justice and group rights” given prominent expression in LBJ’s Howard University Address were deftly advanced by “new social regulators” in the EEOC.¹¹² Despite the political undoing of the Great Society by decade’s end, the EEOC staff, aided by supporters in other executive agencies and assisted by the federal courts, were able to expand the EEOC’s power far beyond the original constraints of Title VII of the act. The text of Title VII explicitly sought to limit findings of discrimination by requiring evidence of intent. EEOC staffers argued that racial disparities in the composition of a labor force were ample proof of discrimination, whether intended or not. Seizing authority on its own accord, the EEOC collected data from tens of thousands of employers in order to analyze entire industries. Only a couple of years after Johnson left office, the federal courts deferred to EEOC guidelines, tossing aside Title VII’s original dictates in favor of an “effects based definition of discrimination” that went beyond the goal of equal treatment to that of equal results.¹¹³ A “quiet revolution” had occurred in national administration, one that dismantled the compromise that Dirksen and moderate Republicans extracted in 1964.

Still, this “quiet revolution” tended to isolate civil rights activists. LBJ paid dearly for the alienation of the social movements from the White House; just as surely, the civil rights movement and the other social protest movements it inspired paid a price for their rejection of presidential leadership. The 1960s unleashed new forces and new expectations that could not be quelled by the election of Richard Nixon. Indeed, it was the 1970s rather than

the 1960s when affirmative action and many other civil rights measures became a real presence in American society. And yet, even as they continued to look to the national government to solve the problems thrown up by an industrial—and postindustrial—order, the public-interest groups that emerged during the 1970s, which evolved from the social movements of the 1960s, distrusted presidential leadership and bureaucratic agencies, and sought to protect social policy from unfriendly executive administration.¹¹⁴ Teaching Americans both to expect more from the government and to trust it less, the Great Society was the fulcrum on which the decline of liberalism and the rise of conservatism tilted.

CONCLUSION: EXECUTIVE POWER, MOVEMENTS, AND AMERICAN DEMOCRACY

The relationship between large-scale social movements and presidents, no matter how uneasy, has been a critical dimension of American political development. Although the original Constitutional design might have set these two actors at loggerheads, the democratic struggle over the meaning of rights and constitutional forms throughout American history has on occasion brought them together. Each has a different vantage point and each operates with a different perspective, but these distinct ambitions are sometimes complementary rather than antagonistic. Although presidents might be fated by the Constitution to preserve, protect, and defend ordered liberty, some have sought to combine this conserving role with fundamental change that has redefined the social contract. Although social movement activists invariably have an antagonistic view of the existing political order, they have at times found common cause with ambitious presidents in recasting, rather than destroying, constitutional forms.

The two cases we have studied show that the presidency–social movement nexus is fraught with tension; at the same time, each suggests that collaboration between the White House and social activists was indispensable to the important changes that occurred in race relations and civil rights policy during the 1860s and 1960s. The push and pull between a savvy Whig politician and militant abolitionists made possible constitutional reform that abolished slavery, gave African Americans the vote, and established laws that would inspire black Americans, women, and other excluded groups to fight for their rights into the twentieth and twenty-first centuries. The stormy collaboration between Lyndon Johnson and civil rights activists led to the enactment of laws and the deployment of national administrative power

that breathed new life into the Fourteenth and Fifteenth Amendments and extended the rights revolution to de facto practices that disadvantaged people of color, women, and the disabled.

