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The Man in the Middle: Richard B. Russell, Jr. and the Burgeoning Realignment of the
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Abstract

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This thesis examines three critical moments that illuminate the fissures erupting within the Democratic Party prior to the 1948 Dixiecrat revolt. It does so by focusing on Georgia Senator Richard B. Russell, Jr. and his role in opposing three controversial civil rights bills: President Roosevelt's bill to reorganize the federal judiciary and his ensuing attempt to purge southern conservatives from the Democratic Party, the Wagner-Van Nuys anti-lynching bill, and legislation regarding the permanent establishment of a Fair Employment Practices Commission.

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Introduction

The signature event in the decline of the solid Democratic South came in 1948, when southern delegates walked out of the Democratic National Convention and formed the States' Rights Democratic Party. For a century and half prior, the South had been loyally Democratic. Dominated by farmers possessing Jeffersonian ideals of yeoman primacy and limited federal power, the American South had evolved with a tradition of states' rights in the social and economic domains. These principles were the bedrock of the Democratic Party. But as New Deal liberalism began to supersede classical liberalism as the dominant political ideology in the Democratic Party during the New Deal and World War II, many southern Democrats began to reconsider their allegiances to the party. An increased devotion to social welfare and federal economic intervention began to dominate Democratic leadership, and the switch engendered a significant and lasting split that would forever change the party's political makeup.

Numerous historians contend that the Dixiecrat revolt was a seminal moment in the political transformation of the South. "The Dixiecrat defection marked the exit of the South from the New Deal coalition and the reorientation of the national party toward its more liberal wing," writes Kari Frederickson. These historians argue that the Dixiecrat revolt and 1948 presidential election was a "crossover point" for southern conservative voters that began the eventual transition of the South from a "Democratic to Republican stronghold."¹

The Dixiecrat movement undoubtedly had profound implications for the South's changing political landscape during the mid-twentieth century, yet the forces that led to it were

¹ Kari Frederickson, *The Dixiecrat Revolt and the End of the Solid South, 1932-1968* (Chapel Hill: University of North Carolina Press, 2001), quotes p. 4; Alexander Lamis, *Two-Party South* (New York: Oxford University Press, 1984), pp. 3-43; Jack Bass and Walter DeVries, *The Transformation of Southern Politics: Social Change and Political Consequence Since 1941* (New York: Basic Books, 1976), pp 3-40; Robert A. Garson, *The Democratic Party and the Politics of Sectionalism, 1941-1948* (Baton Rouge: Louisiana State University Press, 1974).

decades in the making. In assessing the political transformation of the South, historians have emphasized the colorful Dixiecrats and the drama of presidential politics, while the legislative fights of the 1930s and early 1940s have gone largely underexamined. This thesis examines three critical moments that illuminate the fissures erupting within the Democratic Party prior to the Dixiecrat revolt. It does so by focusing on Georgia Senator Richard B. Russell, Jr. and his role in opposing three controversial civil rights bills: President Roosevelt's bill to reorganize the federal judiciary and his ensuing attempt to purge southern conservatives from the Democratic Party, the Wagner-Van Nuys anti-lynching bill, and legislation regarding the permanent establishment of a Fair Employment Practices Commission. While Roosevelt's judicial reorganization bill was not civil rights legislation per se, it had the potential to create a liberal Supreme Court sympathetic to the New Deal that would uphold legislation with implications for racial equality. The Wagner-Van Nuys anti-lynching bill proposed making lynching a federal crime, while the numerous congressional attempts to establish a Fair Employment Practices Commission ultimately sought to eradicate racial discrimination from the workplace.

Following the Great Depression, crop overproduction and inescapable indebtedness displaced many southern tenant farmers from their land, leaving them destitute. Because of its large agrarian population, which was hit the hardest by the recession, the South especially suffered from rampant unemployment and poverty. Thus, the New Deal had a profound impact on southern society. Crop subsidies from the Agricultural Adjustment Administration rescued impoverished farmers, while the Federal Emergency Relief Administration revolutionized welfare organizations in the South and brought aid to many Southerners.² Furthermore, the New Deal's effects on northern society had a direct influence on southern politics. The composition of

² Anthony J. Badger, *The New Deal: The Depression Years, 1933-1940* (London: Macmillan Education, 1989), pp. 11-32; Anthony J. Badger, *New Deal/New South: An Anthony J. Badger Reader* (Fayetteville: University of Arkansas Press, 2007), pp. 32-37.

the Democratic Party began to change as New Deal programs began to address the needs of the working class and black populations in the North. “The [increasing] prominence of organized labor and northern blacks” as constituents of the Democratic Party as well as the abolition of the two-thirds rule at the 1936 Democratic National Convention “signaled to white southern Democrats that their former position of dominance within the national party was threatened.”³ In addition to the rise of organized labor’s power within the party, which bolstered the power of northern Democrats, southern Democrats were wary of the implications of racial equality present in the New Deal. Their devotion to the culture of white supremacy increased tensions within the party, which was growing increasingly overt in courting the votes of blacks.

Richard B. Russell, Jr. is a valuable figure through which to analyze this fracture because in many ways he typified southern Democrats during the 1930s and 1940s. Russell grew up in the traditional one-party South, where the legacy of antebellum social relations had not yet faded. As his biographer Gilbert Fite has noted, Russell considered himself “an old-school Jeffersonian Democrat who [believed] in states’ rights.”⁴ Furthermore, like most white Southerners molded by the region and culture in which he grew up, Russell genuinely believed in white supremacy. He felt “blacks were intellectually, morally, and socially inferior to whites and that segregation of the races was absolutely essential for the harmony and stability of southern society.”⁵

Russell’s career in politics was almost preordained. His father, Richard B. Russell, Sr., was a prominent figure in the Georgia legislature and although he ran unsuccessful campaigns

³ Frederickson, *The Dixiecrat Revolt and the End of the Solid South, 1932-1968*, p. 12. The two-thirds rule refers to the policy prior to 1936 where a presidential nomination required a two-thirds vote from delegates. The 1936 Democratic National Convention abolished the two-thirds rule in favor of a majority vote to nominate a presidential candidate. This significantly weakened Southern Democrats’ strength in influencing presidential nominations, since their support was no longer integral in choosing a nominee.

⁴ Gilbert C. Fite, *Richard B. Russell, Jr., Senator from Georgia* (Chapel Hill: University of North Carolina Press, 1991), p. 242.

⁵ Fite, *Richard B. Russell, Jr., Senator from Georgia*, p. 165.

for Governor and Senator, he eventually became Chief Justice of the Georgia Supreme Court. Russell's father groomed him for a life in politics; anything else would have been a severe disappointment. Russell learned early on the importance of political tact from his father's many defeats. Richard B. Russell, Sr. was uncompromising in his beliefs and always spoke his mind, which often alienated important constituents and left him with few political allies. When Russell entered the Georgia House of Representatives in 1921, he tried "to avoid controversies that would alienate colleagues and sought instead to operate quietly behind the scenes to work out compromises or settle disputes." Throughout his political career, Russell adhered strictly to this strategy of neutrality. In 1930, Russell was elected Governor of Georgia at age thirty-two, and two years later, he was elected to the United States Senate.⁶ His rapid ascent through the political ranks made Russell a prodigy of southern politics in the 1930s. Russell was "an insider who came from a family with a strong political tradition, who was brought up within the system, and who...maintained his loyalty to the [Democratic] Party and defended it at every turn."⁷

Russell strongly supported the New Deal. He understood the importance of federal intervention in the impoverished South, and thus defended New Deal programs longer than many of his colleagues.⁸ He particularly supported legislation that benefited farmers, which many New Deal programs did. But as the New Deal also began to threaten the traditional economic and racial hierarchy of the South, Russell's party loyalty began to erode, and he demonstrated a resolute allegiance to defending southern civilization as he understood it. Beginning largely in the mid 1930s, Russell started to oppose legislation proposed by the Roosevelt administration and northern Democrats with implications of racial equality.

⁶ Fite, *Richard B. Russell, Jr., Senator from Georgia*, pp. 1-15, 37-121, quote p. 41; Robert A. Caro, *The Years of Lyndon Johnson: Master of the Senate* (New York: Knopf, 2002), pp. 164-175.

⁷ Howard Mead, "Russell vs. Talmadge: Southern Politics and the New Deal," *Georgia Historical Quarterly*, 65.1 (1981): 28-45, quote p. 39.

⁸ Mead, "Russell vs. Talmadge: Southern Politics and the New Deal," pp. 30-31.

But unlike other southern senators, whose overt racism and posturing weakened southern efforts to block civil rights legislation, Russell made, by comparison, more measured, rational arguments that were more effective in defending the southern cause. Russell was a paternalist. He felt that because of his upbringing, he understood blacks better than his northern colleagues. Russell believed in separate and unequal societies for whites and blacks, although he did not reject blacks' advancement, as long as it was within their own institutions.⁹ Thus, Russell represented the most sensible part of the southern Democrat contingent, while still embodying the racial mores of the South.

Russell rejected the conservative label because the mantle of conservatism in the South during the 1930s was political suicide.¹⁰ Conservatism was associated with big business capitalists that had caused the Great Depression. While he remained a lifelong Democrat, Russell advocated an anti-New Deal liberal states' rights ideology that would become closely associated with what conservatives were pursuing by the 1950s. As a result, he was complicit in provoking party tensions, which makes him an effective lens through which to analyze the early fractures within the Democratic Party.

Franklin Roosevelt's Court-Packing and Purge Schemes

The conflicts over President Franklin Roosevelt's 1937 plan to reorganize the federal judiciary and his ensuing attempt to purge southern conservatives were seminal events in the realignment of the Democratic Party. They exposed ideological tensions within the party that would underlie southern Democrats' growing dissidence in the following years. When Roosevelt took office in 1933 on the heels of the Great Depression, he had an ambitious vision for

⁹ Fite, *Richard B. Russell, Jr., Senator from Georgia*, p. 165.

¹⁰ Fite, *Richard B. Russell, Jr., Senator from Georgia*, pp. 224-225.

economic and social change. During the famous hundred days and afterwards, the Roosevelt administration swiftly passed a staggering amount of legislation in an effort to stimulate the business and agricultural sectors, and to curb unemployment. One result was a litany of constitutionally questionable bills that pitted the administration against the Supreme Court in a divisive, high-profile constitutional battle.¹¹

Between 1933 and 1936, the Supreme Court struck down provisions of two bastions of New Deal reform, the National Industrial Recovery Act and the Agricultural Adjustment Act. Roosevelt watched with increasing contempt as the federal judiciary slowly dismantled the cornerstones of his New Deal. By his estimation, the nation was in a state of economic and social emergency, whereby a loose constructionist view of an elastic Constitution was necessary for reform. He felt that a literal interpretation of the Constitution during these dire circumstances was not only parochial, but anachronistic. Thus after winning reelection in November 1936, FDR resolved not only to circumvent the perceived judicial blockade, but to blast through it outright. In concert with his most trusted advisers, including Attorney General Homer Cummings, Roosevelt secretly drafted a bill that would reorganize the federal judiciary.¹²

On February 5, 1937, under the guise of relieving congestion in federal courts, FDR publicly announced the bill that proposed to add a new federal judge for every judge over the age of 70. The implication was that justices over 70 were no longer fit to adjudicate legal matters. FDR's bill would have added forty-four judges to the lower federal courts, and six additional justices to the Supreme Court.¹³ In his announcement to Congress, Roosevelt spoke at length about the necessity of judicial reorganization, which he framed as an administrative issue. FDR

¹¹ William Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932-1940* (New York: Harper and Row, 1963), pp. 41-62.

