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April 13, 2015

“The Unfinished Task”:
Charles Weltner and the Hope of a New South

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2015

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Abstract

“The Unfinished Task”: Charles Weltner and the Hope of a New South By Nathaniel H. Meyersohn

“I would urge that we at home now move on to the unfinished task of building a New South. We must not remain forever bound to another lost cause,” Charles Longstreet Weltner, the representative of Georgia’s Fifth District from 1963 to 1967, said on the House floor before becoming the sole congressman from the Deep South to vote in favor of the landmark 1964 Civil Rights Act. Yet just two years later, he abruptly dropped out of his reelection campaign rather than adhere to a Democratic Party loyalty oath that required him to support arch-segregationist Lester G. Maddox. This work seeks to reexamine Weltner’s career in Congress, including his fateful decision in 1966 that cost him a promising political future, against the backdrop of civil rights tension and sweeping changes to southern politics. By positioning Weltner, a largely ignored figure in the history of the era, as the hope of a new breed of southern Democrats, we can contribute to our understanding of why his moderate appeal failed to seize control of the region during the latter part of the twentieth-century.

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“You know, there’s a very good senior honors thesis to be written about Congressman Charles Weltner,” Professor Crespino wrote to me during the fall of my junior year. I had never heard of Weltner and my knowledge of Georgia politics was thin, but my advisor, as he usually is, was spot on. Gathering research, combing through local archives, conducting interviews, and exploring Weltner’s career during the civil rights era have provided me with some of my greatest joys at Emory and immersed me in Atlanta’s rich political and social history.

I have been privileged to share this journey with many special people—historians and journalists, political leaders and civil rights luminaries, and close family and friends—whom I’d be remiss not to thank for their time and energy on my behalf. Professor Crespino allowed me to serve as his research assistant for his upcoming book on race and religion in Atlanta during my sophomore year, and I am indebted to him for all of his guidance and support over the past few years. He first kindled and has continued to fuel my interest in the period and the South. I am deeply grateful to Professor Klibanoff for his endless commitment to my work, for his tough love, and for motivating me as a writer and thinker. Professor Klibanoff reminds me of the Hall of Fame coach who propels his players to improve their game, and his passion for uncovering untold stories of injustice in the Jim Crow South has enriched my experience at Emory. Both Professor Crespino and Professor Klibanoff serve as testaments to the impact dedicated professors can have on the lives of their students. I also thank Professor Gadsden, co-teacher of the Civil Rights Cold Cases class, for shaping my understanding of the continued burden of race and strengthening my analytical skills in both courses I have taken with him. Wyche Fowler has been immensely gracious and open with me these past few months. Senator Fowler has contributed significantly to this project, and I’m proud to consider him a mentor. I cherish my conversation with Bill Shipp, the legendary Georgia journalist, about the congressman’s career. I look forward to visiting Mr. Shipp soon at his home in Ackworth, Georgia. Talking with Vernon Jordan about Weltner was one of the highlights of my Emory career, and I thank Mr. Jordan for his interest in my thesis. Betty Jean Weltner, Philip Weltner, Gregory Favre, Jack Turner, Gene Roberts, Hattie Bell Dorsey, and John O’Callaghan each shared their memories of the former congressman and helped me to tell the story of an often confounding man. Randy Pettey has been my biggest advocate since I met him down in the microfilm section of the Woodruff Library. I thank him for his friendship. Keith Anthony, Amy Erbil, and Colette Barlow at the Fox Center for Humanistic Inquiry have been tremendous resources. As has Becky Herring, the driving force behind the strongest department at Emory. And my close friends, especially Noah Kaufmann and Doug Shuffman, have put up with me for far too long. I thank them for their loyalty.

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Introduction

On May 29, 1991, Charles Longstreet Weltner, the congressman from Georgia's Fifth District from 1963 to 1967, received the second annual John F. Kennedy Profile in Courage Award. Twenty-nine years earlier in 1962, as a 34-year-old first time candidate from Atlanta, Weltner had defeated a symbol of old-style southern conservatism to win election to Congress. During his first term, he had spoken out in the aftermath of the 1963 Birmingham Church bombing criticizing southern leaders for their silence and voted in favor of the milestone 1964 Civil Rights Act, a vote in which he stood as the sole congressman from the Deep South to support the historic legislation. After supporting the 1965 Voting Rights Act and leading a successful House Un-American Activities Committee investigation into the Ku Klux Klan during his second term, Weltner withdrew from his 1966 reelection campaign. In a stunning decision *The New York Times* called "unparalleled in Georgia in modern times," Weltner announced he would leave Congress rather than take a Democratic Party loyalty oath in support of Lester G. Maddox, Georgia's segregationist gubernatorial nominee.¹

Upon presenting Weltner with the Profile in Courage award, Senator Edward M. Kennedy called his career a "profile in courage for his time, for our time, and for all time." Kennedy lauded Weltner's "unwillingness to compromise with segregation" and praised his withdrawal from Congress in 1966. "By honoring a higher principle, by refusing to compromise with hate, by yielding his seat in Congress...he set a standard that few political leaders have equaled at any time in our history," Kennedy declared.²

¹ Gene Roberts, "House Member Quits Race Rather Than Back Maddox," *The New York Times*, October 4, 1966.

² "Remarks by Senator Edward M. Kennedy," 1991 John F. Kennedy Profile in Courage Award, John F. Kennedy Library Foundation, May 29, 1991,



Weltner receiving the Profile in Courage Award ³

Yet 50 years after casting his vote for the Civil Rights Act and nearly 25 years after winning the Profile in Courage Award, Weltner's reputation has failed to endure "for all time." Despite becoming one of the most important political leaders of the twentieth-century in Georgia, he has been lost to history. He has no place in key scholarship of the pivotal 1960s and has been largely ignored in most significant works on Atlanta and state politics. When Weltner is remembered for anniversaries of his vote for the Civil Rights Act, he has been mythologized as a congressman who stood at the forefront of racial equality. But his career is too valuable to be ignored or left to myth. A

<http://www.jfklibrary.org/Events-and-Awards/Profile-in-Courage-Award/Award-Recipients/Charles-Weltner-1991.aspx?t=4>, accessed March 28, 2015.

³ John F. Kennedy Library Foundation <http://www.jfklibrary.org/Asset-Viewer/Kf4ex3YawkWqwqz0mW4SZw.aspx>, accessed April 8, 2015.

full understanding of southern politics during the civil rights struggle is incomplete without thorough examination of Charles Weltner.

Weltner symbolized the possibility of uniting liberal whites and African-Americans—particularly following passage of the 1965 Voting Rights Act and the possibility of full black participation in the South—to elect a wave of moderate Democrats to replace the reactionaries who had long thwarted progress and fractured the region. Analyzing why the “prototype of the articulate young congressman—the ‘new breed’ on whom so many southern moderates stake their hopes for the future,” as *Newsweek* called him in 1964, failed to materialize helps us recover a fleeting moment in which Weltner’s progressive brand and the biracial coalition he represented seemed capable of becoming the new paradigm of southern politics.⁴ To grasp the collapse of interracial politics in the South and the fall of white liberals, we must look to the archetype who once stood poised to lead the region into a new era. Through Weltner, “a foremost representative of a new style in southern politics,” as noted journalist Reese Cleghorn commented in 1966, we can add to our understanding of the origins of today’s polarized coalitions of white Republicans and African-American Democrats in the Deep South.⁵

It is also misleading to think of Weltner as a champion of civil rights. He adopted measured positions on race and was forced to readdress his evolving attitudes as the struggle for African-American equality swept through the South and racial turmoil escalated. Jonathan Walton, Weltner’s editor on *Southerner*, his 1966 memoir, noted that the former congressman’s “progressive disillusionment with racism was not the result, at

⁴ “The Georgia Story: Two Men, Two Districts,” *Newsweek*, March 2, 1964.

⁵ “Weltner Preface, October 3,” Reese Cleghorn Papers, Box 1, Folder 2, Manuscript, Archives, and Rare Books Library (MARBL), Robert W. Woodruff Library, Emory University, Atlanta.

each turn, of a clash of ideologies but of a pragmatic collision between specific manifestations of racism and specific canons of [his] beliefs.”⁶ Weltner attempted to avoid contentious racial questions and adjudicated civil rights issues through a legal, rather than a moral, prism. When spurred to address the Supreme Court’s decision in *Brown v. Board of Education* (1954) and state leaders’ attempts to shut down the public school system to prevent integrated classrooms, he adopted measured positions and became involved in an organization that remained circumspect on desegregation. When a campaign group he chaired was faced with the possibility of integrating during the 1960 election, when asked to defend an African-American sentenced to death for murder in 1961, and when questioned on his views on segregation during his 1962 congressional campaign, he skillfully navigated directly confronting the race issue at all three turns. In Congress, he qualified his support for the Civil Rights Act and the 1965 Voting Rights Act, the legislative pillars of the civil rights movement, citing questions over the proper role of the federal government. And while galvanized to take public stands against racial violence, including in the aftermath of the 1963 Birmingham Church bombing and in a later attempt to expose the Ku Klux Klan’s influence, he framed both responses within his dedication to eliminating the destructive elements that had stained the South’s racial image and stymied progress.