Our task is not to pass final judgment on the value of presidents and social movements joining forces; rather, the purpose of this study is to suggest that the relationship between presidents and social movements has been understudied and to begin the task of formulating a theoretical framework that emphasizes the fascinating interplay between state and society. Future research needs to reach beyond the cases examined here to consider other collisions and alliances between presidents and social movements in American political development. Moreover, the cases we have examined confirm how important it is to take account of both the enduring features of the executive-insurgent nexus *and* the changes over time that have reconfigured the interaction between each. The impact of contrasting partisan and administrative dynamics is especially revealing. Lincoln and the abolitionist movement collaborated in a political context of highly decentralized and strong political parties that provided crucial linkages between insurgents, congressional Republicans, and the White House. Their struggles and compromises ultimately yielded unprecedented legal and constitutional breakthroughs that transformed the nation's race relations and civil rights. Yet the norms and logic of this traditional party system also profoundly circumscribed national administrative power in the wake of the Civil War and thus revitalized a "state of court and parties" that subordinated these breakthroughs to new forms of racial hierarchy and oppression. Johnson and moderate civil rights activists embraced the Progressive Era conceit that the presidency is inherently well equipped to advance the agendas of reform-minded movements, and they secured monumental civil rights reform by attacking and ultimately transcending traditional partisan veto-points. Their contentious partnership for reform exacted large political costs, but the presence of a fragmented but powerful administrative state gave force to new civil rights well after Johnson and movement leaders lost broad public support. The difficult fusion of executive power and insurgency thus played a crucial role in remaking civil rights law and racial governance during two transformative periods in U.S. politics. However surprising or counterintuitive this relationship may seem, scholars who ignore it miss a critical dimension of political dynamism in American political development.

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NOTES

1. For example, see Elizabeth Sanders, "Presidents and Social Movements: A Logic and Preliminary Results," in *Formative Acts: American Politics in the Making*, ed. Stephen Skowronek and Matthew Glassman (Philadelphia, 2007). For a study that emphasizes the conflict between executive power and racial justice, see Russell L. Riley, *The Presidency and the Politics of Racial Equality* (New York, 2007).

2. On the distinctive interests that structure the tense relationship between presidents and social movements, see Bruce Miroff, "Presidential Leverage over Social Movements: The Johnson White House and Civil Rights," *Journal of Politics* 43 (February 1981): 1–23.

3. Joe Lowndes, Julie Novkov, and Dorian T. Warren, "Race and American Political Development," in *Race and American Political Development*, ed. Lowndes, Novkov, and Warren (New York, 2007), 16.

4. Desmond King and Rogers Smith, "Racial Orders in American Political Development," *American Political Science Review* 99 (2005): 79–92.

5. For instance, see Paula Baker, *The Moral Frameworks of Public Life* (New York, 1991); Elisabeth Clemens, *The People's Lobby* (Chicago, 1997); Hugh Davis Graham, *The Civil Rights Era* (New York, 1990); Ira Katznelson, *When Affirmative Action Was White* (New York, 2006); Daniel Kryder, *Divided Arsenal* (New York, 2001); Matthew Lassiter, *The Silent Majority* (Princeton, 2007); Robert Lieberman, *Shifting the Color Line* (Cambridge, Mass., 2001); Eileen McDonagh, *The Motherless State* (Chicago, 2009); Suzanne Mettler, *Dividing Citizens* (Ithaca, 1998); Julie Novkov, *Constituting Workers, Protecting Women* (Ann Arbor, 2001); Theda Skocpol, *Protecting Soldiers and Mothers* (Cambridge, Mass., 1995); Rogers Smith, *Civic Ideals* (New Haven, 1997); Thomas Sugrue, *Sweet Land of Liberty* (New York, 2009).

6. Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877–1920* (Cambridge, 1982).

7. Skowronek acknowledges the importance of both "political and secular time." Skowronek, *The Politics Presidents Make: Leadership from John Adams to Bill Clinton* (Cambridge, Mass., 1997), chaps. 1–3.

8. Charles Tilly, *Social Movements, 1768–2004* (Boulder, 2004), 13.

9. Gilbert Hobbs Barnes, *The Antislavery Impulse, 1830–1844* (New York, 1964), 71–89.

10. Wendell Phillips, *Review of Lysander Spooner's Essay on the Unconstitutionality of Slavery* (Boston, 1847); William Wiecek, *The Sources of Antislavery Constitutionalism in America, 1760–1848* (Ithaca, 1977).

11. Richard Sewell, *Ballots for Freedom: Antislavery Politics in the United States, 1837–1860* (New York, 1976), chap. 2.

12. Phillips is quoted in Lillie Buffum Chace Wyman and Arthur Crawford Wyman, *Elizabeth Buffum Chace, 1806–1899* (Boston, 1914), 1:83.