¹² Marian C. McKenna, *Franklin Roosevelt and the Great Constitutional War* (New York: Fordham University Press, 2002).

¹³ Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932-1940*, pp. 232-239.

lamented the delays inherent in the federal judicial system, claiming they bred injustice: “Poorer litigants are compelled to abandon valuable rights or accept inadequate or unjust settlements because of sheer inability to finance or to await the end of a long litigation.” Thus, Roosevelt argued, the solution to forming a more expedient and equitable federal judiciary was to add additional, younger judges to the system that would “vitalize the courts.” Yet he subtly revealed his true intentions through thinly veiled criticism of the Supreme Court: “The simple fact is that today a new need for legislative action arises because the personnel of the Federal judiciary is insufficient to meet the business before them.” Furthermore, he cited statistics revealing that the Court had failed to hear 87 percent of cases presented to it by private litigants in 1936. While FDR conceded that some of the refusals were warranted, he implied that the Court was inadequately structured to achieve “full justice.”¹⁴

FDR’s arguments for increasing judicial efficiency convinced few people. Political pundits questioned the veracity of his claim that the judicial capacity of the older justices was waning, as none of the justices over 70 years of age showed signs of infirmity. The eighty-year-old Supreme Court Justice Louis Brandeis, in fact, had been one of the president’s most loyal supporters.¹⁵ In a theoretical extension applying Roosevelt’s claim to the Senate, a *New York Times* editorial noted that Roosevelt’s age theory would have banished Senators Borah, Norris, McAdoo, and Johnson, four of the sharpest and most influential senators.¹⁶ Furthermore, Supreme Court procedural issues of choosing and hearing cases involved all justices. While adding additional justices may have dispersed opinion writing, alleviating pressures on individual justices, it would not have allowed for a more expedient Supreme Court. Rather, it would have only changed the ideological makeup of the Court. Thus, as members of Congress,

¹⁴ *Washington Post*, Feb 7, 1937, B4.

¹⁵ Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932-1940*, p. 233.

¹⁶ Phelps Adams, *New York Times*, “Senate Stalwarts over 70.” February 8, 1937.

the press, and the general public quickly realized, Roosevelt was essentially trying to pack the Supreme Court with justices that would be favorable to his New Deal policies. Should Roosevelt have succeeded, he would have had a liberal majority on the Court, which would have allowed him to pass New Deal legislation without hindrance.

Following Roosevelt's announcement, Richard Russell was publicly noncommittal about his position on the bill. In response to a letter from the *New York Times* inquiring about his views, Russell responded, "The President's recommendation as to the Supreme Court is of such far reaching importance that I have reserved my opinion pending a thorough study of the subject."¹⁷ In fact, Russell was in a precarious position. On one hand, he was ideologically opposed to changing the structure of the Court, claiming, "I would not like to see anything done which would tend to make a political body of the Supreme Court, or impair its independence."¹⁸ Yet he was reluctant to damage his allegiance to the President. In his 1936 senatorial campaign, Russell had run on a pro-Roosevelt, New Deal platform and his fierce support of the New Deal had earned him a congratulatory letter from Roosevelt upon his re-election.¹⁹ With the exception of some New Deal labor legislation, which he thought would result in greater rights for blacks in industry, Russell still supported the New Deal for its federal relief programs, especially for farmers in the South.

Russell found elements of Roosevelt's bill meritorious. FDR's plan to enlarge the capacity of district and appellate courts seemed logical, and adding additional judges to the lower federal courts would allow them to try more cases, creating a more efficient judiciary beneficial

¹⁷ Telegram from RBR to *New York Times*, February 10, 1937. Russell Collection, Early Office Files, Box 33, Folder 8, Supreme Court February 9-10, 1937.

¹⁸ Letter from Richard B. Russell (RBR) to Georgia Voter, February 10, 1937. Russell Collection, Early Office Files, Box 33, Folder 8, Supreme Court February 9-10, 1937.

¹⁹ Mead, "Russell vs. Talmadge: Southern Politics and the New Deal." pp. 28-45; Letter from FDR to RBR, September, 12, 1936. Russell Collection, Political Files, Box 36, Folder 3.

to participating litigants. Russell's letters to constituents reflected his political tact, as he lauded some aspects of the president's plan, while denouncing others. He claimed to appreciate Roosevelt's desire to speed up the pace of Court rulings, while carefully chiding the president for giving the impression of meddling in the Court's affairs.²⁰

Russell's real conflict over the bill pitted political considerations versus ideological beliefs. On one hand, opposing Roosevelt would weaken the unity of the Democratic Party, and could potentially help Republicans in the 1938 midterm elections. As a loyal Democrat and believer in Roosevelt's progressive economic and social reforms, Russell did not want to cede any congressional power to the Republicans, who would oppose the progressive legislation. Yet Russell did not believe that reorganizing the Supreme Court would truly lead to a more progressive government. Furthermore, he was "afraid of the precedent it would set" for future presidents. As a result, shortly after Roosevelt's announcement, Russell wrote to a constituent that his "present disposition [was] to vote against [the bill]."²¹ In an effort to help reach a compromise, Russell and several other senators lobbied FDR to only appoint two additional justices to the Supreme Court, a proposal Roosevelt rejected.²² After attempts at a compromise had failed, Russell largely recused himself from Senate debates over the bill.

Roosevelt's bill elicited a strong response from the general public. While FDR had anticipated some resistance to his proposal, he did not foresee the depth and fervor of the opposition. In early 1937, Roosevelt's popularity was still high; a Gallup poll showed that 60%

²⁰ Richard Russell to Georgia Voter. Feb. 10, 1937. Russell Collection, Early Office Files, Box 33, Folder 8, Supreme Court February 9-10, 1937.

²¹ Letter from RBR to Harry G. Thornton, February 10, 1937. Russell Collection, Early Office Files, Box 33, Folder 8, Supreme Court February 9-10, 1937.

²² Fite, *Richard B. Russell, Jr., A Senator from Georgia*, pp. 161-162.

of the public would vote for him again.²³ Even unpopular legislation such as the Wealth Tax Act of 1935, which sought to heavily tax the rich and redistribute the wealth, did not significantly dent Roosevelt's popularity.²⁴ While it was a radical move to suggest tampering with such an entrenched American institution as the Supreme Court, Roosevelt's New Deal had brought relief to millions of Americans. Although his programs were not a panacea for the residual economic distress of Great Depression, they did ameliorate some of its effects. Therefore, it was not inconceivable that the public would approve of a Supreme Court favorable to the New Deal.

But with a Democratic majority in Congress, there was widespread fear that Roosevelt was "harboring dictatorial ambitions and attempting to subjugate the last independent branch of government."²⁵ To his critics, Roosevelt's attempt to increase the power of the executive was reminiscent of the power grabs perpetrated by totalitarian regimes in Europe. As one constituent wrote to Russell, "I see the bomb shell has fallen and the moment arrives which is to decide the life or death of American liberty and American institutions."²⁶ A Gallup poll asking, "Should Congress pass the President's Supreme Court plan?" found 58% of the nation opposed.²⁷

The bill met opposition in Congress as well. Roosevelt knew that employing an almost conspiratorial secrecy prior to the announcement of the bill meant potentially sacrificing some initial congressional support, but he badly miscalculated the extent to which Democrats in the

²³ George Gallup and Claude Robinson, "American Institute of Public Opinion—Surveys, 1935–38, *Public Opinion Quarterly* (1938): 373-398, p. 376.

²⁴ Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932-1940*, pp. 152-154. On the surface, the Wealth Tax Act angered big business and citizens in high-income brackets because it advocated redistributing their wealth. However, the actual legislation was largely regressive and affected low-income groups more adversely. Thus, it was unpopular with a range of constituents.

²⁵ David M. Bixby, "The Roosevelt Court, Democratic Ideology, and Minority Rights: Another Look at *United States v. Classic*," *The Yale Law Journal*, Vol. 90, No. 4 (March, 1981): 741-815, p 747.

²⁶ Edith Moses to RBR. Feb. 9, 1937. Russell Collection, Early Office Files. Box 33, Folder 8, February 9-10, 1937.

²⁷ Gallup and Robinson. "American Institute of Public Opinion—Surveys, 1935–38, p. 378.

Senate felt betrayed.²⁸ Given the substantial Democratic majority in the Senate, Roosevelt felt confident that the bill would pass, but his failure to consult with members in his own party pushed some moderate Democrats into opposition. Most damaging was opposition from reliable New Dealers such as Senators Burton Wheeler, Tom Connally, and Joseph O'Mahoney, who had all consistently voted for New Deal legislation. Their opposition indicated to Roosevelt that his congressional influence had its limits.²⁹ Russell, who at this point would have been considered a moderate Democrat, stuck with his initial inclination and opposed the bill.³⁰

The strongest opposition came from conservative Democrats, who illuminated growing ideological tensions within the party.³¹ Since the beginning of the New Deal, they had witnessed a shift occur in liberal ideology. As champions of classical liberalism, they had a fundamentally different ideological opinion of the government's role in society than Roosevelt and his New Deal coalition. The preeminent conservative Democrats in Congress were Senators Carter Glass and Harry Byrd of Virginia, and Josiah Bailey of North Carolina. These senators believed in a decentralized federal government, the primacy of individual liberties, and limited federal spending. Glass especially rejected the welfare state, which he thought was an invasion of states' rights and a threat to individual accountability.³²

But throughout the early 1930s, conservative Democrats had to balance "the demands of their constituents for New Deal relief and their personal political philosophies," so their

²⁸ McKenna, *Franklin Roosevelt and the Great Constitutional War*, pp. 293-298.

²⁹ Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932-1940*, p. 234.

³⁰ James Patterson, *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-1939*, (Lexington: University of Kentucky Press), pp. 138, 283-286.

³¹ In this instance, conservative means anti-New Deal as defined by James Patterson in *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-1939*.