The driving forces behind Weltner’s progressive racial attitudes were prudence and political ambition. He recognized the futility of blindly resisting racial and economic progress and consistently remained committed to opposing the forces that had blocked the development of the state and region. Rather than a fierce civil rights advocate, he was

⁶ Jonathan Walton to Charles Weltner, June 10, 1965, “Southerner-correspondence,” MSS 207, Charles Longstreet Weltner Papers, Box 5, Folder 13, The Keenan Research Center, Atlanta History Center, Atlanta.

determined to curtail the influence of southern reactionaries throughout his career. He and a cohort of forward-looking Atlantans were in constant tension with Georgia's political status quo and the two groups would clash over his effort to repeal Georgia's county-unit system, a tool of rural interests to disenfranchise urban and African-American voters, and his attempt to preserve public schools after *Brown*. In 1962, he decided to enter the congressional race to defeat the fifteen-year incumbent James C. Davis, a former member of the Ku Klux Klan and the embodiment of southern conservatism. Weltner's final vote for the 1964 Civil Rights Act was another example of his effort to align himself against those in the region who remained intransigent. His concluding words upon voting in favor of the bill captured the impetus for his career-long struggle to reform Georgia politics: "I would urge that we at home now move on to the unfinished task of building a New South. We must not remain forever bound to another lost cause."⁷

But just two years following the vote, after rising to become the leader of the southern liberal caucus in the House, a key vote in favor of President Lyndon B. Johnson's programs, and a Democrat with national aspirations during his second term, Weltner left Congress at a fraught hour in Georgia history. Rather than a historic act of political principle, Weltner's imprudent decision to leave Congress angered allies, damaged his electoral base, and hurt his party. A bright political future and his potential to bridge the gulfs between African-American and white voters in a region long mired in racial strife slowly vanished. Weltner was African-Americans' "great white hope" and his withdrawal from the 1966 race was one of the "tragedies of the South," civil rights leader

⁷ 110 Cong. Rec. 15894, July 2, 1964.

Vernon E. Jordan Jr. later said. “He got on the road and didn’t stay on it.”⁸ As *The Washington Post* editorialized the day after Weltner announced he would leave Congress, “Much of the hope for future good relations in this delicate area of racial controversy lies in the emergence of [southerners]...who can command a place in the public life of the South and the [nation]. It is a tragedy to move backwards by the loss of such men.”⁹ Weltner’s career, like his native region’s, is a story of missed opportunity and unfilled promise.

⁸ Vernon Jordan, Telephone Interview by Author, April 1, 2015.

⁹ “A Tragic Retreat,” *The Washington Post, Times Herald*, October 4, 1966.

Chapter 1: The Chancellor's Son

In 1935, Philip R. Weltner, the first chancellor of Georgia's Board of Regents, abruptly resigned in protest over Governor Eugene Talmadge's attempt to curb the Regents' control of the university system. Instead of yielding to Talmadge—the reactionary governor and the state's most powerful politician for two decades—Chancellor Weltner left his position. Thirty-one years later, Philip Weltner's youngest son took his own principled stand against a demagogue. Charles Weltner's fateful decision to leave Congress rather than support Lester Maddox would become the final act of his congressional career.

Philip Weltner's career as a progressive reformer blazed a path for his youngest son to follow. The patriarch laid the groundwork for his son's early involvement in the effort to abolish Georgia's antiquated county-unit voting system and the fight to prevent public school closings following the Supreme Court's *Brown* ruling. During some of Weltner's most challenging moments in Congress, including his vote in favor of the 1964 Civil Rights Act and his decision to withdraw from the 1966 race, he looked to his father's maverick streak. He hoped to “follow in his father's footsteps,” Betty Jean Weltner, the former congressman's first wife, recalled.¹⁰ Weltner “idolized” his father, Wyche Fowler Jr., Weltner's chief of staff during his second term in Congress and a future U.S. Senator, said. “He wanted to live up to his father's legacy.”¹¹

Throughout Philip Weltner's era, a period V.O. Key called the “rule of the rustics,” Eugene Talmadge controlled Georgia politics.¹² The “wild man from Sugar Creek,” as he was nicknamed, exploited deep-seated racial and economic tensions in

¹⁰ Betty Jean Weltner, Personal Interview by Author, October 2, 2014.

¹¹ Wyche Fowler, Personal Interview by Author, October 17, 2014.

¹² V.O. Key, *Southern Politics in State and Nation* (New York: Alfred A. Knopf, 1949), 106.

Georgia to pit white voters against African-Americans and rural voters against urban interests. A skilled provocateur, Talmadge courted rural whites who resisted changes to the Jim Crow racial status quo and were hostile to the federal government. Talmadge stirred up frenzied crowds across the Georgia countryside with race-baiting attacks on African-Americans and diatribes against President Franklin D. Roosevelt's New Deal programs.¹³ In typical incendiary fashion, he once said "People of Georgia, you've only got three enemies: Nigger, nigger, nigger!"¹⁴ The Talmadge coalition—known as the "wool hat boys"—carried him to the governor's mansion four times from 1926 to 1946.¹⁵



Eugene Talmadge ¹⁶

¹³ Key, *Southern Politics in State and Nation*, 128.

¹⁴ William E. Leuchtenburg, *The White House Looks South* (Baton Rouge: Louisiana State University Press, 2005), 124.

¹⁵ William Anderson, *The Wild Man From Sugar Creek: The Political Career of Eugene Talmadge* (Baton Rouge: Louisiana State University Press, 1975), 61-67.

¹⁶ Eugene Talmadge (1884-1946), New Georgia Encyclopedia, <http://www.georgiaencyclopedia.org/articles/government-politics/eugene-talmadge-1884-1946>, date accessed April 8, 2015.

Georgia's county-unit system, the defining characteristic of state politics during the era, strengthened Talmadge's hold on office and perpetuated rural domination over state politics. Beginning in 1917, the Democratic primary—tantamount to the general election in the Solid South—was held under the unit system. Under the system, candidates for statewide office and to Georgia's House of Representatives were not elected by a popular vote, but by a unit vote. Each county in Georgia was assigned a number of unit votes, and the candidate who won a plurality of votes in the county was awarded the entirety of its unit vote. The inequity of the voting system revealed itself through the distribution of unit votes across counties. Following the 1940 census, the 121 smallest counties in the state—largely more conservative than urban areas—held a disproportionate 59 percent share of the unit vote, while the eight most populous carried only eleven percent.¹⁷ As Charles Weltner noted in his 1966 memoir *Southerner*, one vote in rural Echols County trumped nearly 100 votes in his Fulton County home.

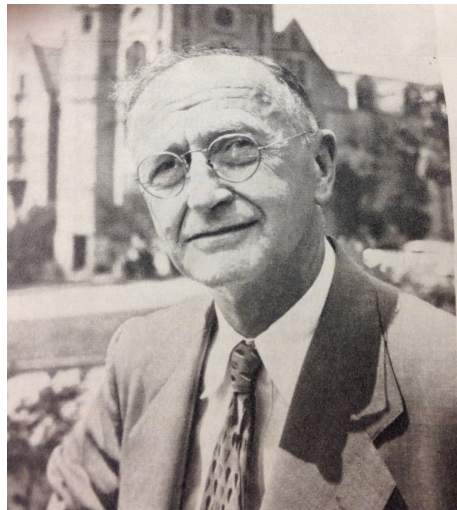
The unit system gave rural voters outsized influence over both statewide elections and the Georgia Assembly—which was also apportioned on the basis of the county-unit vote—and allowed them to silence liberal voices. Rural votes' hegemony under the system provided the impetus for candidates to shape their appeal to court economic and racial conservatives. With political impunity, candidates could ignore African-Americans and liberal whites' diluted votes in metropolitan areas like Atlanta. The unit system, as its backers often said, was designed to “stop the nigger vote at the county line.” But the unit system also “stopped *my* vote at the county line,” Weltner wrote in his memoir.¹⁸ He

¹⁷ Key, *Southern Politics in State and Nation*, 117-124

¹⁸ Charles Longstreet Weltner, *Southerner* (Philadelphia: J.B. Lippincott Company, 1966), 23-26.

would become involved in a repeal effort to help free Georgia politics from the rural bulwark early in his career.

Weltner's father, a Roosevelt supporter who built his career in Atlanta, was the antithesis of Gene Talmadge. Born in New York City in 1887, Philip Weltner moved to Augusta, Georgia, when he was three years old. After graduating from the University of Georgia and then studying law at Columbia, he returned to private practice in Atlanta and soon became interested in social work, particularly recidivism of criminals. In 1912, in an effort that attracted the attention of *The Atlanta Constitution*, one of the city's two daily papers, Weltner helped expose the brutal conditions of Georgia's convict labor system by disguising himself as a convicted criminal serving a sentence on the Campbell County chain gang.¹⁹ Charles Weltner later described his father as a man "interested in the realm of social uplift" and concerned with "the people who were poor and broke and busted." Philip Weltner "was trying to make a better life for people," his son said.²⁰



Philip Weltner during his tenure as president of Oglethorpe University²¹

¹⁹ "Philip Weltner is Doing Time in Convict Camp," *The Atlanta Constitution*, April 13, 1912.

²⁰ Clifford Kuhn, "I Felt Like I Had Cast the Die," Oral History Interview with Charles Weltner, Georgia Government Documentation Project (GGDP), Special Collections, William Russell Pullen Library, Georgia State University, Atlanta, July 9 and 17, 1986.

²¹ Photo of Philip Weltner, Weltner Papers, Box 104, Folder 12.

In 1932, a year after the state's Reorganization Act created the Board of Regents, a body designed to oversee the patchwork of Georgia's universities, Philip Weltner became the first chancellor of the university system, an appointment that set him on a collision course with the Talmadge machine. Chancellor Weltner's work required him to travel around the state, and he often brought his youngest son, including on visits to Georgia's African-American colleges. The impressionable young Weltner's trips with his father served as his introduction to African-Americans' second-class status under Jim Crow, a political, economic, and social caste system maintained throughout the South. Weltner recalled one conversation that crystallized African-Americans' political exclusion in Georgia: "Chancellor, we can't vote for you for governor. But if you ever run for president, you can sho' count on us," the head of a local black college told Philip Weltner.²² Yet as blacks began to assert their political muscle during the civil rights movement, they proved crucial to Weltner's electoral coalition in Congress.

