The purpose of this lesson is to analyze the role of the executive branch in enforcing policy. This is a continuation of a Civil Rights project which Robert Watkins and I have already established. This lesson will examine President Dwight Eisenhower’s handling of the ‘Little Rock Nine,’ President John Kennedy’s handling of James Meredith’s admission to the University of Mississippi, and confrontation with Governor George Wallace over University of Alabama admissions, and Lyndon Johnson’s leadership role in the passage of the Civil Rights Act of 1964.

As the *Brown v. Board of Education* decision was handed down, states, civil rights leaders and legal scholars waited to see if the Court’s order would be enforced. One of the first major tests was Central High School in Little Rock, Arkansas. Dwight D. Eisenhower was the president at the time and his stand on desegregation was limited, at best. When the *Brown* decision was handed down in 1954, “Eisenhower was quick to point out that since school segregation had been legal for the past half century, it was understandable that southern whites would initially resist the Court’s new reading into the Constitution” (Graff, 471). Therefore, Eisenhower took a passive approach to the issues of segregation and as Tom Wicker points out, “Eisenhower’s refusal to support the Supreme Court’s historic *Brown* decision outlawing school segregation was perhaps his worst failure” (Wicker, 133).

However, Central High would become an issue Eisenhower could not be passive with and may have saved him in the history of the civil rights movement. The city of Little Rock decided to follow the Court’s “deliberate speed” of integrating schools by desegregating its high school in September of 1957 (Graff, 471). Arkansas Governor Orval Faubus, who was seeking reelection and was a strong opponent to the Court’s decision, tried to establish an injunction to prevent the students from entering Central High. The major reasoning for his asking of an injunction was an increased sale of guns and a fear of rioting. This action was denied by the courts, which was followed by Faubus’ use of the National Guard to turn the black children away (Wicker, 97). Eisenhower requested to have a meeting with Faubus. Eisenhower “thought he had won Faubus’ agreement not to interfere with desegregation. Faubus withdrew the National Guard and stood aside while a massive mob of anti-integrationists descended on Little Rock” (Graff, 471).

“Faced with a blatant disruption of the constitutional order, Eisenhower acted decisively by calling the Arkansas National Guard into federal service so Faubus could no longer command it” (Graff, 471). Eisenhower also informed Attorney General Herbert Brownell, “If you have to use force, use overwhelming force and save lives thereby” (Wicker, 99). The next morning the 101st Airborne Division secured Central High and President Eisenhower addressed the nation that evening.

When forced to do so, Eisenhower took action. It was done efficiently and at a large scale. “He explained to associates that he substituted federal troops for the National Guard in order not to pit Arkansan against Arkansan” (Graff, 472).

The issue of executive enforcement will continue under the Kennedy administration. The Kennedy administration found itself dealing with two university admissions issues; one with James Meredith’s attempt to enter the University of Mississippi and the other was a confrontation with Alabama Governor George Wallace’s refusal to allow two black students into the University of Alabama (Frady, 84). Once again, the president “had to use the National Guard to ensure the safety of black students seeking admission to the state universities in Alabama and Mississippi” (Steel, 159).

James Meredith, an Air Force veteran, was so inspired by President Kennedy’s Inaugural Address that he applied to the University of Mississippi the very next day. As Meredith planned a triumphant entrance, the Justice Department negotiated a “peaceful entry” for September 25 (Reeves, 354).

“Standing in the way of James Meredith was Ross Barnett, the genial racist governor of Mississippi who vowed to go to jail before allowing ‘that boy’ to attend Ole Miss” (Thomas, 196). By September the negotiations between the Kennedy administration and Barnett failed. Kennedy did not like the idea of sending troops fearing a political backlash. Later Kennedy regretted he didn’t send troops sooner (Graff, 488). Kennedy wanted to avoid using troops because of political, historical, and personal backlash. As a Senator, Kennedy criticized President Eisenhower for using troops at Central High (Reeves, 356). President Kennedy now found himself in a very similar situation.

Barnett was a very crafty politician. During the negotiation process he appealed to Ole Miss by attending football games to rally support and even made himself the “President’ of the University and its registrar. Through the many conversations between Barnett, JFK, and the President’s brother and Attorney General Robert F. Kennedy many agreements were made. Little did Barnett know - the phone conversations were being secretly taped. The Kennedy administration threatened to go public with these conversations, but Barnett showed a willingness to negotiate (Thomas, 198-199). On October 1st, “with a bodyguard of six federal marshals, and a squad of soldiers waiting outside in two U.S. Army trucks, James Meredith attended his first class at Ole Miss – In Colonial American History. There were 23,000 soldiers camped around Oxford” (Reeves, 364).