³² Patterson, *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-1939*, pp. 95-96; Frederickson, *The Dixiecrat Revolt and the End of the Solid South, 1932-1968*, pp. 23-24.

opposition was largely muted.³³ They had remained neutral to the New Deal mainly for reasons of political patronage, but after Roosevelt's attempt at judicial reorganization, conservative Democrats struck back. They believed his plan signaled that he was trying to transform the Democratic Party, moving away from the central tenets of classical liberalism. As Glass claimed, Roosevelt's proposal was "utterly destitute of moral sensibility and without parallel since the foundation of the Republic."³⁴ The conservative Democrats were concerned that the bill would terminate the last line of defense against radical, undesirable New Deal policies. Thus, they teamed with Republicans, and along with the help of many Democratic moderates who opposed the bill on the basis of upholding the integrity of the Court, defeated Roosevelt's bill.³⁵ The defeat of his proposal infuriated Roosevelt, causing a rift between the President and members of his party.

This was evident in Roosevelt's attempted purge of conservative southern Democrats in the 1938 midterm elections. After conservative Democrats had helped defeat his judicial reorganization proposal, an angry Roosevelt resolved to oust two of the offenders from the party. Roosevelt wanted to unite Democrats under his liberal, progressive vision. Only with a unified majority party could he effect the necessary change to effectively respond to the needs of the American people. After years of indulging conservatives within his own party, Roosevelt finally began to "believe that party polarization would better serve American democracy."³⁶

To achieve party realignment, Roosevelt decided to intervene in state primary elections in an effort to displace incumbent conservative Democrats. His main targets were two southern

³³ Frederickson, *The Dixiecrat Revolt and the End of the Solid South, 1932-1968*, p. 23.

³⁴ *Washington Post*, March 30, 1937, 5.

³⁵ Patterson, *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-1939*, pp. 95-127.

³⁶ Susan Dunn, *Roosevelt's Purge: How FDR Fought to Change the Democratic Party* (Cambridge: Harvard University Press, 2010), pp. 51-59, quote p. 52.

senators who had continuously opposed New Deal legislation: Senators Walter George of Georgia and Ellison “Cotton Ed” Smith of South Carolina. George in particular had been publicly vocal in opposing Roosevelt’s judicial reform legislation. In a national broadcast he had claimed the President was “repudiating those loyal Democrats who...declared we would take no short cut to obtain our worthy objectives.”³⁷ Thus in a June 24 fireside chat, Roosevelt publicly announced his intention to purge the Democratic Party of southern conservatives and subsequently travelled South to carry out his campaign.³⁸

Roosevelt’s decision to force George out of the party put Russell in a particularly uncomfortable position. Supporting Roosevelt would upset many of his Georgian constituents, while supporting George meant angering the President and the national Democratic Party. Early in 1938, Roosevelt had called Russell to the White House and asked for his support in purging George. In return, Roosevelt offered to provide campaign funds for any candidate Russell wanted to oppose George. Yet Russell withstood the presidential pressure, telling Roosevelt, “I have been elected to represent and work for Georgia’s interests in Washington, D.C....not Washington’s interest in Georgia.”³⁹ Undeterred, Roosevelt sent White House Secretary Marvin McIntyre to Georgia to convince U.S. attorney Lawrence Camp to enter the election. Since Camp was a close friend of Russell’s, Roosevelt likely believed Russell would change his stance. But as the date of Roosevelt’s purge campaign trip into Georgia drew near, McIntyre wrote to Roosevelt, “Dick is not going to play ball.”⁴⁰

³⁷ *Atlanta Constitution*, March 1, 1937, 13.

³⁸ Patterson, *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-1939*, pp. 270-281; McKenna, *Franklin Roosevelt and the Great Constitutional War*, pp. 545-554; Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932-1940*, pp. 266-270.

³⁹ Fite, *Richard B. Russell, Jr., A Senator from Georgia*, p. 163; Josephine Mellichamp, *Senators from Georgia* (Huntsville, Ala.: Strode, 1976), quote on p. 251.

⁴⁰ Marvin McIntyre to FDR. August 6, 1938. Gilbert C. Fite Collection.

On August 11, Roosevelt arrived in Barnesville, Georgia to officially dedicate a Rural Electrification project that would bring power to parts of central Georgia. In a stadium built by the Works Progress Administration, Roosevelt was to speak to over 40,000 Georgians, many of whom suspected that his speech would not be solely about electricity rates. Russell, acting as master of ceremonies, introduced the President as “the greatest exponent of liberal democracy and equality of opportunity in his generation.”⁴¹ It was clear Russell intended to remain as neutral as possible before the impending conflict. Roosevelt began his speech by citing conclusions from the *Report on the Economic Conditions of the South*, which he had commissioned in June. Without giving details, Roosevelt told the crowd that the *Report* documented extreme poverty and desolate living conditions in the South, which only an innovative, progressive government could address. As a result, Roosevelt explained, he had no use for politicians who offered simplistic panaceas for complex problems, nor those who voted against New Deal legislation while offering no solutions of their own. Walter George, the President claimed, did not believe in the New Deal’s objectives and “cannot possibly...be classified as belonging to the liberal school of thought.” Because of this, Roosevelt said if he could vote in the upcoming primary, he would “assuredly vote for Lawrence Camp.”⁴²

When asked about Roosevelt’s address, Russell responded, “I have nothing to say other than that the President made it very, very clear whom he wanted to be elected senator.”⁴³ Russell understood that many Georgians disliked being told how to vote, and they resented Roosevelt’s meddling in state elections. As it turned out, George was reelected to the Senate by a large

⁴¹ *Atlanta Constitution*, August 12, 1938, 8.

⁴² Susan Dunn, *Roosevelt’s Purge: How FDR Fought to Change the Democratic Party*, pp. 152-165; *Atlanta Constitution*, August 12, 1937, 1.

⁴³ *Atlanta Constitution*, August 12, 1937, 6.

margin. Despite the results and potential ramifications of the purge, Russell and George were still loyal to the Democratic Party and managed to reconcile with Roosevelt by 1939.⁴⁴

In the end, Russell was representative of the response of most moderate southern Democrats to the judicial reorganization legislation and purge scheme. They disagreed with Roosevelt on these two issues, but they were still enthusiastic supporters of the New Deal more generally. As Russell wrote to one constituent, he did not want “anything being done which would impair the great power of the President in his efforts to carry forward his philosophy of progressive government.”⁴⁵ It was not until overt issues of race surfaced that Russell and many other southern Democrats began to show doubts about their support of “progressive government.”

Opposition to the Anti-Lynching Campaign

The fight that galvanized white Southerners in the 1930s was the effort to defeat a federal anti-lynching law. While debates over anti-lynching legislation proposed in 1935 had illuminated sectional tensions within the Democratic Party, the 1938 fight over the Wagner-Van Nuys bill was especially bitter and divisive because of conservative southern Democrats’ growing disaffection with Roosevelt and the New Deal. It is not that Russell favored lynchings. He consistently denounced the practice as a threat to law and order, and a stain on the good, law-abiding people of the South.⁴⁶ But Russell believed that a federal anti-lynching law was the first step in a larger civil rights agenda. He felt that should Congress pass the anti-lynching bill,

⁴⁴ Susan Dunn, *Roosevelt’s Purge: How FDR Fought to Change the Democratic Party*, pp. 165-178.

⁴⁵ RBR to Georgia Voter, July 23, 1937. Russell Collection. Early Office Files. Box 27, Folder 6, Supreme Court July 22-25, 1937.

⁴⁶ Fite, *Richard B. Russell, Jr., A Senator from Georgia*. p. 166.

legislation breaking down segregation, enfranchising blacks, and allowing intermarriage of the races would follow.⁴⁷ This desire to uphold white supremacy led Russell and his fellow southern senators to strongly oppose the Wagner-Van Nuys bill in a battle that further divided the Democratic Party.

During Reconstruction, white Southerners used violence to subjugate the newly freed black population. Their primary method for instilling fear and executing their perverse sense of justice was lynching. As W. Fitzhugh Brundage notes, lynchings occurred around the nation, but were most common in the South because of its unique socio-economic structure and traditional values of white supremacy. He contends that the prevalence of sharecropping and tenant farming in the South created a tense racial hierarchy between black tenants and whites planters that provided a crucible for lynchings. Furthermore, through careful case studies of lynchings in Georgia and Virginia, Brundage demonstrates that the size and motives of lynch mobs were highly variable. While in some cases white mobs were reacting to a specific act of a black individual, other times they lynched for symbolic reasons in an attempt to reaffirm the culture of white supremacy. As a result, thousands of blacks died from lynchings between Reconstruction and World War II.⁴⁸

Lynchings peaked in the 1890s, as opposition to the crime became more pronounced in the twentieth century. Black journalist Ida B. Wells' documentation of lynchings was crucial in shedding light on the horrific practice, while the Great Migration of blacks to northern cities during World War I mitigated the opportunity for lynchings in the South. Among the push factors that drove many blacks North was the oppression of the Jim Crow South, which deprived

⁴⁷ Letter from RBR to W.T. Duncan, January 9, 1938. Russell Collection, Civil Rights, Box 2, Folder 4, Anti-Lynching Material-November 1937-December 1938.

⁴⁸ W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930* (Urbana: University of Illinois Press, 1993).

blacks of political and civil rights. Furthermore, the largely agrarian economy, which confined blacks to tenant farming and sharecropping, was constantly in flux. Southern farmers suffered from unpredictable natural disasters and the boll weevil, both of which ruined their crops. This, in addition to a tightening of credit, impoverished many black farmers and left them seeking change. The allure of industrial employment and desire for increased agency also pulled blacks North. While only a small minority of black Southerners moved North and many still faced racism from white unionists, the participants of the Great Migration became the first black working class and experienced a new freedom that was unattainable in the South. Ultimately, the Great Migration helped precipitate the increased political influence of the black population in the North by the 1930s, as blacks found employment in northern industries and became important constituents for northern politicians.⁴⁹

Brundage argues that the breakdown of the South's traditional labor structure led to a decline in lynchings. Between the Great Migration, which partially dissipated the black labor force in the South, and the agricultural subsidy programs of the New Deal, the plantation system that had fostered racial tensions began to collapse, eliminating a central source of lynchings.⁵⁰ Political pressure also contributed to the decline in lynchings. In addition to pressure from the National Association for the Advancement of Colored People (NAACP), which had developed significant political influence by the 1930s, the large northern black population compelled political leaders to publicly denounce lynching and eventually begin legislating against it. While lynchings slowly began to decline following World War I, the practice persisted and the fervor with which civil rights activists campaigned against it increased with time. The moral outrage that drove anti-lynching legislation in the 1930s mixed with the evolving political considerations

⁴⁹ James R. Grossman, *Land of Hope: Chicago, Black Southerners, and the Great Migration* (Chicago: University of Chicago Press, 1989).