On these tours around the state countryside with the chancellor, Charles Weltner also witnessed widespread poverty in the South. Long the nation's most impoverished, uneducated, and disease-stricken region, the South was devastated by the Great Depression. The southern economy, an agriculturally-dependent structure isolated from the rest of the country, had been plagued by underconsumption and low-income levels since the Civil War. The stock market collapse in 1929 exacerbated these trends, driving down farm prices, eliminating jobs, and cutting off credit to the vast majority of poor southerners. Without the ability to purchase goods or to sell crops on the market, rural

²² Weltner, *Southerner*, 14.

southerners found little respite from the Depression.²³ Weltner recalled the “dilapidated shanties strung along the road, the dank filling stations and the smell of gasoline, the men in overalls, the women in feed-sack dresses.”²⁴ He carried these indelible images of poverty in the South with him to Washington, where he backed Lyndon B. Johnson’s War on Poverty programs.

The New Deal was in its nascent stages as the young Weltner traveled across the state with his father. Like many other southern progressives, Chancellor Weltner recognized the New Deal’s potential to help modernize the region’s depleted economy and improve its education system. Seeking to capitalize on federal funding, Chancellor Weltner negotiated a two million dollar loan from the Public Works Administration (PWA) to finance the construction of new university buildings.²⁵ Although Gov. Talmadge had assured his support for the PWA loan, Chancellor Weltner was surprised to discover that a bill had been introduced on the first day of the 1935 legislative session to curtail the Regents’ authority and strike the proposed loan. “It is my opinion that the provisions of this bill will nullify...[the Regents’] grant building program,” Chancellor Weltner told *The Atlanta Constitution*.²⁶ Despite pressure from the Regents and its supporters, state legislators acquiesced to Talmadge. The measure, Chancellor Weltner later learned, had been “concocted the night before [the opening of the session] at the [governor’s mansion] as part of [Talmadge’s] vendetta against the New Deal.”²⁷

²³ David L. Carlton and Peter A. Coclanis, *Confronting Southern Poverty in the Great Depression: The Report on Economic Conditions of the South with Related Documents* (Boston: Bedford Books of St. Martin’s Press, 1996), 7-10.

²⁴ Weltner, *Southerner*, 14.

²⁵ “University Loan Approved by PWA,” *The Atlanta Constitution*, October 28, 1934.

²⁶ “Talmadge Program Laid Before Assembly; Regents Bill Will Kill PWA—Weltner,” *The Atlanta Constitution*, January 15, 1935.

²⁷ Philip Weltner, *Recollections* (1970), 51-52.

Talmadge had “reneged on” his agreement, Charles Weltner told Georgia State historian Clifford Kuhn in an oral history years later, “and my father felt like he had to resign.”²⁸



The Atlanta Constitution, March 27, 1935 ²⁹

Philip Weltner’s opposition to Talmadge continued after he stepped down as chancellor, an effort that Charles Weltner carried on against Talmadge’s son, Herman, two decades later. Although term limits prevented Eugene Talmadge from running for another term in 1936, Philip Weltner led a reform effort in the gubernatorial election in what became known as the “Weltner movement.” In March of 1936, in a challenge to the machine politics that had emerged, Weltner proposed a statewide structure to “enable the people to select their candidate for governor, rather than have politicians seek the office for themselves.”³⁰ The “Weltner movement” held a convention in Macon, Georgia, on

²⁸ Kuhn, Oral History with Weltner, GGDP.

²⁹ “Smith Deplores Weltner Decision to Resign Place,” *The Atlanta Constitution*, March 27, 1935.

³⁰ B. F. Meyer, “People’s Selection for Governor is Urged by Former Chancellor,” *The Atlanta Constitution*, March 9, 1936.

June 18 and nominated Judge Blanton Fortson for governor.³¹ “The task of this movement is to dethrone tyranny and lift up anew the flag of democracy,” the convention’s principles stated. “It is a movement of the people for the people.” The convention’s delegates also drafted a progressive party platform that condemned Talmadge’s arbitrary power, pledged support for President Roosevelt’s Social Security Act, called for increased funding to public education, and recognized collective bargaining rights. The “Weltner movement” ended following the 1936 election, but Charles Weltner would mount his own challenge to Georgia’s political powerbrokers on the county-unit battle and the fight to protect open schools during the 1950s.³²

Yet Philip Weltner’s reform-minded approach clashed with his son’s deep Dixie heritage. Charles Weltner’s forbearers on his mother’s side had contributed to the legal and political development of the state during the antebellum era. Joseph Henry Lumpkin, Weltner’s great-great-grandfather, served as the first chief justice of the Georgia Supreme Court, and his great-grandfather, Thomas Reade Rootes Cobb, a distinguished legal scholar, authored the state’s first penal code. Cobb’s 1858 treatise on slavery, which traced the historical origins of slavery and argued for its foundation in natural law, helped form the legal justification for the South’s “peculiar institution.” Two years later, Cobb led the call for Georgia’s secession from the Union in an address to the state’s General Assembly. Cobb served as a member of the Confederate Congress during the Civil War

³¹ L. A. Farrell, “Weltner Convention Nominates Judge Fortson As Unaffiliated Gubernatorial Candidate,” *The Atlanta Constitution*, June 19, 1936.

³² “Platform Adopted in Convention of Weltner Movement at Macon,” *The Atlanta Constitution*, June 19, 1936.

before moving to the battlefield to become a brigadier general. He was killed by a Union artillery shell during the Battle of Fredericksburg in December of 1862.³³

Charles Weltner's Dixie roots and his Confederate ancestors left an imprint on the southerner. "The Confederacy had a particular appeal to me," Weltner wrote in his memoir. "With a Confederate general for a great-grandfather and an ample supply of family relics at hand, I suppose my case was more virulent than most." He became enamored with Confederate lore during his impressionable early years. His heroes were revered Confederate generals—Robert E. Lee, J.E.B. Stuart, and Stonewall Jackson—and he admitted nostalgia for his mother's lineage and the Old South. "There is still for most of us in the South a certain inexplicable appeal from those days," Weltner wrote in *Southerner*. "It was easy to become somewhat pixilated about the Old South... To some extent... [I] remain under its spell."³⁴

Although he was a native son, Weltner often felt conflicted over the South's history and his forbearers' uncompromising support of slavery. During his years in Congress, he frequently discussed the lasting implications of slavery and the Civil War, and he explored the region's racial history closely in his memoir. Echoing historian C. Vann Woodward's classic 1960 study, *The Burden of Southern History*, Weltner concluded that "the burden of [southern] history is lost opportunity."³⁵ In a speech during his congressional tenure on Confederate Memorial Day, he lamented the unreconciled legacy of the Civil War and criticized the South's intransigence: "Henry Grady proclaimed the New South in 1886; Atticus Haygood [the former president of Emory University] forespoke it for his children. Yet we are not his children, but his children's

³³ "Information about Thomas R.R. Cobb," Weltner Papers, Box 102, Folder 4.

³⁴ Weltner, *Southerner*, 15-16.

³⁵ *Ibid.*, 138.

children. Where is that golden day, that New South?" he asked.³⁶ Weltner would become a leading advocate for reform in the South, at times standing as a lone voice urging the region to confront its tumultuous past, one that extended back in his own family for generations.

In 1945, Weltner enrolled at Oglethorpe University in Atlanta, where his father had been appointed the university's president a year earlier. During Weltner's time at Oglethorpe, two civil rights-motivated murders in Georgia attracted attention. In the summer 1946, Maceo Snipes was murdered for voting in the Democratic primary. Five days later, just fifty miles east of Oglethorpe in Monroe, two African-American couples, including a veteran returning from World War II, were dragged from their car and shot and killed by a gang of white men.³⁷ The Moore's Ford Bridge Lynching, as it would become known, sparked outrage and helped compel President Truman to establish the President's Committee on Civil Rights to investigate civil rights abuses in America, an early victory for the movement.

Despite the lynching and the subsequent outcry, Weltner considered race a distant issue. "There was no race problem—at least insofar as I was concerned," Weltner recalled in *Southerner*. "Negroes were poor. They lived somewhere else. We helped them when we could through churches and personal charity. And that was about it."³⁸ In a 1991 oral history, he said "nobody thought anything about race... It just wasn't a subject of discussion."³⁹ Betty Jean Weltner recalled that she and her divorced husband had "no

³⁶ 111 Cong. Rec. 8381, April 26, 1965.

³⁷ "\$10,000 is Offered for Lynchers," *The New York Times*, July 28, 1946.

³⁸ Weltner, *Southerner*, 20.

³⁹ Mel Steely, Oral History Interview with Charles Weltner, Georgia's Political Heritage Program (GPHP), University of West Georgia, Annie Bell Weaver Special Collections, Irvine S. Ingram Library, Carrollton, Georgia, May 16, 1991.

black friends early on,” and Weltner noted in *Southerner* that the only African-Americans with whom he came in contact were maids who worked for his family, janitors he met at grammar school and at Oglethorpe, and a local worker at the gas pump.⁴⁰ His time at Columbia Law School, where he went following his graduation from Oglethorpe in 1948, failed to stir his racial attitudes. “I was in a very conservative mode [at Columbia]...It was just a matter of local pride,” he told historian Clifford Kuhn.⁴¹ “I went [north] with my [southern] background, and returned three years later with it all intact and totally unimpaired,” Weltner wrote in his memoir.⁴² But the Supreme Court’s looming decision on school segregation would upend Weltner’s naiveté on race relations and forced him to reassess his limited understanding of race in the Jim Crow South.



A young Charles Weltner⁴³

⁴⁰ Betty Jean Weltner, Personal Interview by Author; Weltner, *Southerner*, 16.