13. Sumner is quoted in Irving Bartlett, *Wendell and Ann Phillips: The Community of Reform, 1840–1880* (New York, 1979), 151.

14. Charles Sumner, *Charles Sumner: His Complete Works* (New York, 1969), 2:307.

15. David Potter, *The Impending Crisis, 1848–1861* (New York, 1976), 143.

16. Abraham Lincoln to Ichabod Coddington, 27 November 1854, in *The Collected Works of Abraham Lincoln*, ed. Roy Basler, 2:288, <http://quod.lib.umich.edu/l/lincoln/> (emphasis in original).
17. Lincoln's Speech at Peoria, *The Collected Works of Abraham Lincoln*, 2:247–83.
18. Lincoln's Inaugural Address, in James D. Richardson, ed., *Messages and Papers of the Presidents* (New York, 1897), 7:3206.
19. *Ibid.*, 3210 (emphasis in original).
20. Garrison quoted in Ford Risely, *Abolition and the Press: The Moral Struggle Against Slavery* (Evanston, 2008), 151.
21. Charles Sumner, Address at a Republican State Convention, Worcester, Mass., 1 October 1861, in Sumner, *His Complete Works*, 7:252, 268.
22. Lincoln is quoted in Gerald Sorin, *Abolitionism: A New Perspective* (New York, 1972), 150.
23. Abraham Lincoln to Orville Browning, 22 September 1861, in *The Collected Works of Abraham Lincoln*, 4:531–32. See also James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York, 1988), 356–57.
24. Abraham Lincoln to Albert G. Hodges, 4 April 1864, in *The Collected Works of Abraham Lincoln*, 7:281.
25. See Philip Foner, *Frederick Douglass* (New York, 1964), 201–5.
26. Hofstadter, *The American Tradition*, 196.
27. Sorin, *Abolitionism*, 151; and Oscar Sherwin, *Prophet of Liberty: The Life and Times of Wendell Phillips* (New York, 1958), 452.
28. Foner, *Frederick Douglass*, 197 and 200.
29. *The Collected Works of Abraham Lincoln*, 5:420.
30. David Herbert Donald, *Lincoln Reconsidered: Essays on the Civil War Era* (New York, 2001), 345.
31. T. Harry Williams, *Lincoln and the Radicals* (Madison, 1941), 64.
32. Donald, *Lincoln Reconsidered*, 343.
33. Sorin, *Abolitionism*, 154.
34. Hans Trefousse, *Lincoln's Decision for Emancipation* (Philadelphia, 1975), 18–23.
35. McPherson, *Battle Cry of Freedom*, 356 (emphasis in original).
36. Abraham Lincoln, "Remarks to a delegation of Progressive Friends," *Collected Works of Abraham Lincoln*, 5:278–79.
37. *The Collected Works of Abraham Lincoln*, 5:144–46.
38. Sherwin, *Prophet of Liberty*, 458.
39. Foner, *Frederick Douglass*, 200–201.
40. Frederick Douglass, "Fighting Rebels with One Hand: An Address Delivered in Philadelphia, Pennsylvania," 14 January 1862, *The Writings of Frederick Douglass*, Library of Congress Collection, <http://memory.loc.gov/ammem/doughtml/dougFolder5.html>.
41. Foner, *Frederick Douglass*, 200–201.
42. McPherson, *Battle Cry of Freedom*, 500.
43. Williams, *Lincoln and the Radicals*, 157–67.
44. Phillip Shaw Paludan, *The Presidency of Abraham Lincoln* (Lawrence, Kans., 1994), 104–5.
45. Sherwin, *Prophet of Liberty*, 464–65 (emphasis in original).
46. Benjamin P. Thomas, *Abraham Lincoln* (New York, 1952), 342–43 (emphasis in original).