⁵⁰ Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930*, pp. 208-260.

of northern politicians, who realized the increasing political influence of the black population in the North. In an effort to curry favor with their black constituents, some northern politicians sought to address blacks' anger over continued injustices in the South by enacting anti-lynching legislation.⁵¹

On January 4, 1934, Senators Robert Wagner (D-New York) and Edward Costigan (D-Colorado) introduced a bill in the Senate to make lynching a federal crime. The legislation enforced a federal penalty of five years in prison, a \$5,000 fine, or both, for state officials who failed or refused to prevent lynchings or adequately punish the perpetrators. Furthermore, it gave federal courts jurisdiction to levy a \$10,000 fine against the county in which the lynching had occurred.⁵² Southern opposition led the Senate to shelve the Wagner-Costigan bill to vote on legislation mandated by President Roosevelt, but Senator Costigan reintroduced the bill in April 1935. Southern senators launched a six-day filibuster that killed the legislation.⁵³ Russell was the first senator to ask that the Wagner-Costigan bill be passed over for consideration, although when it finally came up for review, he let his more experienced colleagues lead the filibuster.⁵⁴ During the Senate battle, Roosevelt refused to speak out in favor of the anti-lynching bill for fear of losing the support of Southerners in Congress. As Roosevelt told NAACP secretary Walter White, "Southerners, by reason of the seniority rule in Congress, are chairmen or occupy strategic positions on most of the Senate and House committees. If I come out for the anti-

⁵¹ Robert Zangrando, *The NAACP Crusade Against Lynching, 1909-1950* (Philadelphia: Temple University Press, 1980), pp. 72-121; Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930*, pp. 208-260.

⁵² *Chicago Daily Tribune*, Jan 4, 1934, 6.

⁵³ *New York Times*, May 1, 1935, 1.

⁵⁴ *Los Angeles Sentinel*, April 18, 1935, 1.

lynching bill now, they will block every bill I ask Congress to pass to keep America from collapsing. I just can't take that risk."⁵⁵

After the dismissal of the Wagner-Costigan bill and Roosevelt's inaction, black activists redoubled their efforts to get anti-lynching legislation passed. At the 28th annual officers meeting of the NAACP, the organization adopted a resolution urging Congress to take up anti-lynching legislation again.⁵⁶ Under constant public and private pressure from Walter White, Senator Wagner and Senator Frederick Van Nuys (D-Indiana) reintroduced an anti-lynching bill on February 25, 1937. In a preemptive but ultimately futile attempt to assuage Southern senators, Wagner and Van Nuys tried to frame the bill as an attack on mob rule, not states' rights.⁵⁷

After three months of debate and revision, the Senate Judiciary Committee approved the Wagner-Van Nuys bill, clearing it for Senate debate.⁵⁸ In the Judiciary Committee report, Van Nuys argued that the bill was necessary to protect the due process and equal protection clauses of the Fourteenth Amendment. Quoting Section Five of the Amendment, which allows Congress to enforce the aforementioned clauses by appropriate legislation, Van Nuys offered a liberal interpretation, claiming, "It is evident that the Fourteenth Amendment is more than a prohibition upon State action. It is a grant of power to the Federal Government to take affirmative action to prevent a denial of these rights by the States."⁵⁹

The Judiciary Committee made one notable change to the legislation that would have serious consequences. In an effort to more clearly define the crimes that constituted lynching, the Committee distinguished that "lynching shall not be deemed to include violence between

⁵⁵ David Kennedy, *Freedom From Fear: The American People in Depression and War, 1929-1945* (New York: Oxford University Press, 1999), p. 210.

⁵⁶ *Atlanta Daily World*, January 13, 1937, 1.

⁵⁷ *New York Times*, February 25, 1937, 5.

⁵⁸ *Washington Post*, June 22, 1937, 4.

⁵⁹ Report from the Senate Committee on the Judiciary on Anti-Lynching to accompany H.R. 1507, June 23, 1937, 5. For the "prohibition upon State action," that Van Nuys is referring to, see the text of the Fourteenth Amendment.

members of groups of lawbreakers such as are commonly designated as gangsters or racketeers, nor violence occurring during the course of picketing or boycotting or any incident in connection with any ‘labor dispute.’”⁶⁰ While this seemed to be a reasonable parameter given the conception of lynching at the time, it effectively focused federal intervention in state affairs on the South exclusively, as lynching was a predominantly southern phenomenon.⁶¹ Actively dissociating gangsters, racketeers, and any violence occurring from labor disputes, all of which were primarily northern phenomena, from a bill concerning federal regulation of state crimes essentially distanced northern states from the prospect of federal intervention. Furthermore, as the North was primarily an industrial region, labor’s vote was important to northern politicians. As a result, southern senators believed the amendment aimed to protect the constituents of northern politicians by narrowing the scope of the bill. Russell asserted the “bill [had] been so worded that the constituents of its authors [could not] be possibly brought into the jurisdiction of the Federal court.”⁶² The implications of the amendment infuriated southern senators, fueling their attack on the bill as sectional legislation.

The Wagner-Van Nuys bill remained in congressional purgatory until late July. Fearing it would fall behind other legislation if they waited until the following session, proponents of the bill sought to push it through before the August 21 adjournment. The bill first surfaced in an unorthodox manner, yet it immediately sparked controversy. On July 26, during a debate on a bill seeking to limit the length of freight trains to 70 cars, Senator Royal Copeland (D-New York), proposed to attach the anti-lynching bill as an amendment to the freight train bill. It was a strategic move as Copeland was opposed to the freight train bill, but in favor of the anti-lynching

⁶⁰ Report from the Senate Committee on the Judiciary on Anti-Lynching to accompany H.R. 1507, June 23, 1937, 3.

⁶¹ Report from Association of Southern Women for the Prevention of Lynching. Sent to RBR. A 1938 study by the Association of Southern Women for the Prevention of Lynching detailed the distribution of lynchings in the United States in the past decade and showed that no lynchings had taken place north of Tennessee in 1937.

⁶² *Congressional Record*, 75th Congress, 3rd Session, January 26, 1938, p. 1105.

bill. Should the Senate approve the amendment, Copeland knew southern senators would filibuster the bill, thereby quashing the freight train bill. Conversely, if southern senators failed to filibuster the bill, the anti-lynching legislation would pass. The proposal caused an uproar among southern senators, who claimed that the amendment was not germane, yet it also angered Wagner, Van Nuys, and Walter White, all of whom wanted to see if the bill could pass on its own merit. Fearing a dismissal of his freight train bill, Senator McCarran (D-Nevada), motioned to table the anti-lynching amendment, which passed by a vote of 41 to 34.⁶³

Disregarding the pleas to test the bill on its own merit, Copeland attempted another amendment scheme the following week. This time he tried to attach the bill to one co-authored by Senator Hugo Black (D-Alabama) that proposed to establish a national minimum wage and a maximum thirty-hour work week. This especially infuriated Walter White and his cohorts, who did not want to seem opposed to organized labor.⁶⁴ Should the Senate have approved the amendment, the inevitable southern filibuster would have blocked favorable union legislation. To White's relief, once again the Senate voted down the amendment, prompting Copeland to conclude that the Wagner-Van Nuys "bill had 'no chance' for enactment as separate legislation."⁶⁵

Undeterred, several senators in favor of anti-lynching legislation demanded a vote on the bill, indicating that they would delay adjournment until the Senate complied.⁶⁶ Senate majority leader Alben Barkley (D-Kentucky) acquiesced, but planned to stifle the bill behind other legislation so proponents would eventually agree to wait until the following session for debate. Yet his plan backfired badly. On August 11, following the disposal of a helium export bill,

⁶³ *Chicago Defender*, July 30, 1937, 1.

⁶⁴ Zangrando, *The NAACP Crusade Against Lynching, 1909-1950*, p. 145.

⁶⁵ *New York Times*, July 31, 1937, 2.

⁶⁶ *Chicago Defender*, August 6, 1937, 4.

Barkley colluded with Vice President John Garner to recognize one of three senators expected to bring new legislation to the floor. But all three senators failed to claim the floor, and Senator Wagner immediately rose to propose a motion to take up the Wagner-Van Nuys bill for debate. Scrambling to rectify the exact situation he had hoped to avoid, Barkley filed a motion to adjourn, which the Senate defeated by a 35 to 24 vote. Unsurprisingly, the vote was split along geographical lines, with southern senators voting for it, and northern senators voting against it.⁶⁷

With the imminent threat of a filibuster, the Senate voted the next day to postpone action on the Wagner-Van Nuys bill until Congress reconvened. Proponents of the bill were amenable to this delay because the agreement stipulated that it would likely be the first piece of legislation on the docket for the following session.⁶⁸ Furthermore, the dissension within the Senate over the summer had shown the volatile nature of the bill, and most senators sought to avoid a prolonged session.

During the bill's tenure in the Senate, opinion polls showed broad support for anti-lynching legislation. A Gallup poll asking "should Congress pass a law which would make lynching a federal crime?" recorded 72% in favor, 28% opposed nationally, while the vote in the South was 57% in favor, 43% opposed. From his data, George Gallup concluded the public's attitude toward federal anti-lynching legislation differed from the attitudes of many senators. Furthermore, he felt the majority of the southern population in favor of the legislation meant southern senators had less reason to fear retribution than they likely imagined.⁶⁹ An article in the *Nation* entitled "Dixie Rejects Lynching" echoed Gallup's data: "For the first time the bulk of southern opinion appears to be definitely favorable to federal anti-lynching legislation, or at least

⁶⁷ *New York Times*, August 11, 1937, 1.

⁶⁸ *New York Times*, August 12, 1937, 6.

⁶⁹ *Washington Post*, November 15, 1937, 1.

not disturbed over the prospect of its passage.” Its author, Virginius Dabney, claimed that national newspapers urging passage of the bill had not received backlash from readers.

Therefore, Dabney argued, southern senators had no basis for opposing the bill if the majority of their constituency was not opposed to the legislation. Underestimating the strength of southern senators’ convictions, Dabney predicted the bill would pass with little resistance.⁷⁰

Gallup’s data illustrated the disconnect between the southern population and its congressional representatives. Southern senators adamantly opposed the legislation even though public opinion polls suggested the majority of Southerners were in favor of, or at least indifferent to, its passage. This was partly because southern senators saw anti-lynching legislation as part of a larger civil rights agenda, in which the federal government would increasingly exert its will in state affairs and break down central tenets of white supremacy. They believed the anti-lynching legislation would prompt a four-step program leading to the degeneration of white southern civilization. Russell outlined the process in a speech to the Senate. First was the anti-lynching legislation, which Russell did not even think would have a tangible effect on Southern society: “In my judgment if the pending bill is passed it is not going to be any burden on the people of the State I have the honor to represent here.”⁷¹ Rather, equally harmful in his eyes, it was a public embarrassment “to have the Senate of the United States say, officially and on behalf of the Government of the United States... ‘You are a clan of barbarians. You cannot handle your own affairs unless we apply to you the lash and spur of Federal power.’”⁷² Second, there would be legislation allowing federal intervention in Southern elections, which would lead to black suffrage, and by extension, the decline of white political hegemony. Third, bills for social equality would follow, leading to widespread desegregation. Lastly, there would be legislation

⁷⁰ *The Nation*, November 27, 1937.