⁴¹ Kuhn, Oral History with Weltner, GGDP.

⁴² Weltner, *Southerner*, 16.

⁴³ Undated Photo of Charles Weltner, Weltner Papers, Box 104, Folder 12.

Chapter 2: “You Don’t Pay a Note Before it’s Due”

Weltner, a brilliant legal mind who would later serve on the Georgia Supreme Court, was admitted to the state bar a year before he graduated from Columbia Law School in 1950. A month after graduation, he accepted a job at Arnall, Golden, and Gregory, two-term former Georgia Governor Ellis G. Arnall’s law firm.⁴⁴ Arnall, whom *The New York Times* had coined a “spokesman for the New South” in 1946, established a progressive reputation on race by abolishing the poll tax and earned praise for his handling of the brutal Moore’s Ford lynching. As Weltner began his law career, however, Herman E. Talmadge had been governor for two years and had adopted his father’s polarizing style. Georgia’s forward-looking leaders, buoyed by Arnall’s stint as governor, returned to the fringes of state politics.⁴⁵

Fighting the iniquitous county-unit system remained a central issue around which progressive Georgians could mobilize, and Weltner became involved in the effort soon after joining Arnall’s firm. In 1952, he worked on “Strike One,” the campaign to defeat Amendment Number One, Gov. Talmadge’s proposed ballot measure to extend the unit system from Democratic primaries to general elections. Despite Talmadge’s aggressive push, the amendment failed. “We beat the hell out of [Amendment No. 1],” Weltner recalled, a victory that would spur him to partner with prominent Atlanta lawyer Morris B. Abram Sr. on a legal challenge to defeat the system in court six years later.⁴⁶

Although progressives in Atlanta rallied to weaken rural dominance over state politics, preserving Georgia’s public schools, especially during the volatile years

⁴⁴ “Weltner Joins Arnall Law Firm,” *The Atlanta Journal*, July 16, 1950.

⁴⁵ William B. Hamilton, “Spokesman for the New South,” *The New York Times Book Review*, November 17, 1946.

⁴⁶ Kuhn, Oral History with Weltner, GGDP.

following *Brown*, galvanized Weltner. On May 17, 1954, as he awaited a ruling on a trial he argued in Fulton County, the Supreme Court handed down its long anticipated decision on segregation in public schools. In a unanimous decision from five consolidated cases in Kansas, South Carolina, Virginia, Delaware, and Washington, D.C., the Supreme Court, led by Chief Justice Earl Warren, struck down segregated schools. The court's landmark ruling held that dual school systems were a violation of the equal protection clause of the Fourteenth Amendment and were "inherently unequal."⁴⁷ The legal battle the NAACP waged since Weltner's youth had culminated in a landmark victory in *Brown*.

The ruling was cataclysmic. Battle lines were drawn and firebrands stirred throughout the region. James J. Kilpatrick of the *Richmond News Leader* advocated for the "interposition" of southern states to the ruling, a revival of pre-Civil War tactics to circumvent the federal government and an idea that quickly "stormed through every southern state capital," Gene Roberts and Hank Klibanoff wrote in *The Race Beat*.⁴⁸ The Klan awoke from its lull and the first white Citizens' Council, a juggernaut of economic intimidation against blacks, was born in Indianola, Mississippi.⁴⁹ Massive resistance—an effort that would restrain the South's moderate voices for the remainder of the decade—escalated shortly after *Brown* in the region.

Marvin Griffin, running as Herman Talmadge's candidate for governor since Talmadge was ineligible for reelection, exploited the backlash to *Brown* in the 1954 gubernatorial election. Two weeks after the Supreme Court handed down the decision,

⁴⁷ Michael J. Klarman, *Brown v. Board of Education and the Civil Rights Movement* (New York: Oxford University Press, 2007), 57.

⁴⁸ Gene Roberts and Hank Klibanoff, *The Race Beat: The Press, The Civil Rights Struggle, and the Awakening of a Nation* (New York: Alfred A. Knopf, 2006), 109-110.

⁴⁹ *Ibid.*, 65.

Griffin called for “drastic measures” to resist what he saw as the court’s overreach.

“When your house is burning down, you don’t sit and mediate... You call the fire department, and the firemen may have to break out a window,” Griffin charged.⁵⁰

Running as a fervent defender of states’ rights, he vowed to preserve segregated schools “come hell or high water.”⁵¹ Griffin won only 36 percent of the popular vote, but rural whites carried him to a convincing victory under the unit system.⁵² Georgia plummeted to its post-*Brown* racial nadir under Griffin.

“Those were difficult days,” Weltner recalled in his memoir. “There was little, if any, counsel of reason and restraint in public.”⁵³ The South’s moderate newspaper editors, including *The Atlanta Constitution*’s Ralph McGill, whose prodigious daily columns made him the region’s most prominent editor for nearly three decades, led the call for tempered debate. The year before *Brown*, McGill had published “One Day It Will Be Monday,” a prescient column warning a ruling on segregation in public schools and calling on southern leaders to exercise restraint when Monday came. “One of these Mondays the Supreme Court is going to hand down a ruling which may...outlaw the South’s dual school system, McGill wrote. “There is no reason for violence, whatever the decision,” he cautioned. “Leadership everywhere in the South must talk about this and make it clear. Anger and violence solve nothing.”⁵⁴ In an editorial the day after the decision, the *Constitution* maintained that the decision was “the law of the land.” The

⁵⁰ “Griffin Hits ‘Calm Approach’ to School Racial Problem,” *The Atlanta Constitution*, May 29, 1954.

⁵¹ Jack Spalding, “He’d Uphold Segregation by Force, Griffin Says,” *The Atlanta Journal*, August 15, 1954.

⁵² Harold P. Henderson and Gary L. Roberts, eds., *Georgia Governors in an Age of Change: From Ellis Arnall to George Busbee* (Athens, Georgia: University of Georgia Press, 1988), 7.

⁵³ Weltner, *Southerner*, 24

⁵⁴ Ralph McGill, “One Day It Will be Monday,” *The Atlanta Constitution*, April 9, 1953.

Constitution repeated McGill's prior exhortation for caution: "What is needed in all the states affected is a calm, rational approach... Our best minds must be put to work, not to destroy, but to seek out constructive conclusions."⁵⁵ McGill and his paper's measured tone shaped Weltner's response to the ruling and the editor guided his thinking during the subsequent years. Weltner's inscription of McGill's copy of *Southerner* revealed his deep reverence for the editor: "To Ralph McGill, who long ago laid the foundation for all southerners. From his admirer and beneficiary."⁵⁶



Ralph McGill and Weltner in April of 1966⁵⁷

Brown marked the beginning of Weltner's decade-long "self-appraisal" on the race question, a fitful process that reached its height while he was in Congress. Although

⁵⁵ "The Supreme Court Has Given Us Time," *The Atlanta Constitution*, May 18, 1954.

⁵⁶ Ralph McGill copy of *Southerner*, Manuscript, Archives, and Rare Book Library (MARBL), Robert W. Woodruff Library, Emory University, Atlanta.

⁵⁷ Ralph McGill and Charles Weltner, April, 1966, Ralph McGill Papers, Manuscript, Archives, and Rare Book Library (MARBL), Robert W. Woodruff Library, Emory University.

Weltner recognized that the Supreme Court, had “changed the pattern of centuries,” he ruminated on the consequences of *Brown* and its impact on the region. “What did this mean to the South?” he wondered. “What did it mean to [southern] education...social patterns...[and] to southern politics?” Weltner assessed the merits of the ruling through a legal framework. “Who’s to say that the Court is wrong other than the Court? Where is the appeal?” he said to a colleague shortly after the decision, a comment that reflected his reverence for the high court’s constitutional authority and his rejection of the South’s ubiquitous defiance of the decision.⁵⁸

Weltner’s acceptance of *Brown* as the law of the land was a moderate one for the time. In his memoir, he distinguished between his position—one that “rested on purely procedural grounds”—and a “far more forthright and honest” stance from his friend, Jack P. Turner, who had “accepted [the decision] as a mandate of conscience.” Weltner had been isolated from the inequities of segregated schools during his early years and had little understanding of dual schools’ damaging effects on African-American schoolchildren. Although he was not swayed by the court’s argument about the psychological harm segregation caused to African-American children, he rejected the provocative rhetoric that had cascaded throughout the South. At a time in which *The New York Times* called former Gov. Talmadge “the South’s foremost spokesman of ‘white supremacy’” and flouting the Constitution was at high tide, these responses were anathema to Weltner.⁵⁹ The Supreme Court had ruled and Weltner sought to align himself with advocates of restraint, including Ralph McGill, who challenged the state’s reactionary leadership and adhered to Georgia’s motto of “Wisdom, Justice, and

⁵⁸ Weltner, *Southerner*, 21.

⁵⁹ John N. Popham, “South is Divided on Court’s Order,” *The New York Times*, June 1, 1955.

Moderation.” Weltner pragmatic response to *Brown* would lead to a clash with the state’s political leadership five years later in a fight over the future of Georgia’s public school system.

A year after *Brown*, Weltner was called to the military for active duty and served for two years as an assistant judge’s advocate at Fort McPherson, Georgia. While he was in the Army, Georgia strengthened its policies to guard against integration, enacting the “strongest stand to keep segregated schools” in the South, according to *The Atlanta Journal*.⁶⁰ Although *Brown* struck down public school segregation, the Supreme Court delayed arguments on implementation of the decision until its 1955 term. In its implementation ruling, released days after Weltner left for Ft. McPherson, the court ordered the South to desegregate schools “with all deliberate speed,” an ambiguous term that reflected the justices’ reluctance to order immediate school integration.⁶¹ Georgia seized on the flexibility of the decision to enact massive resistance laws to block desegregation. Two months after *Brown II*, the Georgia Board of Education passed a resolution revoking the license of any teacher caught “supporting, encouraging, condoning, offering, or agreeing to teach a mixed classroom.”⁶² The state board also approved a measure forcing teachers who were members of the NAACP to quit the organization or lose their licenses.⁶³

The massive resistance laws Georgia passed immediately after *Brown II* continued the state’s entrenched opposition to school desegregation. A year prior, voters

⁶⁰ M.L. St. John, “Georgia Takes Strongest Stand to Keep Segregated Schools,” *The Atlanta Journal*, January 29, 1956.