47. Donald, 362–69; see also Sherwin, *Prophet of Liberty*, 464–65.
48. Trefousse, *The Radical Republicans*, 203–4.
49. McPherson, *Battle Cry of Freedom*, 558; John Hope Franklin, *Emancipation Proclamation* (Washington, D.C., 1994), 61–62.
50. Frederick Douglass, “Negroes and the National War Effort: An Address Delivered in Philadelphia, Pennsylvania,” 6 July 1863, in *The Writings of Frederick Douglass*.
51. Abraham Lincoln to Charles D. Robinson, 17 August 1864, and Lincoln interview with Alexander W. Randall and Joseph T. Mills, 19 August 1864, in *The Collected Works of Abraham Lincoln*, 7:499–500 and 506–7.
52. James M. McPherson, *Abraham Lincoln and the Second American Revolution* (New York, 1991), 86.
53. Frederick Douglass to Abraham Lincoln, 29 August 1864. Available at *Abraham Lincoln Papers at the Library of Congress*, Manuscript Division (Washington, D.C., [2000–2001]), <http://memory.loc.gov/ammem/alhtml/allhome.html>, accessed 10 August 2009.
54. Frederick Douglass to Abraham Lincoln, 19 August 1864, *Abraham Lincoln Papers at the Library of Congress*.
55. Eric Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (New York, 2010), 312.
56. Paludan, *The Presidency of Abraham Lincoln*, 297–302.
57. Abraham Lincoln, “Response to Serenade,” 1 February 1865, in Basler, ed., *The Collected Works of Abraham Lincoln*, 8:254.
58. Philip Foner, ed., *The Life and Writings of Frederick Douglass* (New York, 1955), 4:316.
59. Ulysses S. Grant, Message to Congress, 30 March 1870, James D. Richardson, ed., *Messages and Papers of the President*, 6:4010.
60. Frederick Douglass, quoted in Alexander Keyssar, *The Right to Vote: the Contested History of Democracy in the United States* (New York, 2001), 103.
61. Lincoln took this position in refusing to veto a bill reducing fees paid to the marshal of the District of Columbia; see *The Collected Works of Abraham Lincoln*, 7:414–415.
62. Matthew Crenson and Benjamin Ginsberg, *Presidential Power: Unchecked and Unbalanced* (New York, 2007), 102.
63. Sumner quoted in Keith E. Whittington, *Constitutional Constructions: Divided Powers and Constitutional Meaning* (Cambridge, Mass., 1999), 118.
64. C. Van Woodward, *Reunion and Reaction* (Boston, 1966), 4.
65. Karen Orren and Stephen Skowronek, *The Search for American Political Development* (New York, 2004), 138.
66. Sidney M. Milkis, *Theodore Roosevelt, the Progressive Party, and the Transformation of American Democracy* (Lawrence, Kans., 2009).
67. Daniel Tichenor, “The Presidency, Social Movements, and Contentious Change,” *Presidential Studies Quarterly* 29 (March 1999), 16.
68. Thomas Stokes, *Chip Off My Shoulder* (Princeton, 1940), 503.
69. Interview with Horace Busby, Sidney M. Milkis, 25 June 1987.
70. Louis Martin, editor and publisher of the black newspaper *Michigan Chronicle*, and an important official of the Democratic National Committee during the Johnson years, where he served as an effective liaison between the White House and the African American community, saw LBJ’s southern background as the key to understanding the

president's strong civil rights record: "Now my feeling about Johnson . . . is that since [he] was a southerner, he would normally, being a good politician, lean over backwards to prove that he was not a racist. Further, there's something in the folklore of Negro life that a reconstructed southerner is really far more liberal than a liberal Yankee. . . . Johnson did many things that Kennedy would never have done." Oral History of Louis Martin, 14 May 1969, interviewed by David G. McComb, Tape 1, 22, Lyndon Baines Johnson Library, Austin, Texas. Pointing to the fragile yet indispensable link between civil rights reformers and the Johnson White House, Martin admitted that he "exploited this part of folklore," just as LBJ exploited his African American advisers and civil rights leaders to make a distinctive mark on American history.