⁷¹ *Congressional Record*, 75th Cong., 3rd sess., Jan 26, 1938, p. 1100.

⁷² *Congressional Record*, 75th Cong., 3rd sess., Jan 12, 1938, p. 374.

striking down laws preventing the intermarriage of whites and blacks, the most devastating blow to the perpetuation of white supremacy in Russell's mind.⁷³ Russell and his fellow southern senators felt that if the anti-lynching bill passed, it would induce an irreparable transformation in southern social and political spheres.

Russell was able to dismiss the Gallup polls because he was convinced that the public was misinformed about the anti-lynching legislation. Following the measure's defeat, he wrote to fellow Democratic congressman and segregationist John Rankin that it was "amazing how public sentiment in opposition to the bill arose all over the country as illustrated by the editorials I had printed in the *Congressional Record*."⁷⁴ Russell claimed that he "never [understood] the attitude of southern people who [demanded] a federal anti-lynching bill" and likely believed Southerners did not fully comprehend the ramifications of such legislation.⁷⁵

Southern senators opposing the legislation received help from Senator William Borah (R-Idaho). Borah was a progressive conservative known for his anti-imperialist views and strong belief in state sovereignty.⁷⁶ He ideologically opposed the bill for its perceived infringement on states' rights, and denounced it from a constitutional and pragmatic standpoint. Borah asserted that an illegal act perpetrated by an officer of the state "not done by and under the authority and direction of the State" cannot "by any possible construction...be an act of the State." Essentially, he argued, to construe an individual indiscretion as a state denial of life, liberty, or property without due process of law would be an unconstitutional use of the Fourteenth Amendment.

⁷³ *Congressional Record*, 75th Cong., 3rd sess., Jan 26, 1938, pp. 1101-1102.

⁷⁴ Letter from RBR to John Rankin, February 28, 1938. Russell Collection, Civil Rights, Box 1, Folder 4, Correspondence, May 1937-February 1948.

For the editorials Russell is referring to, see *Congressional Record*, February 22, 1938. pp. 2265-2283. That "it had been [his] purpose to read all these expressions of opinion if the debate had continued" shows how intent Russell was on filibustering the bill. p. 2265.

⁷⁵ Letter from RBR to Stirling McCall, January 8, 1948. Russell Collection, Civil Rights, Box 1, Folder 1, Correspondence, March 1948-1950.

⁷⁶ Marian C. McKenna, *Borah* (Ann Arbor: University of Michigan Press, 1961).

Borah then proposed the scenario that the federal government may not be able to enforce lynch laws as well as the local authorities. Citing a report from the Tuskegee Institute, Borah noted that only eight lynchings had occurred in 1937. While unfortunate, the eight lynchings statistically paled in comparison to the 12,000 murders that had occurred in 1937, many from gang related violence. Consequently, Borah maintained that local governments in the South were doing an exemplary job of managing the racial tensions that existed in southern culture. Furthermore, should state officials feel subject to the will of the federal government, Borah claimed, they would have less incentive to enforce the law. Lastly, Borah ridiculed the bill for allowing federal action against state officials who failed to prevent the almost extinct crime of lynching, while it would not provide for the same federal action against state officials who failed to prevent the more prevalent and pervasive crimes associated with northern gang violence and labor disputes.⁷⁷ Senator Borah's speech was a blessing for southern Democrats. Both because he was one of the Senate's respected elder statesmen and not from the South, Borah helped legitimize southern senators' arguments. His rational dismantling of the bill gave southern senators a framework for opposition that the general public could accept.

Russell understood that the goodwill the South won from outside supporters like Borah could easily be undone by racist and intemperate arguments. But not all southern senators could temper their racism. Throughout the filibuster, many engaged in various forms of race-baiting that damaged the efficacy of their states' rights arguments. One particularly vitriolic speech came from Senator Theodore Bilbo (D-Mississippi). Bilbo launched into a dramatic diatribe, claiming the bill would "open the floodgates of hell in the South" to a thousandfold increase of raping, mobbing, lynching, and crime. He warned that "upon the garments of those who are responsible for the passage of this measure will be the blood of the raped and outraged daughters of Dixie."

⁷⁷ *Congressional Record*, 75th Cong., 3rd sess., January 7, 1938, pp. 138-143.

Bilbo claimed, “it is absolutely essential to the perpetuation of our Anglo-Saxon civilization that white supremacy in America be maintained” and his solution for maintaining this social structure was segregation within the United States or repatriation of blacks to Africa. Otherwise, “hybrids” resulting from interracial marriages would threaten the continuation of American civilization. In a tactless but transparent conclusion, Bilbo asserted that the South would acquiesce to interracial marriages, desegregation, and federal intervention in state affairs “at such an astronomically remote time as when the Prince of Darkness shall have folded his wings on the gravestone of God.”⁷⁸

While it should be noted that Russell did not disagree with Bilbo’s assessment of the dangers of interracial marriage, he refused to engage in the race-baiting practiced by demagogues like Bilbo. He considered it “unworthy of people in his class and considered himself above such actions,” according to his biographer Gilbert Fite.⁷⁹ More importantly, as Robert Caro points out, Russell realized race-baiting was an ineffective strategy that made his “beloved Southland appear backward and foolish.”⁸⁰ Although he harbored many of the fears that Senator Bilbo proffered in his speech, Russell instead presented his arguments against the anti-lynching legislation in a more pragmatic, sophisticated manner. Consequently, his fellow senators considered him to be a moderate on the issue.⁸¹ In such a polarizing debate, Russell’s seemingly moderate views drew special attention from his colleagues. As Senate majority leader Alben Barkley said during Russell’s most extensive anti-lynching speech in the Senate, “I congratulate the Senator on the number of those who are listening to his address. The number now present is larger than the

⁷⁸ *Congressional Record*, 75th Cong., 3rd sess., January 21, 1938, quotes pp. 873, 881, 896.

⁷⁹ Fite, *Richard B. Russell, Jr., A Senator from Georgia*, p. 145.

⁸⁰ Caro, *The Years of Lyndon Johnson: Master of the Senate*, pp. 182-198, quote p. 182.

⁸¹ Fite, *Richard B. Russell, Jr., A Senator from Georgia*, p. 167.

average attendance which has been here during former addresses.”⁸² Thus, Russell had a more effective platform than his some of his colleagues in appealing to non-Southerners.

Russell’s relative benevolence was rooted in his paternalistic racial beliefs. His upbringing had engendered an innate belief that blacks’ were better off under white control because of their inherent intellectual and social inferiority. He claimed, “in a short space of time the race that had known only savagery and slavery has been brought into a new day of civilization, where education and opportunity has been provided for them.”⁸³ He also, like Borah, claimed that the bill violated the rights of states. Lastly, Russell claimed the four-step program that anti-lynching legislation would set in motion reflected the agenda of the Communist Party of the United States of America.⁸⁴

Since its inception, the Communist Party of the USA (CP-USA) courted blacks, hoping for grassroots membership. The Communists saw blacks as the perfect constituency to perpetuate their existence. Because of the large black population in the South, the Communists believed blacks could lead a regional revolution that would expand to the rest of the nation. Furthermore, the Communists thought their platform of social equality would be particularly enticing to blacks, who were subjugated to whites in the South. During the early 1930s the CP-USA held integrated anti-lynching conferences and marches, campaigning vigorously against the practice.⁸⁵ When the 1938 anti-lynching fight started in Congress, the CP-USA saw the opportunity to gain favor with the black community. They published articles in their newspaper, the *Daily Worker*,

⁸² *Congressional Record*, 75th Cong., 3rd sess., January 26, 1938, p. 1099.

⁸³ *Congressional Record*, 75th Cong., 3rd sess., January 26, 1938, p. 1101.

⁸⁴ *Congressional Record*, 75th Cong., 3rd sess., January 26, 1938, p. 1102-1128.

⁸⁵ Glenda Gilmore, *Defying Dixie: The Radical Roots of Civil Rights, 1919-1950* (New York: W.W. Norton & Company, 2008), pp. 29-31, 132.

urging citizens to “smash the filibuster” and to “wire [their] senator today demanding passage of the anti-lynch bill.”⁸⁶

As Glenda Gilmore argues, “By brooking no compromise with full social equality...the Communists gave Southerners a vision and a threat.”⁸⁷ Days before his anti-communist speech in the Senate, Russell wired Atlanta Solicitor General John Boykin asking for additional CP-USA material, claiming to “have concrete evidence [that the] so called anti-lynch bill [was the] first step in [a] legislative program aimed at South support by Communist Party.”⁸⁸ Citing articles in the *Daily Worker* in favor of the anti-lynching legislation, as well as literature propagated by the Communist Party as proof, Russell warned of the potential expansion of Communist influence into the South. Referring to one particular article entitled “Roster of Shame,” which depicted a cartoon of a black man hanging next to the names of the southern filibusterers, Russell announced he was proud to be on that list.⁸⁹ The implication was that by opposing legislation supported by the Communists, he was demonstrating his democratic values. Russell used this anti-Communist rhetoric to find common ground with northern senators.

Most importantly, when southern senators accused their northern colleagues of supporting the anti-lynching legislation only to gain black votes, Russell tempered his remarks. In his harshest comments, he claimed the bill was “political fraud” that “had but one purpose [which] was to solidify certain groups in certain sections of the United States.”⁹⁰ Yet some of his southern colleagues were more overtly accusative. Senator James Byrnes (D-South Carolina), in particular, insinuated that Walter White had northern politicians in his pocket because of their

⁸⁶ *Daily Worker*. January 17 and 18, 1938.

⁸⁷ Gilmore, *Defying Dixie: The Radical Roots of Civil Rights, 1919-1950*, p. 6.

⁸⁸ Telegram from RBR to John Boykin. January 21, 1938. Russell Collection, Civil Rights, Box 2, Folder 3, Anti-Lynching Material—“From the Senator’s Desk,” January 1938-February 1939.

⁸⁹ *Daily Worker*, January 18, 1938; *Congressional Record*, 75th Cong., 3rd sess., January 26, 1938. p. 1108.

⁹⁰ *Congressional Record*, 75th Cong., 3rd sess., January 26, 1938, p. 1100.

desire for black votes. Byrnes claimed White “[had] ordered this bill to pass” and if he “should consent to have this bill laid aside, its advocates would desert it.” Byrnes also echoed Russell’s fear of subsequent civil rights legislation while further implying northern politicians’ subservience to White, asking the Senate, “What legislation will he next demand of the Congress of the United States? I do not know; but I know he will make other demands, and that those who are willing to vote for this bill because he demands it will acquiesce in his subsequent demands.”⁹¹ Russell avoided these direct attacks, which he knew would only further weaken the relationships between Democrats in Congress. He strongly opposed the attempts made toward racial equality by his northern counterparts, yet unlike Byrnes he stopped short of impugning the motivations of his party colleagues.