⁶¹ Klarman, *Brown v. Board of Education and the Civil Rights Movement*, 79-80.

⁶² Albert Riley, “Georgia Teachers of Mixed Classes to Lose Licenses,” *The Atlanta Constitution*, July 12, 1955.

⁶³ “Teachers Told: Quit the NAACP.” *The Atlanta Constitution*, August 2, 1955.

passed an amendment to the state constitution that gave the state's General Assembly authority to close Georgia's public schools in the event of court-ordered desegregation and to transfer public funds to provide grants for private schools.⁶⁴ After Gov. Marvin Griffin declared "We must never surrender!" in remarks prior to the opening of the 1956 legislative session, the state legislature responded by passing additional measures prohibiting funding for desegregated school districts, requiring Gov. Griffin to close any district with integrated schools, and giving him broad power to subsidize tuition grants for children to attend private schools.⁶⁵ In March, as the state girded for the possibility of shuttering its public schools, Georgia lawmakers joined 101 U.S. Senators and Representatives from the South to sign the "Declaration of Constitutional Principles" condemning the Supreme Court's "unwarranted decision." The "Southern Manifesto," as it became known, was a symbolic display of defiance for a region in tumult.⁶⁶

Massive resistance in the South peaked just after Weltner finished his stint in the Army in 1957. Months following his return to Atlanta, racial tension exploded in Little Rock, Arkansas, over the court-ordered admission of nine African-American students to Central High School. On Monday, September 2, on the eve of the first day of classes, Governor Orval Faubus, who had been considered a moderate segregationist since his election in 1954, unexpectedly dispatched armed Arkansas National Guardsmen to

⁶⁴ Kevin M. Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton, New Jersey: Princeton University Press, 2005), 132.

⁶⁵ Albert Riley, "Rush Anti-Mixing Bills; Griffin Calls for No Surrender," *The Atlanta Constitution*, January 11, 1956; Riley, "House Approves Private Schools Amid Warnings," *The Atlanta Constitution*, January 26, 1956; Paul E. Mertz, "Mind Changing All Over Georgia": HOPE, Inc., and School Desegregation, 1958-1961, *Georgia Historical Quarterly* 76, no. 1 (spring 1993): 42.

⁶⁶ Numan V. Bartley, *The Rise of Massive Resistance: Race and Politics in the South During the 1950s* (Baton Rouge: Louisiana State Press, 1969), 116.

Central High.⁶⁷ Prodded by two Georgia firebrands, Gov. Griffin and former House Speaker Roy V. Harris—who met with the governor days prior to convince him to resist federal pressure—Faubus’s position hardened.⁶⁸ When nine students attempted to desegregate Central High, armed Guardsmen turned them back under Faubus’s direction. Faubus’s intransigence sparked a three-week showdown with an Eisenhower administration wary of sending federal troops into the South. After weeks of hesitation, Eisenhower federalized the National Guard and called in units of the 101st Airborne Division to escort the Little Rock nine into Central High.⁶⁹ “The second [Reconstruction] in the South is now underway,” Gov. Griffin declared.⁷⁰ The Little Rock crisis, which became an “international symbol of racial discord,” Roberts and Klibanoff noted, resonated with Weltner, the father of three young children, and soon led him to join an effort to preserve Georgia’s public schools and help the state avoid the chaos that had erupted in Little Rock.⁷¹

With a gubernatorial election approaching, Weltner shifted his focus to abolishing the county-unit system. Weltner joined veteran unit-foe Morris Abram—a Jewish lawyer from a small town in Georgia who would go on to lead a sixteen-year battle against the system—on a legal challenge that eventually reached the Supreme Court. The high court had already thrown out Abram’s first test in 1950.⁷² Eight years later, Weltner and Abram searched for a new legal development to file suit. Weltner believed he found “a new hook” in the 1957 Civil Rights Act and its revamped voting rights provisions. In the 1957

⁶⁷ Roberts and Klibanoff, *The Race Beat*, 143.

⁶⁸ *Ibid.*, 163.

⁶⁹ Bartley, *The Rise of Massive Resistance*, 261-269.

⁷⁰ “President Clears Way for Use of U.S. Troops in Little Rock,” *The Atlanta Constitution*, September 24, 1957.

⁷¹ Roberts and Klibanoff, *The Race Beat*, 163.

⁷² “Unit Plan Survived 3 Trips to Court,” *The Atlanta Journal*, March 16, 1958.

Act, Congress had extended “the right to vote” to existing civil rights statutes, which signaled to Weltner that the unit system abridged federal statutes and fell within the district court’s jurisdiction.



Georgia-born Jewish attorney Morris Abram ⁷³

Longtime Atlanta Mayor William B. Hartsfield agreed to serve as the plaintiff in Abram and Weltner’s challenge. On March 15, Weltner filed a complaint on behalf of Hartsfield in federal court seeking to enjoin the state Democratic Party from holding its upcoming primary under a unit vote.⁷⁴ On April 1, Abram and Weltner argued unsuccessfully before Federal Judge Boyd Sloan in Gainesville on impaneling a three-judge panel to rule on the constitutionality of the unit system.⁷⁵ The two lawyers filed a motion to the U.S. Supreme Court to issue a writ of mandamus and force Judge Sloan to impanel a three-judge tribunal, but a 5-4 court denied their appeal. The splintered court, Weltner later said, wanted to avoid “[entering the political] thickets.”⁷⁶

Soon after the 1958 Democratic primary for governor—a race in which Lieutenant Governor Ernest Vandiver captured the nomination in a landslide after

⁷³ Morris Berthold Abram, Brandeis University, <http://www.brandeis.edu/president/past/abram.html>, accessed April 8, 2015.

⁷⁴ Margaret Shannon, “Unit System Hit In Hartsfield Suit,” *The Atlanta Journal*, March 16, 1958.

⁷⁵ Frank Wells, “Court Rules Today in Unit Suit,” *The Atlanta Constitution*, April 1, 1958.

⁷⁶ Kuhn, Oral History with Weltner, GGDP.

pledging “No, not one” white child would attend school with an African-American during his tenure—violence boiled over in Atlanta. During the early hours of October 12, white supremacists dynamited The Temple, influential Rabbi Jacob M. Rothschild’s synagogue on Peachtree Street.⁷⁷ The bombing rattled the southern city that had prided itself on its progressive racial image and well-maintained reputation as the “city too busy to hate,” and prompted Ralph McGill to publish a column the following day that would earn him a Pulitzer Prize. In “A Church, A School,” McGill blasted southern leaders for inciting lawlessness and extremism. “It is a crop of things sown,” McGill wrote. “It is the harvest of defiance of courts and the encouragement of citizens to defy law on the part of many Southern politicians.” McGill condemned “extremists of the Citizens’ Councils [and] political leaders who in terms violent and inflammatory have repudiated their oaths and stood against due process of law.”⁷⁸ The editor’s words resonated with Weltner and would echo in Weltner’s response to the Birmingham Church bombing, a statement that drew national acclaim five years after McGill’s commentary.

The Temple bombing upended the city during a period of heightened apprehension over the likelihood of school closings throughout the state. Although Georgia’s deceitful political leadership had assured voters that continued defiance of court orders would prevent integration, swift legal developments across the South threatened to end Atlanta’s public school system and called the constitutionality of the state’s highly-touted private school plan into question.⁷⁹ In January of 1958, ten African-American parents in Atlanta filed a class-action lawsuit in federal court seeking an

⁷⁷ “Jewish Temple on Peachtree Wrecked by Dynamite Blast,” *The Atlanta Constitution*, October 13, 1958.

⁷⁸ Ralph McGill, “A Church, A School,” *The Atlanta Constitution*, October 13, 1958.

⁷⁹ Mertz, “Mind Changing All Over Georgia,” 41-44

injunction to prevent the Atlanta School Board of Education from continuing to operate segregated schools. *Calhoun v. Latimer*, the first legal test to public school segregation in Georgia since *Brown* was handed down, presented a challenge to the state's school-closing statutes. Under the law, if the federal court ordered a single school in Atlanta to integrate, the entire city's public schools would automatically be forced to shut down.⁸⁰

As *Calhoun v. Latimer* neared a trial date, federal courts in Arkansas and Virginia invalidated both states' massive resistance policies, decisions that signaled Georgia's school-closing laws stood on precarious legal ground. The Eighth Circuit Court of Appeals ruled that Gov. Faubus could not transfer public property and funding to private control to thwart the Supreme Court's ruling.⁸¹ The same day, in a fatal blow to proponents of interposition and nullification, the Supreme Court ruled that Arkansas could not "[nullify *Brown*] openly and directly...nor...through evasive schemes for segregation."⁸² And in Virginia, a state that had modeled its school-closing laws after Georgia's, a U.S. District Court ruled that Governor J. Lindsay Almond had violated the equal protection clause by shutting down public schools in one area of the state while maintaining segregated schools in others. *James v. Almond*, as many legal observers noted, seemed likely to derail Georgia's private school plan. School closings could not happen "selectively;" it was all-or-nothing for the public school system in Georgia.⁸³

Weltner, who recognized that Georgia's public school system stood on the verge of collapsing under the weight of the state's massive resistance laws, joined the effort to keep open schools. In November of 1958, Fulton County Representative M.M. (Muggsy)

⁸⁰ Frank Wells, "City Pledges Defense in Negro Suits," *The Atlanta Constitution*, January 13, 1958.