Almost a year later, history seemed to repeat itself. This time it was the University of Alabama and Alabama Governor George Wallace. At the same time issues were rising in Birmingham, Alabama with the demonstrations and arrest of Martin Luther King, Jr. (Graff, 488). Deputy U.S. Attorney General Nicholas Katzenbach was given the job to protect Vivian Malone and James Hood with a small crew of U.S. Marshalls. “Governor Wallace, surrounded by state policemen in an office on the campus, had appointed himself the university’s chief operating officer for the confrontation. He vowed to keep the pledge he had made in his inaugural address five months before: ‘Segregation now! Segregation tomorrow! Segregation forever!’” (Reeves, 514). On the morning of June 11th, Katzenbach, with the media present, ordered Governor Wallace to follow the federal court order and allow the students to enter. Wallace refused. In the afternoon Katzenbach returned with National Guard and Wallace stepped aside (Thomas, 248).

These events allowed President Kennedy the opportunity to address the nation on civil rights. “The campaign to moderate Wallace’s behavior had clearly worked” (Graff, 488). “And that evening, President Kennedy appeared on national television to deliver one of his own most moving personal professions of conscience” (Frady, 120).

In May of 1964, President Lyndon B. Johnson gave a speech at the University of Michigan. This speech would lay the ground work of his Great Society. Part of this ‘Great Society’ would be LBJ’s commitment to the Civil Rights Act of 1964 (Peters, 80-81). “Johnson gustily assured King and other civil rights leaders that he now meant to get passed ‘without a word or comma changed’ Kennedy’s public accommodations bill” (Frady, 133).

Although Kennedy has been perceived as being inspirational, LBJ understood the nature and work of the political network. He understood how to handle the South, he understood the issues of blacks through his own experiences, and he was a master of understanding and wooing the House and Senate. Several pieces of legislation were in the works as proposed civil rights legislation. Johnson’s expertise of the committee and Senate process was pertinent. “It’s passage as the Civil Rights Act of 1964 would thenceforth be the keystone of Johnson’s claim to fame as inheritor and keeper of the urban liberal base of the Democratic Party” (Graff, 500).

Johnson was committed to civil rights legislation. He spent endless hours making calls, holding meetings, having discussions with key legislators and advisors. He would also maintain tallies in order to determine how many votes he had, did not have, or might need (Califano, 54). “To make sure he and the liberals were together, Johnson enlisted Capitol Hill’s most prominent liberal, Senator Hubert Humphrey of Minnesota, to lead the fight for the bill in the Senate” (Peters, 81). He enlisted Senate Minority Leader Dirksen of Illinois for his support with evening chats and drinking sessions, which he would match each of Dirksen’s drinks. “But the President’s drinks had only an ounce of liquor in them; Dirksen’s had an ounce-and-a-half” (Califano, 54).

“Johnson foresaw that the South would be liberated by an end to segregation, which was stifling its economic growth. And history has proven him correct” (Peters, 82). Through amendments to the original bill, Johnson’s knowledge of the system, and his building of coalitions the bill passed on February 10th, but was met with a filibuster in the Senate (Graff, 500). LBJ continued to push his political will using ‘moral’ reasoning, the memory of JFK, and addressing the recent murders of Andrew Goodman, Michael Schwerner and James Chaney (Peters, 82). “Lyndon Johnson (to borrow one of his favorite phrases) ‘shoved his stack of chips in the pot’ to persuade the Senate for the first time in its history to impose cloture to end a civil rights filibuster” (Califano, 54). On a 71-29 vote the Senate invoked cloture to end the over two-month filibuster. “A week later the Civil Rights Act of 1964 passed the Senate 73-27, and on July 2nd it passed the House by a margin of 289-126. That evening, Johnson signed the bill in the East Room of the White House” (Peters, 83). The next evening Johnson “remarked to (Bill) Moyers, (the White House Press Secretary,) ‘I think we delivered the South to the Republican Party for your lifetime and mine’”(Califano, 55). But, this did not affect Johnson after the 1964 election and he continued to press cases dealing with civil rights.

These four events illustrate the nature of the Executive office and its handling of enforcing law and pressing legislation. As stated earlier this is a continuation of previous lessons. The previous lessons addressed the 13th, 14th, and 15th Amendments and Court cases addressing segregation and civil rights. As a packet, students should recognize the roles of the legislative branch, judicial branch, and the executive branch in the confines of civil rights.

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