In the end, the southern filibuster was successful and proponents dropped the measure. As both southern and northern Democrats knew, the debate was never truly about lynching. All southern senators rejected the practice of lynching, even Bilbo, who declared, “I want it distinctly understood that I am personally as bitterly opposed to the crime of murder in any form as the most enthusiastic anti-lyncher on this floor.”⁹² Furthermore, the bill’s supporters backed it more for its symbolic importance than its actual effect on southern violence.⁹³ For the NAACP and blacks nationwide, passing anti-lynching legislation would have been a symbolic coup, as it would publicly and legally reject the vicious act that had subjugated blacks for so long. Both southern and northern Democrats recognized the importance of the symbolic legislation, as it was likely the harbinger of real change. Southern senators knew that if the anti-lynching legislation had passed, it would have galvanized black activism and put a dent in the previously impenetrable culture of white supremacy. No longer would the political and economic structure

⁹¹ *Congressional Record*, 75th Cong., 3rd sess., January 11, 1938, p. 310

⁹² *Congressional Record*, 75th Cong., 3rd sess., January 21, 1938, p. 874.

⁹³ *Congressional Record*, 75th Cong., 3rd sess., February 3, 1938, p. 1445.

of the South be unquestionably sustained. Meanwhile, northern senators knew the symbolic importance of anti-lynching legislation to blacks and realized that if they had managed to pass the Wagner-Van Nuys bill, they would have gained favor with a critical constituency. Doing so would have presumably buoyed northern Democrats' presence in Congress. These perceived outcomes were why both sides fought so bitterly over largely symbolic legislation.

Regardless, the reality was the demands of northern politics could not fundamentally coexist with the ethos of southern culture. Both regions had divergent needs from black population. Northern politicians had to court their black constituency because they were influential voters, while southern politicians sought to oppress their black population to uphold the culture of white supremacy that they believed in so deeply. Russell and his fellow southern Democrats knew that affording blacks political and civil rights would threaten white political and economic hegemony in the South; therefore they could not align with the more racially progressive platform of the rest of the Democratic Party. The anti-lynching issue illuminated this tension, which demonstrated why there could be no compromise. Thus, the fight over the Wagner-Van Nuys bill revealed a fundamental regional disconnect. While there were no party defections, the bill and ensuing senatorial battle engendered a growing level of disunity within the Democratic Party that further damaged an already tenuous relationship.

Harbinger of Change: The FEPC

The Fair Employment Practice Committee (FEPC), established by President Roosevelt in 1941, presented the most significant threat yet to Russell and southern Democrats. As an intersection of federal intervention in both labor and race relations, the FEPC represented an increased economic and social threat to white supremacy in the South. Not only could blacks be

working alongside whites in a desegregated environment, but they could potentially be taking jobs away from white workers. As historian Merl Reed argues, the FEPC was one of the main harbingers of the civil rights movement.⁹⁴ Russell's fights over legislation attempting to establish a permanent FEPC illuminate the heightened southern discontent with the Democratic Party during the 1940s and the increasingly conservative inclinations of southern Democrats.

To understand the origins of the FEPC, it is essential to appreciate the gradual expansion of activism among black communities following World War I. Blacks had come to reject the accommodationist philosophy espoused by Booker T. Washington in favor of a more assertive strategy that would ostensibly lead to quicker and more comprehensive advancement. Massive migration to the North presented blacks with unprecedented political power that catalyzed the stronger activism led by figures such as Walter White and A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters.⁹⁵ Increasing influence as enfranchised constituents in the North and support from powerful groups such as the American Civil Liberties Union and the Congress of Industrial Organizations engendered a new ethos of autonomy. As Louis Ruchames has written, blacks were "no longer content to remain a passive instrument of exploitation, but instead, conscious of [their] newly acquired power, would demand and, to a limited extent, secure the things [they] regarded as his by right."⁹⁶

Yet deeply ingrained prejudices faded slowly. New Deal agencies featured overt discrimination and Congress failed to pass anti-lynching legislation, signs that blacks were still perceived as second-class citizens, especially in the Jim Crow South. But when World War II started, black leaders saw the opportunity to leverage the United States' defense efforts to

⁹⁴ Merl E. Reed. *Seedtime for the Modern Civil Rights Movement: The President's Committee on Fair Employment Practice* (Baton Rouge: Louisiana State University Press, 1991) p. 10.

⁹⁵ Organized in 1925, the Brotherhood of Sleeping Car Porters was the first predominantly black labor union.

⁹⁶ Louis Ruchames, *Race, Jobs, & Politics: The Story of FEPC* (New York: Columbia University Press, 1953). pp. 7-11, quote p. 11.

achieve equality in the workforce. From a practical standpoint, the United States needed every available source of labor as it began to mobilize for war, especially after FDR abandoned neutrality and signed the Lend-Lease bill in March 1941.⁹⁷ Furthermore, Roosevelt understood it would have been hypocritical to claim the United States was fighting for democracy abroad if it rejected democratic values of social equality domestically. As he acknowledged to William Knudsen and Sidney Hillman, Directors of the Office of Production Management: “No nation combating the increasing threat of totalitarianism can afford arbitrarily to exclude huge segments of its population from its defense industries. Even more important is it for us to strengthen our unity and morale by refuting at home the very theories which we are fighting abroad.”⁹⁸ If the United States was to be a beacon of freedom and democracy, it had to start domestically.

Yet through mid-1941, defense industries still did not regularly employ blacks, and Roosevelt, wary of Southern protest, did nothing to change this practice. Walter White and A. Philip Randolph nevertheless continued to pressure Roosevelt by organizing the March on Washington Movement (MOWM). Conceived by Randolph, the MOWM threatened a massive demonstration in Washington D.C. against discrimination in defense industries and segregation in the armed forces. Randolph scheduled the march for July 1, 1941 and called for 100,000 participants. This worried Roosevelt, who thought such a large, public demonstration would provoke racial violence and further fracture the Democratic Party. As July 1 neared, Roosevelt began to negotiate with Randolph and White. Finally acquiescing to some of their demands, Roosevelt signed Executive Order 8802 on June 25 and Randolph subsequently called off the

⁹⁷ Ruchames, *Race, Jobs, & Politics: The Story of FEPC*, p. 11.

⁹⁸ “FEPC: How It Operates.” Committee on Fair Employment Practice. Issued by Executive Office of the President. Office for Emergency Management. 1944.

march.⁹⁹ The executive order created the FEPC, whose purpose was to ensure that there “shall be no discrimination in the employment of workers in defense industries or government because of race, creed, color, or national origin.”¹⁰⁰

While blacks hailed it as the first step in breaking down segregation, the FEPC in practice was very different than in theory. Placed within the Office of Production Management, the initial FEPC was weak. It was largely an investigative body and had minimal authority to enforce punishment against acts of discrimination. Furthermore, since Roosevelt created the FEPC by executive order, it operated on the President’s emergency funds, which were insufficient to respond to the numerous complaints of inequality in defense industries.¹⁰¹

Nevertheless, the executive order creating the Committee on Fair Employment Practice incensed southern Democrats, especially Russell. Unlike the anti-lynching legislation, which threatened to precipitate further legislation jeopardizing white supremacy, they viewed the FEPC as a direct attack on segregation. Furthermore, the fact that Roosevelt used an executive order instead of passing legislation through Congress, where southern Democrats could have stopped it, worried Russell about the increasing influence of black activists and the implications for more civil rights legislation.¹⁰²

In addition to angering southern congressmen, the creation of the FEPC infuriated white southern workers, who would be most directly affected by the body’s objectives. In an effort to extend its influence and assess the extent of national discrimination, the FEPC held public hearings around the country in 1941 and 1942. One hearing held in Birmingham in June 1942

⁹⁹ Reed, *Seedtime for the Modern Civil Rights Movement: The President’s Committee on Fair Employment Practice*, pp. 13-15.

¹⁰⁰ “FEPC: How It Operates.” Committee on Fair Employment Practice. Issued by Executive Office of the President. Office for Emergency Management. 1944.

¹⁰¹ Ruchames, *Race, Jobs, & Politics: The Story of FEPC*, p. 25-27.

¹⁰² Fite, *Richard B. Russell, Jr., Senator from Georgia*, p. 180.

engendered a particularly negative response from Southerners, who were enraged that the federal government had the audacity to interfere in their race relations and labor markets. To them the hearing was a violation of southern principles. This public opinion had severe consequences for the FEPC.¹⁰³

1942 was a midterm election year and the Democratic Party badly needed southern votes to prevent Republican gains in Congress. The Birmingham hearing, however, had aroused an anti-Roosevelt sentiment in the South. In an effort to gain southern affection, Roosevelt transferred the FEPC into the War Manpower Commission (WMC) in July 1942, which significantly weakened the committee. Within the Office of Production Management, the committee was an independent body answerable only to the President. Now the FEPC fell under the jurisdiction of the WMC, which already had a Labor Division responsible for handling racial employment issues. Submerged within the WMC, the FEPC gradually faded out until May 27, 1943, when under intense political pressure from the NAACP and other liberal organizations, Roosevelt issued Executive Order 9346, which redefined the powers of the FEPC.¹⁰⁴

The new executive order significantly strengthened the body, now chaired by Malcolm Ross. Not only did it make the FEPC an independent agency within the Office of Production Management, but it also extended its investigative jurisdiction to “federal government agencies, employers having contractual relations with federal government, and all employers engaged in industries for war effort.”¹⁰⁵ But most important was the tangible power it gave to the FEPC to curb discrimination. Now, the committee could issue directives to employers to hire or rehire

¹⁰³ Reed, *Seedtime for the Modern Civil Rights Movement: The President's Committee on Fair Employment Practice*, pp. 66-74.

¹⁰⁴ Reed, *Seedtime for the Modern Civil Rights Movement: The President's Committee on Fair Employment Practice*, pp. 75-116; Ruchames, *Race, Jobs, & Politics: The Story of FEPC*, pp. 47-56.