⁸¹ Kruse, *White Flight*, 135-137.

⁸² *Cooper v. Aaron*, 358 U.S. 1 (1958).

⁸³ Kruse, *White Flight*, 136; Mertz, "Mind Changing All Over Georgia," 41-45.

Smith announced he would call for a “local option bill” in the 1959 General Assembly to allow local communities to decide the fate of their public schools.⁸⁴ Days after Smith proposed the bill, 312 white ministers from the Atlanta area—following up on a more measured statement eighty local clergymen signed during the Little Rock Crisis—issued a second “Ministers’ Manifesto” urging the state to protect its public school system.⁸⁵ Although the ministers stressed that they “[did] not believe in the wisdom of massive integration and [were] sincerely opposed to the amalgamation of the races,” the group said “it is clearer now more than ever before that the public school system must be preserved.”⁸⁶

Local ministers’ call to action catalyzed Atlanta’s moderates, who sought to rally support for the “local option” proposal. In December of 1958, parents from Atlanta’s affluent north side neighborhood founded a nonprofit group, Help Our Public Education, Inc. (HOPE), to “give direction, guidance, information and program to all citizens of Georgia who desire to continue the operation of the public schools.”⁸⁷ Rivals derided the group of Atlantans who became involved in HOPE as the “same old crowd” for their long opposition to the Talmadge machine, the unit system, and the state’s private school plan. Weltner, who had become the newest member of the group through his work with Abram on the unit fight, soon joined HOPE.⁸⁸ The “same old crowd” became Weltner’s political base during the subsequent years.

⁸⁴ Marion Gaines, “Smith Vows Bill on School Option,” *The Atlanta Constitution*, November 19, 1958.

⁸⁵ Kruse, *White Flight*, 137.

⁸⁶ Margaret Shannon, “Save Public Schools, 312 Area Ministers Ask,” *The Atlanta Journal*, November 23, 1958.

⁸⁷ “Hope Inc. Chartered to Fight School Close,” *The Atlanta Constitution*, December 15, 1958.

⁸⁸ Weltner Interview with Kuhn, GGDP.

While *Brown* had forced Weltner to evaluate his views on race, his attitude was evolving at a glacial pace. Like most southern moderates, he remained in favor of segregation. Yet he recognized that Georgia's massive resistance policies had set it on a "collision course" with the federal courts. "The only question was when the two would meet," he recalled in *Southerner*.⁸⁹ The state's school-closing laws and the courts finally clashed with *Calhoun v. Latimer*, a case U.S. District Court Judge Frank A. Hooper heard in June of 1959 and one that altered the course of the city. "The idea of desegregated schools was difficult to approach," Weltner admitted, but he had closely followed the legal developments throughout the South and accepted the inevitability of desegregation in Atlanta. "What we were told 'couldn't happen here' was about to happen."⁹⁰

Rather than wage a quixotic battle against integration, Weltner joined newly-formed HOPE to offer leadership where elected officials had failed. The group claimed to be "the only rallying point of moderate opinion on the school crisis" and proved an ideal fit for Weltner, who sought to avoid the controversial issue of integration. HOPE, in the words of one member, was a segregated organization "administered by white citizens who actively [sought] the support of white citizens." Frances F. Pauley, an instrumental Atlanta activist, assured members that "HOPE Inc. will not enter into the controversy of segregation vs. integration." Its goal, Pauley said, was not to "discuss whether or not the 1954 Supreme Court decision was right or wrong."⁹¹ HOPE's cautious principles on segregation allowed the group to attract broad support from Atlanta's moderates, men and women like Weltner who were circumspect on the contentious issue but committed to maintaining open schools at all costs.

⁸⁹ Weltner, *Southerner*, 24.

⁹⁰ *Ibid.*, 30-31.

⁹¹ Mertz, "Mind Changing All Over Georgia," 46-49.

Although Weltner's primary task for HOPE was to prepare legal suits against school-closing laws, he was asked to discuss the future of Georgia's public education to a local group in Savannah in 1959. His trip to Savannah and speech at a local Jewish Community Center served as another benchmark in the southerner's slow racial growth. "My remarks" in Savannah "dealt exclusively with the legal aspects of the issue," he recalled in *Southerner*. "The Supreme Court had ruled," Weltner told residents. "This was the law of the land." He explained to the group that district court decisions in Virginia and Arkansas had made Georgia's school-closing laws untenable, and Judge Hooper's looming verdict in *Calhoun v. Latimer* would force Atlanta to desegregate or end its public schools. "I did not urge an end to racial discrimination, or seek to uphold the moral basis for the decisions; nor did I say that something was wrong and needed to be set right," he noted. "I proceeded on the strict legal basis of what the law was, and what the law meant." As he had in *Brown* five years prior, Weltner assessed the school-closing laws and the public school controversy through a legal lens, not a moral one. His attitude on segregation remained consistent.

The trip to Savannah also provided Weltner, who would become involved in the upcoming 1960 presidential election and Ivan Allen Jr.'s 1961 mayoral campaign, with a lasting image of the absence of southern political leadership. "If the law is like you say it is," one man asked him, "why haven't we been told this before?" The state's elected officials had not informed the Savannah man, like so many other Georgians, of the implications of school-closing laws and court decisions throughout the region. To

Weltner, the question symbolized the “total silence on the matter throughout Georgia. The leadership at the state level was mute.”⁹²

On June 6, 1959, while Weltner was working on HOPE, Judge Hooper released a decision in *Calhoun v. Latimer* that set in motion a series of events that ended at the historic Arch on the University of Georgia’s campus nearly two years later. Hooper barred the Atlanta school board from continuing to maintain segregated public schools and ordered the city to present a plan for integration “within a reasonable time.”⁹³ The ruling, Ralph McGill commented, “seems inescapably a plea to leadership not to deceive the people further.”⁹⁴ Aware of the pitfalls of the state’s private-school laws, Hooper gave state leaders a mandate to devise a plan that would prevent school closings.

In February of 1960, the state legislature created the General Assembly Committee on Schools, known as the Sibley Commission after its chairman, prominent banker and lawyer John A. Sibley. The Sibley Commission held hearings across the state to assess public opinion on school segregation and issued a splintered majority report in late April. The majority report supported the “local option” and favored a pupil placement law that facilitated token integration.⁹⁵ On May 9, days after the Sibley Commission released its report, Judge Hooper delayed desegregation of Atlanta’s public schools until 1961, giving the state legislature one “last chance” to allow Atlanta to keep its public schools open.⁹⁶

⁹² Weltner, *Southerner*, 33-34.

⁹³ Jack Kaplan, “Court Orders Atlanta Plan for Integration of Schools,” *The Atlanta Constitution*, June 6, 1959.

⁹⁴ Ralph McGill, “A Plea for Simple Truth,” *The Atlanta Constitution*, June 8, 1959.

⁹⁵ Kruse, *White Flight*, 137-144.

⁹⁶ Jack Kaplan, “Until 1961 to Let Legislature Act,” *The Atlanta Constitution*, May 10, 1960.

As the state legislature gathered at the State Capital in Atlanta in January of 1961 to decide the fate of city's public schools, U.S. District Judge William A. Bootle ordered the admission of two African-American students from Atlanta, Hamilton E. Holmes and Charlayne Hunter, to the University of Georgia.⁹⁷ Judge Bootle's timely decision put not only the future of Atlanta's schools at risk, but jeopardized the state's 175 year-old university. The decision allowed Gov. Vandiver to call for the University of Georgia to desegregate. As Vandiver told historian Kevin Kruse, "The University of Georgia is just part of the fabric of Georgia."⁹⁸ Days after Bootle's decision, Vandiver urged repeal of Georgia's massive resistance laws, which he called an "albatross," and the legislature responded by passing measures invalidating school-closing requirements.⁹⁹

Holmes and Hunter desegregated the University of Georgia on January 9. Just seven months later, on August 30, 1961, nine African-American students peacefully integrated four all-white high schools in Atlanta.¹⁰⁰ "The school crisis had been met and resolved. The city of Atlanta, and the state of Georgia, had bowed to law," Weltner wrote in *Southerner*. Yet he added that "No one—certainly not I—discussed the question of whether it was *wrong* for a state systematically to discriminate against some of its own citizens on the basis of race. We simply had not come that far." A school board member's comment during the debates succinctly captured Weltner's approach to racial issues as the curtain fell on the 1950s and the South entered a new decade: "You don't pay a note before it's due."¹⁰¹

⁹⁷ Bruce Galphin, "U.S. Court Demands Desegregation Now," *The Atlanta Constitution*, January 7, 1961.

⁹⁸ Kruse, *White Flight*, 145.

⁹⁹ Mertz, "Mind Changing All Over Georgia," 59-60.

¹⁰⁰ Kruse, *White Flight*, 154.

¹⁰¹ Weltner, *Southerner*, 35.