71. Richard Goodwin, *Remembering America: A Voice from the Sixties* (Boston, 1988), 275.

72. Paul Keith Conkin, *Big Daddy from the Pedernales: Lyndon Baines Johnson* (Boston, 1986), 164.

73. As Johnson's aide Bill Moyers wrote in fending off the cautionary importuning of other White House staffers, "This is a political year, but the President is not just thinking of the next election—*he is thinking of the next generation*. . . . He believes there is a danger that the *primacy of politics* this year will prevent the Nation from looking at the longer pull—hence *his deliberate decision to cast the spotlight on certain issues which ought to be imbedded in the Nation's consciousness*." Memorandum, Bill Moyers to George Reedy, 21 May 1964, White House Central Files—SP, Johnson Library (emphasis in original).

74. 'Remarks at a Breakfast of the Georgia Legislature,' May 8, 1964, *Public Papers and Addresses of the Presidents: Lyndon B. Johnson, 1963–1964*, I: 649.

75. Editorial, "LBJ's Challenge," *Washington Post*, 9 May 1964, A8.

76. Martin Luther King, Jr., in *The Autobiography of Martin Luther King, Jr.*, ed. Clayborne Carson (New York, 1998), 242–43.

77. The Equal Employment Opportunity Commission, charged with preventing racial and sexual discriminatory practices in employment, was stripped of its authority to file suit in the courts. The EEOC could recommend, but only the Justice Department had the power to initiate a suit. The Justice Department, in turn, could only file suits under conditions where obvious discriminatory practices, which characterized Jim Crow laws in the South, prevailed. On Dirksen's relationship with Johnson and the role that the Republican Senate leader played in enacting civil rights legislation, see Byron C. Hulsey, *Everett C. Dirksen and His Presidents: How a Senate Giant Shaped American Politics* (Lawrence, Kans., 2000), 183–204.

78. *Ibid.*, 196. Johnson's power over Congress had become so great by the summer of 1964 that he was able to pressure Republican minority leader, Charles Halleck, to support a rule that enabled Congress to act on the president's poverty legislation. See telephone conversation between Lyndon Johnson and Charles Halleck, 22 June 1964, White House Tapes, <http://whitehousetapes.net/tapes/johnson/telephone>.

79. See, for example, Johnson telephone conversation with Roy Wilkins, head of the NAACP, 2 July 1964, Johnson Tapes. Originally the president and civil rights leaders agreed that he would sign the bill on July 4 to highlight its historic importance. But Johnson was concerned that Republican legislators were heading off to the GOP convention and might not be able to participate in the signing ceremony, thus risking the bipartisan support he had worked so hard to achieve. Wilkins expressed his support for LBJ's desire to sign the bill on July 2, emphasizing particularly the need to cultivate bipartisanship as "an overwhelming political reason" to act quickly.

80. Memorandum, Lee C. White to Johnson, 13 August 1964, Johnson Library.

81. E-mail to authors from Sherwin J. Markman, a Johnson White House aide, who was heavily involved in resolving the MFDP controversy, 13 January 2004.

82. Johnson also was concerned, even at this early stage of his presidency, that an unruly convention might open the door to a Robert Kennedy candidacy. Markman, written communication.

83. Johnson telephone conversation with Walter Reuther, 9 August 1964, Johnson tapes.

84. Johnson telephone conversation with Hubert Humphrey and Walter Reuther, 25 August 1964, Johnson tapes. On the Mississippi seating controversy, see Mark Stern, "Lyndon Johnson and the Democratization of the Democratic National Delegate Selection Process," paper presented at the annual meeting of the American Political Science Association, San Francisco, 29 August–1 September 1990. Johnson was kept apprised of the Democratic National Committee's implementation of the 1964 convention's call for greater participation; given the tight reins the White House kept on the committee, these activities certainly would not have gone on without the president's approval. See Memorandum, Marvin Watson to LBJ, 19 April 1967, *Marvin Watson Files*, Johnson Library. As became clear at the 1968 convention, the rule was no paper tiger. Having found no evidence that the Mississippi Democratic party had "complied with either the spirit or the letter" of the convention call prohibiting racial discrimination, the Credentials Committee voted overwhelmingly to bar the Mississippi regular delegation from its seats. A biracial delegation, including many members of the 1964 Mississippi Freedom Party, was seated in its place. See Sidney M. Milkis, *The President and the Parties: The Transformation of the American Party System Since the New Deal* (New York: Oxford University Press, 1993), 210–16.