¹⁰⁵ “FEPC: How It Operates.” Committee on Fair Employment Practice. Issued by Executive Office of the President. Office for Emergency Management. 1944.

employees that they deemed had been unfairly denied employment. If the company failed to accept the directive, the committee could refer the case to the War Department, Navy Department, or Maritime Commission, all of who could issue sanctions as they saw fit. Furthermore, the committee could bring cases to the War Manpower Commission, which could “refuse an employer clearance for recruitment of workers outside his labor market.”¹⁰⁶

Despite its moderate success, southern congressmen were convinced that the FEPC was not likely to survive the postwar era.¹⁰⁷ Yet the implications of a peacetime FEPC were daunting, as Southerners recognized the potential threat to segregation and white labor monopoly. Blacks also recognized the potential reality of this postwar scenario and persisted in their support of a peacetime FEPC. As Walter White wrote Roosevelt, “If in the face of a death struggle for democracy some of our people are permitted to exercise hatred of their fellow citizens on the basis of color then there is no point in continuing the war, for we already will have lost our great objective.”¹⁰⁸ The NAACP and other black activists saw a peacetime FEPC as the springboard to a greater civil rights movement.

As the NAACP increased its efforts, Russell and his fellow southern Democrats ramped up their opposition. Russell, who was now on the Senate Committee for Appropriations, attempted a clever move to bring the FEPC under congressional control, where southern Democrats could work more easily to disband it. In early 1944, the Senate Committee on Appropriations was considering an Independent Office Appropriations Bill, which “appropriated [funds] for the executive office and its various bureaus and agencies.”¹⁰⁹ Russell, who was

¹⁰⁶ “FEPC: How It Operates.” Committee on Fair Employment Practice. Issued by Executive Office of the President. Office for Emergency Management. 1944.

¹⁰⁷ Fredrickson, *The Dixiecrat Revolt and the End of the Solid South, 1932-1968*, p. 33.

¹⁰⁸ Walter White to FDR, June 8, 1944. Gilbert C. Fite Collection.

¹⁰⁹ Ruchames, *Race, Jobs, & Politics: The Story of FEPC*, p. 87.

chairing the appropriations subcommittee considering the bill, proposed an amendment that would not allow agencies established by executive order in existence for more than a year to receive funds from the President's emergency fund without approval from Congress.¹¹⁰

Therefore, Roosevelt would have to request funds for the FEPC from Congress, where Russell and his colleagues could deny or significantly slash funding. Merl Reed notes that Russell's amendment was an "astute political move." By "associating the FEPC in the public mind with the greatly enlarged federal bureaucracy and by ignoring its wartime origin and mission, Russell appealed to northern conservatives," who had grown tired of the many New Deal agencies created and funded by the President.¹¹¹ While the press claimed Russell's amendment plainly targeted the FEPC, Russell maintained that it applied to all agencies created by executive order.¹¹²

Russell's amendment passed in both the House and the Senate, leading southern congressmen to believe they could finally legislate the FEPC out of existence by cutting its funds entirely. However, the FEPC made a budget request to the House Appropriations Committee, which approved a \$500,000 budget. Then despite southern resistance, the Senate Appropriations Committee approved the bill as well. In a final attempt to prevent funding, Russell submitted an amendment to the bill to have the FEPC appropriations fully cut, but it was defeated in the Senate by a vote of 39 to 21. Having come so close to eradicating the committee, Russell was furious. He claimed that the "idea of an action agency being created by the proclamation of one man...which can go into the business of the American people and affect them in their daily lives and in their home...is to me entirely repugnant and inconsistent with the whole philosophy of a

¹¹⁰ Russell amendment to "Independent Offices Appropriation Act of 1945"

¹¹¹ Reed, *Seedtime for the Modern Civil Rights Movement: The President's Committee on Fair Employment Practice*, p. 157.

¹¹² *Washington Post*, February 19, 1944. 3

democracy.” Furthermore, Russell asserted that it was not the duty of the executive branch to legislate, and if Congress was not allowed to regulate the appropriations of agencies created by executive order, then Congress effectively had no power at all.¹¹³ In a pyrrhic victory, Russell passed three amendments aimed at hindering the FEPC. The first allowed companies charged with discrimination to appeal to the President. The second stipulated that no corporation’s property could be seized over a failure to comply with an FEPC decision. The third provided that no FEPC regulation could repeal a law enacted by Congress. Reed notes that while these amendments were “subtle and conniving,” they were “generally not debilitating.”¹¹⁴

Russell had developed a reputation for rational, moderate argument, yet his anti-FEPC rhetoric became increasingly hyperbolic and racialized. In an August 1944 speech to the Senate, Russell claimed that the FEPC “is the most dangerous force in existence in the United States today...It is a greater threat to victory than 50 fresh division enrolled beneath Hitler’s swastika or the setting sun of Japan.”¹¹⁵ Russell contended that integrated industries would incite conflict between the races that would be a detriment to the war effort. In hearings before a subcommittee of the Senate Committee on Appropriations regarding the National War Agencies Appropriation Bill for 1945, Russell assailed FEPC chairman Malcolm Ross for the desegregation of toilets in a plant in Maryland. Furthermore, upon finding out that some FEPC regional directors were black, Russell charged him with unfair practices of allowing black administrators to decide cases of perceived black discrimination.¹¹⁶

¹¹³ *Congressional Record*, 78th Cong., 2nd sess., June 16, 1944, pp. 6022-6039, quote p. 6022.

¹¹⁴ Reed, *Seedtime for the Modern Civil Rights Movement: The President’s Committee on Fair Employment Practice*, pp. 158-159; Ruchames, *Race, Jobs, & Politics: The Story of FEPC*, pp. 87-99.

¹¹⁵ *Congressional Record*, 78th Cong., 2nd sess., August 9, 1944. p. 6809

¹¹⁶ National War Agencies Appropriation Bill, H.R 4879, for 1945, Hearings before a subcommittee of the Committee on Appropriations United States Senate, 78th Cong., 2nd sess.

In private correspondence, Russell bemoaned the fact that many white Southerners did not appreciate the magnitude of the FEPC threat, which made him “sick at heart.” He feared that the substantial number of blacks living outside the South would influence both Democrats and Republicans from other regions to support the FEPC.¹¹⁷ Despite Russell’s pledge to “fight this iniquitous organization to the limit of my strength and ability,” the NAACP and other black activists effectively countered his opposition.¹¹⁸ In a hearing before a subcommittee of the Committee on Education and Labor, Walter White insisted on a permanent FEPC: “I most earnestly urge upon this committee that it speedily recommend to Congress the enactment of legislation for a permanent, adequately staffed, adequately financed, and an adequately armed FEPC.”¹¹⁹ The persistence of black activists and slowly changing national sentiment toward racial equality would play a large role in dividing the Democratic Party in the postwar era.

While Russell’s views on Roosevelt’s death in mid-1945 are unknown, he was optimistic about new President Harry Truman. As a former United States senator from Missouri, which was considered a southern border state, southern Democrats thought Truman would be sympathetic to their cause of eradicating the FEPC. Furthermore, by the end of World War II, southern Democrats held positions of seniority on many of the most powerful Senate committees, which they believed would limit Truman’s incentive to push an aggressive civil rights agenda. Yet Truman surprised his former colleagues in June 1945 by calling to restore funds to the FEPC, which had been slashed significantly to \$250,000 by the Senate Appropriations Committee. Truman further infuriated southern senators when he recommended the enactment of a

¹¹⁷ Letter from RBR to Cobb Torrance, May 31, 1944. Russell Collection, Dictation Files, Box 17, Folder 14, General Correspondence, 1944-1947.

¹¹⁸ Letter from RBR to Cario Matthews and Vester McOwnby, November 25, 1944. Russell Collection, Dictation Files, Box 17, Folder 14, General Correspondence, 1944-1947.

¹¹⁹ Fair Employment Practices Act, S. 2048, Hearings before a subcommittee of the Committee on Education and Labor United States Senate, 78th Cong., 2nd sess., September 8, 1944.

permanent FEPC in a September 6, 1945 in a message outlining his legislative agenda.¹²⁰ Yet Southerners understood Truman's announcement as purely political. After he ruled the committee had usurped its powers in a case involving the Capital Transit Company, Truman issued Executive Order 9664 on December 20, 1945, which essentially stripped all punitive power from the FEPC, turning it into a purely investigative committee. That, along with the insufficient funds appropriated to the committee essentially killed the FEPC as it operated under President Roosevelt's second executive order.¹²¹

Yet liberal Democrats refused to let the FEPC die. In early 1946, Senator Dennis Chavez (D-New Mexico) introduced a bill in the Senate that proposed the establishment of a permanent Fair Employment Practices Commission.¹²² After fighting the FEPCs created by Roosevelt's executive orders, this attempt at establishing a permanent FEPC incurred Russell's wrath, which was reflected in both his public and private comments.¹²³ As Russell was now a senior member of the Senate and considered the leader of the Southern bloc, he organized a filibuster to defeat the bill.

In a January 22 speech to the Senate, Russell attacked the FEPC with a litany of arguments. Russell contended that a permanent FEPC would "strike a death blow at the fundamental rights of private property of citizens of the United States."¹²⁴ A federal agency regulating whom an employer could hire would violate the principle of democracy. An "agency [fixing] employment policies of private employers would lead to state socialism," wrote Russell

¹²⁰ Leuchtenburg, *The White House Looks South: Franklin D. Roosevelt, Harry S. Truman, Lyndon B. Johnson*, (Baton Rouge: Louisiana State University Press, 2005), pp. 161-163.

¹²¹ Ruchames, *Race, Jobs, & Politics: The Story of FEPC*, p. 132-136.

¹²² Report by Senator Dennis Chavez on bill S. 101, Jan 6, 1945, 79th Cong., 1st sess.

¹²³ In Russell's copy of the bill, he made numerous notes in different sections questioning the constitutionality of certain provisions in an attempt to formulate a rational argument against the bill with a constitutional basis. One provision in particular was that forcing one to testify against themselves in matters of discrimination in the workplace, where Russell called into question a violation of the Fifth Amendment.

¹²⁴ *Congressional Record*, 79th Cong., 2nd sess., January 22, 1946, p. 179.

to one constituent.¹²⁵ Through this rhetoric, Russell, and by extension his fellow southern Democrats, moved toward a more modern conservative ideology of opposing government intervention in the market. Furthermore, Russell exhibited xenophobia, which he framed as patriotism. He claimed that the bill would allow for alien workers to take jobs from American citizens.¹²⁶ Yet the foreign born population had declined significantly during the 1940s due to decreased immigration, so perhaps Russell was obliquely referencing blacks taking whites' jobs.¹²⁷ Continuing his attack on the anti-American nature of the FEPC bill, Russell also used the anti-Communist rhetoric of the new Cold War, asserting, "every Communist and every Socialist in this land...is ardently supporting this bill."¹²⁸

Besides assailing its undemocratic nature, Russell also attacked the efficacy and equality of the bill. The FEPC did not truly end discrimination, he explained, as it did not address age and sex discrimination, nor discrimination due to a lack of labor union membership. As a result, Russell described it as "a special interest bill for a particular minority group."¹²⁹ He also noted that out of twenty states attempting to establish a permanent FEPC, only two did so: New York and New Jersey. As Russell contended, state legislators must have seen the vice inherent in the state bills.¹³⁰ Finally, Russell addressed the issue of race, claiming that as a southern Democrat, he knew "the welfare of his people and the progress of his State are inseparably intertwined with the welfare and progress of the Negro population." Therefore, he maintained that the "bill does

¹²⁵ Letter from RBR to Armand May, William Holmes Borders, and M. Ashby Jones, July 9, 1945. Civil Rights, Box 108, Folder 2, FEPC Dictation 1944-1945.