Chapter 3: “Wave of the Future”

As the nation shifted its attention toward the 1960 presidential contest, Weltner embarked on a political journey that led him toward his own successful campaign just two years later.¹⁰² Although he initially backed Senate Majority Leader Lyndon B. Johnson as the party’s standard-bearer in the November election, Weltner threw his support to John F. Kennedy after the Massachusetts senator clinched the nomination at the Los Angeles convention in July. Weltner believed campaigning for Kennedy and the national ticket would allow him to gain a foothold in politics. But participation in Georgia’s Democratic Party was closed to Weltner and Atlanta’s “same old crowd.” The national and state parties had disparate, and often clashing, goals. One encompassed a broad coalition of urban political machines, African-Americans, and religious and ethnic minorities, while the other clung to the last vestiges of Jim Crow. Led by Governor Vandiver, top officials in the state were nominal Democrats who touted their opposition to the national platform, especially Kennedy’s pro-civil rights plank. The national party, as Weltner later said, was a “foreign element” to Georgians.¹⁰³ “There was no rank and file activity of Democrats [and] no means of participating in party matters or [in] party decisions.”¹⁰⁴ In the “face of the total inertia [from state officials] who...were either going to sit on their hands or go fishing” during the election, Weltner and “the same old crowd” decided to form their own campaign structure.¹⁰⁵ They built an independent organization, the Democratic Forum, to campaign for Kennedy and Johnson in November, and Weltner became the organization’s chairman. Leading the Forum

¹⁰² Betty Jean Weltner, Personal Interview by Author.

¹⁰³ Steely, Oral History with Weltner, GPHP.

¹⁰⁴ Weltner, *Southerner*, 36.

¹⁰⁵ Kuhn, Oral History with Weltner, GGDP.

provided Weltner, who soon built a national profile in Congress, with a valuable primer on Democratic politics and allowed him to build a network of support that he effectively marshaled during his 1962 race.

The most lasting impact from Weltner's work on the Forum, however, was the firsthand experience he gained navigating "the labyrinthine and tortuous ways of biracial politics" in the South. Civil rights opponents still effectively employed red-baiting attacks against integrated groups, a ruinous political stigma that had splintered leading rights organizations in the region during the era. As Weltner wrote in his memoir, "We feared, and with substantial justification, that any course which might raise the race issue would work to the detriment of our efforts."¹⁰⁶ Although the Forum did not exclude Atlanta's politically-engaged African-Americans from joining, blacks were not recruited to join the organization, nor did the Forum embrace their participation. To protect itself from outside criticism, the Forum tactfully avoided racial questions and actively denied the tag of a "race-mixing" organization.

But Weltner and the white moderates who comprised the Forum's membership were unable to evade racial issues. Race became a wedge issue during Atlanta's 1961 mayoral campaign, the city's first open-seat contest in twenty years. Mayor Hartsfield, who had served in office since 1942, consistently promoted Atlanta's progressive racial image to attract new businesses and facilitate economic growth. "Racial disorder shows up in the cash register," Hartsfield warned.¹⁰⁷ "When have you heard of Little Rock or Montgomery getting a booming industrial plant?"¹⁰⁸ Atlanta's powerful business

¹⁰⁶ Weltner, *Southerner*, 37-40.

¹⁰⁷ "Racial Goodwill the Big Issue, Hartsfield Says," *The Atlanta Constitution*, June 27, 1961.

¹⁰⁸ *The Atlanta Journal*, June 27, 1961, qtd. in Gary M. Pomerantz, *Where Peachtree Meets Sweet Auburn: A Saga of Race and Family* (New York: Penguin Books, 1996), 297.

community designated Ivan Allen, Jr., the president of the Chamber of Commerce and son of a venerable Atlanta family, to succeed the mayor and protect the city's reputation. Allen, as Weltner later said, "was born for the job," and Weltner, who "had caught the political fever" from his involvement on the Forum, soon joined his campaign.¹⁰⁹ Working for Allen would help shape Weltner's decision on the biggest test of his first term in Congress.

Four other candidates challenged Allen in the 1961 Democratic primary, but none proved as formidable as arch-segregationist Lester G. Maddox, the owner of the Pickrick, a fried chicken restaurant near Georgia Tech's campus. Maddox had gained notoriety for his weekly advertisements in the Atlanta dailies that served as a platform for both his restaurant and segregationist diatribes. He developed a loyal following from his campaign against Mayor Hartsfield in 1957 and looked to seize on the backlash to Atlanta's school desegregation. "His base was segregation," Weltner later recalled. His base was racism, pure and simple. That's all it was, all it ever has been."¹¹⁰

The two met in a runoff in late September, a race the *Constitution* called a decision between two candidates who promised to "set the city on different courses into the future."¹¹¹ Convinced that he could not win liberal or moderate whites—and long having abandoned hope of carrying African-American voters—Maddox resorted to race-baiting. He accused Allen of throwing "an interracial celebration party" the night of the runoff that had "brought shame to the name of Peachtree."¹¹² At a television debate days before the final vote Maddox asked Allen if he bought the African-American vote. "What

¹⁰⁹ Kuhn, Oral History with Weltner, GGDP; Weltner, *Southerner*, 40.

¹¹⁰ Kuhn, Oral History with Weltner, GGDP.

¹¹¹ "Allen and Maddox Now Ask Atlanta to Choose Course: Forward Or Back?" *The Atlanta Constitution*, September 14, 1961.

¹¹² "Race Issue No. 1, Maddox Asserts," *The Atlanta Constitution*, September 16, 1961.

is the going rate?" he asked. He saved his most scurrilous attack for the day before the vote. In an advertisement in the *Constitution*, the Maddox camp published a photo of an interracial election night gathering at Allen's campaign headquarters. "If you are ready to accept total integration in everything, vote for Ivan Allen, Jr.!" the caption read. "If you love your FAMILY, CHURCH, HOME, SCHOOL AND YOUR CITY, VOTE FOR LESTER MADDOX!"¹¹³ Despite Maddox's effort, Allen carried 64 percent of the vote in the divisive runoff and captured the African-American vote in a landslide.

Allen had demonstrated to Weltner the potential to build an enduring biracial coalition built on the votes of moderate and liberal whites and Atlanta's decisive African-American bloc. Allen's victorious mayoral campaign served as a roadmap to victory for Weltner, who the *Constitution* reported in early May was eyeing a challenge to Rep. James C. Davis in the Fifth District. "I'm interested in running," he told the paper. "I am a supporter of the Kennedy administration, and I would run on a basis of support of many of his measures."¹¹⁴ Later that month, Weltner opened a law firm with Edward W. Branan, "the most brilliant political analyst [he] knew," to begin exploring a run.¹¹⁵ In only two years, the political novice had worked on a national race and gained exposure to Atlanta's political structure. He developed connections to Ivan Allen and to Atlanta's business establishment, built a preliminary campaign, and learned the nuances of the city's politics. He also witnessed the fraught politics of race in Atlanta and got a bitter taste of Lester Maddox, a man with whom he would clash five years later.

¹¹³ "Display Ad 18—No Title," *The Atlanta Constitution*, September 21, 1961; Gary Pomerantz, *Where Peachtree Meets Sweet Auburn*, 299.

¹¹⁴ "May Oppose Rep. Davis, Weltner Says," *The Atlanta Constitution*, May 3, 1961.

¹¹⁵ Weltner, *Southerner*, 42.

During the final weeks of August, as he was gearing up to run, he received an urgent telephone call from a lawyer with the American Civil Liberties Union. Only days earlier, an all-white grand jury in Jasper County, Georgia, had convicted Preston Cobb Jr., a fifteen-year-old African-American teenager, of the murder of a 70-year-old white farmer. The jury deliberated for just 45 minutes and the judge imposed the mandatory death sentence on the fifteen-year-old. Upon conviction, Cobb's court-appointed lawyer asked to be dismissed from the case leaving Cobb without representation a month before he was scheduled to die.¹¹⁶ He desperately needed an attorney who would file a motion for a retrial, and the lawyer in New York asked Weltner to help. "It was an unhappy situation," Weltner recalled in his memoir. He recognized that he would have to raise the question of the systematic exclusion of African-Americans from juries in Jasper County, where none had served for at least 18 years. By raising the jury issue, he would, inevitably, become branded a "civil rights lawyer and, worse still, an integrator."

Yet Weltner believed "the vaunted ethics of the legal profession" compelled him to accept the case. "With a slight sense of martyrdom," he agreed to look into the case and traveled to Jasper County to speak to Cobb's court-appointed trial attorney. When Weltner arrived back in Atlanta, he received another call from the ACLU lawyer informing him that Donald L. Hollowell, the most prominent civil rights lawyer in the state and the attorney who had represented Hamilton Holmes and Charlayne Hunter's suit to desegregate the University of Georgia the past January, had agreed to take the case. "The race problem," as he recalled in his memoir, "had come my way, paused briefly, and then moved on."¹¹⁷ An eleventh-hour move by "Mr. Civil Rights," as Hollowell was

¹¹⁶ Claude Sitton, "Boy's Case Stirs World Interest," *The New York Times*, October 8, 1961.

¹¹⁷ Weltner, *Southerner*, 42-45.

called in Georgia, allowed Weltner, once again, to evade confronting race question and set the stage for his attempt to unseat James Davis, the fifteen-year incumbent.¹¹⁸

Davis was the paradigm of the reactionary Georgia politician whom Weltner and “the same old crowd” had spent the previous decade fighting. A former member of the Ku Klux Klan and a Gene Talmadge appointee to the state bench, Davis had held the seat since he defeated Atlantan Helen Douglas Mankin in 1946. Although Davis lost the popular vote to Mankin by 11,000 votes—strong African-American support in Fulton County (six unit votes) contributed to the wide margin—he won a plurality in suburban DeKalb County (six unit votes) and rural Rockdale County (two unit votes) to secure an 8-6 victory under the county-unit system.¹¹⁹ Protected by the impregnable unit system, Davis catered to white conservatives and overlooked Weltner and his fellow urbanities for nearly two decades. Entering the congressional race to defeat Davis became the next hurdle in his commitment to ridding the state of its backward-looking forces and reforming Georgia politics.