85. Johnson Telephone conversation with Martin Luther King Jr., 15 January 1965, Johnson Tapes.

86. Nick Kotz, *Judgment Days: Lyndon Baines Johnson, Martin Luther King, Jr., and the Laws That Changed America* (Boston, 2005), 267. As Kotz notes, King was elated with the president's expressed support for the marchers' cause.

87. Lyndon B. Johnson, "Special Message to Congress: The American Promise," 15 March 1965, www.lbjlib.utexas.edu.

88. In 1963, Johnson mentioned FDR's 1938 purge campaign to Kennedy aide Theodore Sorensen. Johnson recalled that FDR had attempted a failed "purge" in the 1938 primary campaigns, trying to replace conservative southern and border-state Democrats with 100 percent New Dealers who were committed to economic reform. The president's moral commitment to civil rights, LBJ believed, should not be expressed in an effort to purge southern Democrats, but, rather, through an appeal to their consciences: "I think the President could do this in North Carolina or some place. I'd invite the congressmen and senators to be on the platform. . . . I'd have him talk about the contributions that they had made and then I'd say, 'Now, we have a problem here. No Nation—a hundred years ago in the Lincoln-Douglas debate, Lincoln said, No Nation can long endure half slave and half free.' Now no world can long endure half slave and half free and we've got to do something about it in our own country." Telephone conversation between Lyndon Johnson and Ted Sorensen, 3 June 1963, *George Reedy Office Files*, Johnson Library.

89. Martin Luther King Jr., *The Autobiography of Martin Luther King, Jr.*, 288.

90. John Lewis, with Michael D'Orso, *Walking with the Wind* (New York, 1998), 340; see also Kotz, *Judgment Days*, 312. Johnson showed a less poetic, more practical side to

Lewis in asking for the civil rights movement's help in implementing the Voting Rights Act. Inviting the civil rights leader to meet privately with him in the Oval Office prior to signing the legislation, LBJ told Lewis earnestly, "Now, John, you've got to go back and get all those folks registered. You've got to go back and get those boys by the *balls*. Just like a bull gets on top of a cow. You've got to get them by the balls and you've got to *squeeze*, squeeze 'em till they *hurt*." "I'd heard that Lyndon Johnson enjoyed talking in graphic, down-home terms," Lewis later acknowledged, "but I wasn't quite prepared for all those bulls and balls" (346).

91. Lewis, *Walking with the Wind*, 340.

92. Johnson's enormous ambition, invested in the bold commitment to create a Great Society, could hardly be indifferent to world affairs. "History has a peculiar ability to forget what a president does at home and judges him on the size of his impact on the world beyond his shores," Bill Moyers wrote in a memo to Johnson in June 1965. This "irony of judgment" would determine Johnson's place in history. "Some president, some day, will come along and pass programs topping the Great Society—the country will have greater needs than today and he will have more GNP to use in solving them." Moyers's memo concluded, "But no president is likely again to have the chance to redeem Southeast Asia from Red China—or keep the Communists out the Caribbean—or save the U.N." Memorandum: Moyers to LBJ, 21 June 1965, *Office Files of Bill Moyers*.

93. Memoranda, Hayes Redmon to Bill Moyers, 27 November 1965 and 30 November 1965, in *ibid*.

94. As Kotz notes, both Kennedy and Johnson "failed to recognize a significant historical reality. The Communist Party's fifty-year campaign to recruit African Americans to its cause had been a colossal failure." Kotz, *Judgment Days*, 236.

95. Johnson telephone conversation with Martin Luther King, 20 August 1965, *Johnson Tapes*.

96. Kotz, *Judgment Days*, 353.

97. Richard Goodwin, Speech Draft, May 1965, White House Central File: SP 3-93, Box 172, Johnson Library; Johnson telephone conversation with King, 20 August 1965, Johnson tapes; Lyndon Johnson, "Commencement Address at Howard University: 'To Fulfill These Rights,'" 4 June 1965, *Public Papers of the Presidents: Lyndon B. Johnson, 1965*, 2:636.