¹²⁶ *Congressional Record*, 79th Cong., 2nd sess., January 22, 1946, p. 179.

¹²⁷ Campbell Gibson and Kay Jung, *Historical Census Statistics on the Foreign-Born Population of the United States: 1850-2000*. U.S. Census Bureau. <http://www.census.gov/population/www/documentation/twps0081/twps0081.html#trends>. "From 1930 to 1950, the foreign-born population of the United States declined from 14.2 million to 10.3 million, or from 11.6 percent to 6.9 percent of the total population. These declines reflected the extremely low level of immigration during the 1930s and 1940s."

¹²⁸ *Congressional Record*, 79th Cong., 2nd sess., January 22, 1946, p. 182.

¹²⁹ Fite, *Richard B. Russell, Jr., Senator from Georgia*, p. 228.

¹³⁰ *Congressional Record*, 79th Cong., 2nd sess., January 22, 1946. pp. 180-182.

not address itself to any condition which exists today in the United States of America” and southern opposition to the bill was not racially motivated.¹³¹

Russell’s personal correspondence, however, belies this assertion. As he wrote to one constituent, the bill’s “sponsors are not so much interested in discrimination of employment rather in promoting social equality and miscegenation of race which would destroy civilization.”¹³² Furthermore, while Russell opposed the bill in the name of upholding democracy, his constituents began to question his liberal democratic values. One suggested that “maybe [he was] still of the opinion that the Negro and citizens of other nationalities are of inferior races, and should be treated thus.”¹³³ As some of his constituents and the political representatives outside the South began to accept racial equality in the workplace as an extension of liberal democracy, Russell’s vision of democracy was beginning to deviate from that of the more liberal wing of his party.

By the time southern Democrats successfully filibustered the FEPC bill, the growing divide in the Democratic Party had become increasingly apparent. Southern Democrats had opposed all civil rights legislation favored by the rest of their party since the mid 1930s. Under growing pressure from the NAACP and other black organizations, in conjunction with horrible hate crimes still being perpetrated against blacks, Truman resolved to take a firmer stance on civil rights. Furthermore, as the presidential election neared, Truman did not want Republicans to use the growing divide in the Democratic Party over civil rights issues as a platform for election.

¹³¹ *Congressional Record*, 79th Cong., 2nd sess., January 22, 1946. pp. 179-180.

¹³² Letter from RBR to Armand May, William Holmes Borders, and M. Ashby Jones, July 9, 1945. Civil Rights, Box 108, Folder 2, FEPC Dictation 1944-1945.

¹³³ Letter from Rachel Henry to RBR, February 13, 1946. Civil Rights, Box 108, Folder 2, FEPC Dictation 1944-1945.

As a result, on February 2, 1948, Truman issued a strong message to Congress calling once again for the enactment of a permanent FEPC, among other strides toward racial equality.¹³⁴

Russell's reaction was predictable as he called "this political gesture bidding for the negro vote the most outrageous affront to the people of our section...since Reconstruction days."¹³⁵ In a letter to one constituent, Russell indicated that he would remain resolute in his cause, even, as it is evident, at the cost of the Democratic Party's unity: "I am afraid dark days lie ahead for the South, but we must face up to our tormentors with the courage and fortitude that is our southern heritage."¹³⁶

Conclusion

The legislative battles of the 1930s and 1940s precipitated the expansion of southern civil rights opposition into presidential politics, where Russell became an increasingly central figure. After southern delegates from Alabama and Mississippi walked out of the 1948 Democratic National Convention (DNC), the Georgia delegation nominated Russell to oppose Truman for the Democratic presidential nomination. While Russell violently opposed Truman's civil rights platform, he was reluctant to run against him for the nomination. Russell feared it would further fracture the Democratic Party, which needed to remain united to keep popular Republican candidate Thomas Dewey from office. Russell eventually acquiesced, deciding "that those who were opposed to Mr. Truman were entitled to have someone for whom they could vote."¹³⁷

¹³⁴ Leuchtenburg, *The White House Looks South: Franklin D. Roosevelt, Harry S. Truman, Lyndon B. Johnson*, p. 165-178.

¹³⁵ Letter from RBR to RO Hardy, February 10, 1948. Civil Rights, Box 108, Folder 5, Correspondence, January 12, 1948-November 8, 1948.

¹³⁶ Letter from RBR to JC Howard, July 29, 1948. Civil Rights, Box 108, Folder 5, Correspondence, January 12, 1948-November 8, 1948.

¹³⁷ RBR to Elizabeth Caldwell-Noyes, August 31, 1948, Russell Collection, Civil Rights, Box 144, Folder 6, Ray Sprigle Articles, August 30-31, 1948.

While Russell carried the vote of southern delegates, he lost the nomination handily to Truman, as he knew he would.¹³⁸ Following Truman's nomination, several southern Democrats formed the States' Rights Democratic Party to run South Carolina Governor Strom Thurmond as a presidential candidate. Russell declined to join them and instead announced his intention to vote for Truman. He knew the split would only weaken the Democratic Party to which he still remained attached. Furthermore, he refused to let a civil rights agenda expel him from his own party, which he hoped would eventually re-adopt its original states' rights philosophy. While Truman's reelection indicated the nation's changing views on civil rights, Russell continued his battle to uphold white supremacy.¹³⁹

Truman's first full term did nothing to mend the growing fractures within the Democratic Party. His persistent push for civil rights legislation continued to alienate southern Democrats. Furthermore, Truman's unpopularity reflected poorly on the party and Democrats believed their congressional majority was in jeopardy. If Republicans took control of Congress, southern Democrats would lose their positions of power. Thus, they resolved to take advantage of the party's divisiveness and nominate a presidential candidate more inclined to protect southern interests. After much public and private persuasion, Russell decided to run for the Democratic presidential nomination in 1952.¹⁴⁰

Besides civil rights and labor issues, Russell was considered a moderate Democrat by the press, as he often aligned with his more liberal colleagues on domestic and foreign policy matters. Because of this, Russell and his advisors felt he had a viable chance of winning the nomination. Yet his critics claimed he was too southern to win and implied he would represent

¹³⁸ Russell received 293 votes, while Truman received 947.5.

¹³⁹ Fite, *Richard B. Russell, Jr., Senator from Georgia*, pp. 238-242; Frederickson, *The Dixiecrat Revolt and the End of the Solid South, 1932-1968*, pp. 130-131.

¹⁴⁰ Fite, *Richard B. Russell, Jr., Senator from Georgia*, pp. 270-274.

sectional interests over national ones. Furthermore, they charged him with disingenuously seeking the nomination in an attempt to leverage delegate votes for southern influence in Congress. Russell denied these accusations and tried to appeal to both liberal and conservative Democrats by running on a platform that “included fighting Communist expansionism, building up American defenses without waste, achieving a balanced budget, providing mutual assistance to American allies, cleaning ‘subversion and dishonesty’ out of government, and preserving states’ rights.” Nevertheless, at the DNC in Chicago, Russell lost the nomination to Governor Adlai Stevenson of Illinois. Despite his disappointment, Russell pledged to vote for Stevenson, urging Democratic unity with the likely prospect of Eisenhower being elected on the Republican ticket. Although Eisenhower won in a landslide victory and Republicans regained control of both the House and the Senate, Russell retained significant influence in the Senate because of his seniority.¹⁴¹

Although the 1952 election ended his presidential ambitions, Russell still wanted to see Democratic leadership in the hands of a Southerner. When Lyndon Johnson arrived in the Senate in 1949 and courted Russell in hopes of advancing his political career, Russell decided to mentor him hoping Johnson could eventually “bridge the gap between North and South.” This symbiotic relationship developed into a close friendship, with the unmarried Russell often eating dinner at Johnson’s home. With Russell’s backing, Johnson was named Senate majority leader in 1956 and began his ascent toward the presidency. During his early years in the Senate, Johnson voted with southern Democrats on most issues, giving Russell hope that Johnson would always support southern interests. But after his vice presidential election in 1960, the extent of Johnson’s national ambitions became apparent and Russell knew Johnson would soften his stance on civil rights to appeal to a broader constituency. When Johnson became president, he aggressively

¹⁴¹ Fite, *Richard B. Russell, Jr., Senator from Georgia*, pp. 275-301.

pushed civil rights legislation through Congress, and although Russell pledged to fight it until the bitter end, he was finally overcome with the passage of the 1964 Civil Rights Act. Despite his disappointment, Russell understood Johnson's political obligation to back civil rights legislation. The two remained close friends until a 1968 dispute over a federal judgeship nomination destroyed their relationship. Having been reelected in 1966, Russell remained a respected, authoritative figure in the Senate until his death in 1971.¹⁴²

From the early legislative fights to his run for the presidency, Russell's career in the Senate traced the gradual fracture and realignment of the Democratic Party. Russell's ultimately futile attempts to prevent the increased federal intervention and social equality mandated by New Deal liberalism were largely representative of southern Democrats' response to the changing ideology of the Democratic Party. Holding onto uncompromising beliefs about racial equality, southern Democrats of this lost generation were integral to the transformation of America's political landscape during the mid-twentieth century, which became highly visible in the 1960s. Republican candidate Barry Goldwater carried the southern vote in the 1964 presidential election, while prominent southern politicians like Strom Thurmond defected to the Republican Party. But as other southern Democrats abandoned the party for the GOP, Russell stayed loyal to the Democratic Party of Roosevelt. Russell remained a Democrat primarily because of his immense power within the party, but also because of the "deep emotional commitment to preserving the kind of South in which his ancestors and he had lived."¹⁴³ Yet by the 1960s, Russell was essentially a man without a party. His racial beliefs had alienated him from his party

¹⁴² Fite, *Richard B. Russell, Jr., Senator from Georgia*, pp. 266-270, 329-348, 371-434, 465-493, quote p. 268; Caro, *The Years of Lyndon Johnson: Master of the Senate*; Robert Mann, *When Freedom Would Triumph* (Baton Rouge: Louisiana State University Press, 2007); Leuchtenburg, *The White House Looks South: Franklin D. Roosevelt, Harry S. Truman, Lyndon B. Johnson*, pp. 250-330.

¹⁴³ Fite, *Richard B. Russell, Jr., Senator from Georgia*, p. 496.

and pushed him outside the mainstream of Democratic Party politics. Unwilling to defect and unable to conform, Russell remained the man in the middle.

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