98. Johnson telephone conversation with King, 20 August 1965.

99. *Ibid*.

100. Taylor Branch, *The Canaan's Edge: America in the King Years, 1965–1968* (New York, 2006), 234.

101. David Charles Carter, "Two Nations: Social Insurgency and National Civil Rights Policymaking in the Johnson Administration, 1965–1968" (Ph.D. diss., Duke University, 2001), 320.

102. Robert Mann, *The Walls of Jericho: Lyndon Johnson, Hubert Humphrey, Richard Russell, and the Struggle for Civil Rights* (New York, 1996), 480.

103. Stokely Carmichael and Charles V. Hamilton, *Black Power: The Politics of Liberation in America* (New York, 1967), 40 (emphasis in original).

104. The openly segregationist campaigns in Arkansas and Maryland did not succeed because pro-civil rights majorities formed behind the moderate Republican candidacies of Winthrop Rockefeller, Nelson's brother, and Spiro Agnew, a big Nelson supporter, respectively. See Paul Hope, "New Faces Mark Victory of Republicans," *Washington Star*, 9 November 1966.

105. Interview with Harry McPherson, Sidney M. Milkis, 30 July 1985.

106. *Public Papers of the Presidents: Lyndon B. Johnson, 1967*, 2 vols. (Washington, D.C., 1968), 1:721, 723.

107. In June 1965, James Rowe, who ran Johnson's 1964 campaign, informed the president that the Office of Economic Opportunity was "giving instructions and grants to local private groups for the purpose of training the Negro poor on how to conduct sit-ins and protest meetings against government agencies, federal, state and local." Johnson passed this memo on to Bill Moyers, with a pointed note: "For God's sake, get on top of this and stop it at once." Memorandum, James Rowe to the President, 29 June 1965, White House Central File: Aides, Moyers, Johnson Library. Shriver "started a damn revolution," LBJ complained to Richard Daley a few months later. Telephone conversation with Richard Daley, 24 December 1965, Johnson Tapes.

108. On the Johnson administration's attempt to craft a "new" liberal coalition, see Sidney M. Milkis, "Lyndon Johnson, the Great Society, and the Modern Presidency," in *The Great Society and the High Tide of Liberalism*, ed. Milkis and Jerome Mileur (Amherst, 2005).

109. As LBJ privately told Hubert Humphrey in the spring of 1968: "I could not be the rallying force to unite the country and meet the problems confronted by the nation . . . in the face of a contentious campaign and the negative attitudes towards [me] of the youth, Negroes, and academics." W. W. Rostow, Memorandum of Conversation, Participants: The President; the Vice President; Charles Murphy; W. W. Rostow, 5 April 1968, *White House Famous Names*, Box 6, Folder: Robert F. Kennedy, 1968 Campaign, Johnson Library.

110. Following R. Shep Melnick, by "civil rights state" we mean "not just the abstract rights and policies announced by the courts, Congress, and federal agencies, but the dense institutional structures developed over the decades to define the meaning of such key terms as "discrimination" and "equal opportunity," to establish detailed guidelines for the many public officials and private parties subject to civil rights laws, to monitor their compliance, and to impose sanctions on those who fail to comply." R. Shep Melnick, "The Great Debate over the Civil Rights State," paper presented at the American Enterprise Institute, 12 May 2010.

111. Hugh Davis Graham, *The Civil Rights Era: Origins and Development of National Policy, 1960-1972* (New York, 1990), 106.

112. *Ibid.*, 4 and 114-454.

113. *Ibid.*, 462-63. On the critical role that the courts played in mounting the civil rights state, with special attention to the rewriting of Title VII, see Paul Frymer, "Acting When Elected Officials Won't: Federal Courts and Civil Rights Enforcement in the U.S. Labor Unions, 1935-85," *American Political Science Review* 97, no. 3 (August 2003): 483-99.

114. On the connection between the Great Society and the reform politics of the 1970s, see R. Shep Melnick, "From Tax and Spend to Mandate and Sue: Liberalism After the Great Society," in Milkis and Mileur, eds., *The Great Society and the High Tide of Liberalism*.

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