The Fifth District, the second most populous in the nation, included the largest city in the South, a rapidly expanding metropolitan area, and a thriving financial hub. Yet Davis had failed to address the city’s growing needs. Davis, who vehemently opposed federal aid, consistently voted against urban renewal programs that would benefit Atlanta. “Judge Davis has always looked with suspicion and distrust upon all forms of aid. This district, politically important in state affairs, has nowhere to go but to Washington,” Weltner wrote to his father in August of 1961. “I am energetic and

¹¹⁸ Maurice C. Daniels, *Saving the Soul of Georgia: Donald L. Hollowell and the Struggle for Civil Rights* (Athens, Georgia: University of Georgia Press, 2013), 1-5.

¹¹⁹ Pomerantz, *Where Peachtree Meets Sweet Auburn*, 150-153.

amenable to ideas—Judge Davis is ossified,” he wrote. “He hasn’t had a new idea since Hoover’s time.”¹²⁰

The prospect of a moderate Atlantan unseating a powerful rural-backed incumbent in an election held under the unit system’s skewed vote allocation was slim. Davis had perfected what *Journal* political columnist Charles Pou called the “deadly Rockdale-DeKalb combine.” Essentially writing-off Fulton County and its six unit votes, Davis won by carrying DeKalb’s six votes and Rockdale’s two. Seemingly assured of losing Davis’s DeKalb base, Weltner’s would have to carry unfamiliar Rockdale, an unlikely scenario Pou likened to President Kennedy’s upset victory in heavily-Protestant West Virginia during the 1960 Democratic primaries.¹²¹ Weltner also lacked campaign funds and name recognition. He would have to rely on his father’s distinguished career in public service and popularity within the African-American community to raise his profile among blacks. The first-time candidate “was not well-known at the time. His public persona was very thin,” Gregory Favre, Weltner’s first press secretary, said. “He had to come from scratch.”¹²²

Though his path to victory was narrow and his closest confidantes, including his father, advised against a run, Weltner announced his entrance into the race in a press conference on December 29. “This is a time for new beginnings,” he told reporters. He pledged to represent Atlanta as a metropolitan area, not as a “nineteenth-century village,” and linked Davis to the inequities of the unit system. “I hope to see fair play for the 823,000 of our district. We...are virtually powerless at the hands of the county unit

¹²⁰ Charles Weltner to Philip Weltner, August 28, 1961, Weltner Papers, Box 1, Folder 2.

¹²¹ Charles Pou, “About She-Sea Turtles, Politicians and Things in Rockdale County,” *The Atlanta Journal and the Atlanta Constitution*, January 21, 1962.

¹²² Gregory Favre, Telephone Interview by Author, August 6, 2014.

system. We, who pay 30 cents of Georgia's revenue dollar, are almost voiceless in the General Assembly." Weltner, as he would throughout the campaign, struck a conciliatory tone on racial issues in his announcement speech. "I believe that people of good will in this district are fully capable of finding just solutions by themselves," a comment that reflected his preference for local, rather than federal, solutions. "This district can do without interference from any outside sources."¹²³



Weltner during the 1962 campaign ¹²⁴

Early in the campaign, Weltner challenged Davis on his past support for reactionary groups. He criticized Davis's involvement in Georgians Unwilling to Surrender (GUTS)—a group formed by Lester Maddox to oppose desegregation of Atlanta's public accommodations—at a time in which the city was attempting to maintain

¹²³ "Weltner Vows All-Out Push to Win Davis's Seat," *The Atlanta Constitution*, December 29, 1961.

¹²⁴ Charles Weltner Headshot, WSB Radio Records, Popular Music and Culture Collection, Special Collections and Archives, Georgia State University Library. <http://digitalcollections.library.gsu.edu/cdm/singleitem/collection/broadcast/id/669/rec/4>, accessed April 8, 2015.

racial calm. While “responsible leaders [were] struggling desperately to avoid the economic ruin and social chaos of a Little Rock or New Orleans, Congressman Davis chose to throw his lot in with the extremists,” Weltner asserted.¹²⁵ The Fifth District “can’t afford to have Rep. Jim Davis in Washington any longer,” Weltner told voters.¹²⁶ “We have too many pressing needs. I don’t think it’s the job of a Congressman to mourn for the past—or to grumble at the present—or to despair the future. I don’t think we need a Congressman who is permanently against everything.”¹²⁷

As Weltner admitted years later, he would have lost the race had it been held under the unit system. But on March 26, three months after he announced his candidacy, the U.S. Supreme Court released a decision that upended the race and irrevocably altered the future of Georgia politics. In *Baker v. Carr*, a suit brought by urban voters in Tennessee, the high court departed from its longstanding reluctance to get involved in questions of voting districts’ proportionality and ruled that legislative apportionment was a constitutional issue. The landmark decision gave federal courts the authority to decide seat allocation in state legislatures, paving the way for Morris Abram to file one last suit against the unit system.¹²⁸

A month later—in a decision read by Fifth Circuit Judge and future Attorney General Griffin B. Bell—Fifth Circuit Judge Elbert P. Tuttle, District Judge Frank Hooper, and Bell enjoined the Democratic Party from holding its upcoming primary

¹²⁵ Undated Speech During 1962 campaign, “Biographical Info,” Weltner Papers, Box 1, Folder 11,

¹²⁶ “Weltner Says Davis Let 20th Century Pass Him By,” *The Atlanta Constitution*, February 9, 1962.

¹²⁷ Undated Speech During 1962 campaign, “1st Bid for 5th District Congressional Seat,” Weltner Papers, Box 28, Folder 6.

¹²⁸ Achsah Posey, “U.S. Court Asked to End Unit System in Georgia,” *The Atlanta Constitution*, March 27, 1962.

under the unit system.¹²⁹ After more than four decades, the impenetrable system had fallen. The decision “changed the character of a state,” Weltner wrote in his memoir. “It made and shattered political fortunes. It elected a governor. And it put me in the Congress.”¹³⁰ *Sanders v. Gray* “gave Charles the math and it gave him recognition that he needed,” Gregory Favre recalled years later.¹³¹

In a television appearance a month after the ruling, Weltner positioned himself as the candidate who would represent the changing face of Georgia. “The dreary, murky, political fog that has for years blanketed the Fifth District is giving way to a bright, clear, new day,” he told voters. “The old and unworthy county unit system is dead. The old-time politician is on the way out.” Weltner called for new leadership after years of Davis’s intransigence. Striking what would become the theme of his career in Washington, Weltner told voters that a new era had arrived in the South. “It must be the New South that Henry Grady talked about. It is a time of new challenges and opportunities, new prosperities, new growth. Let’s look toward the future.”¹³²

Weltner campaigned on a platform of economic development and pledged to expand federal programs, a departure from Davis’s strident opposition to aid to urban Atlanta. “If you vote for me, I’ll vote for you,” he often told voters, a campaign slogan that was a veiled jab at Davis.¹³³ He outlined what he saw as the function of a congressional office in his August letter to his father: “to bring... aspects of federal power that will meet needs of the district [and] to participate in the decision-making of the

¹²⁹ Margaret Shannon, “Unit Law ‘In Present Form’ Ruled Invalid by U.S. Court,” *The Atlanta Journal and the Atlanta Constitution*, April 29, 1962.

¹³⁰ Weltner, *Southerner*, 46.

¹³¹ Gregory Favre, Telephone Interview by Author.

¹³² Weltner Speech, June 14, 1962, Weltner Papers, Box 1, Folder 11.

¹³³ “1st Bid for 5th District Congressional Seat,” Weltner Papers, Box 28, Folder 6.

Congress in a manner that is representative of the district today.”¹³⁴ Weltner ran as a new brand of southern politician—young, urban, and an advocate of federal programs. To raise his public profile, he appeared on the new medium of live television and bought radio advertisements.¹³⁵ The indefatigable candidate criss-crossed the district in 1962, holding town hall meetings, speaking to neighborhood groups, clubs, churches, and universities often more than ten times a week.¹³⁶ “Charles ran a truly retail campaign, speaking to groups as small as six or seven in coffee mixers and, along with a whole lot of campaign workers, knocked on hundreds and hundreds of doors,” Favre recalled. “No small things were overlooked...It was a campaign where little things added up to larger things...Speaking in black churches. Appealing to younger voters. Going day and night to meet with small groups, tactics that Davis had never done and couldn’t match. Or was too cocky to match,” Favre said. “It was one of the most brilliantly executed campaigns I’ve ever witnessed.”¹³⁷

Weltner turned the race into a referendum on Davis’s conservative economic record. Calling Davis an obstructionist who “votes no on every matter that comes up concerning [the] district,” he hammered him for ignoring urban voters’ interests. The “Buford Dam is the only thing [he] has brought to this district” in his sixteen years, Weltner charged in July.¹³⁸ Davis, he claimed, had “squandered billions” on farm aid

¹³⁴ Weltner to Philip Weltner, Aug. 28, 1961, Weltner Papers, Box 1, Folder 2.

¹³⁵ Steely, Oral History with Weltner, GPHP.

¹³⁶ Doris Lockerman, “It was Politician-to-Man Meet and Candidate Added Support,” *The Atlanta Constitution*, February 23, 1962; “Weltner Slates Two Speeches,” *The Atlanta Journal and the Atlanta Constitution*, June 10, 1962; “Baby Saved from Drop,” *The Atlanta Journal and the Atlanta Constitution*, July 8, 1962; “Weltner Lists 11 Dates for Week,” *The Atlanta Journal and the Atlanta Constitution*, July 15, 1962.

¹³⁷ Gregory Favre, Email to Author, August 10, 2014.

¹³⁸ John Heritage, “Weltner Assails Rep. Davis’s Record,” *The Atlanta Constitution*, August 28, 1962; “2 Rivals Rip Rep. Davis as a ‘No’ Voter,” *The Atlanta Constitution*, July 20, 1962.

while voting reflexively against federal programs that promised to improve urban conditions.¹³⁹ His relentless attacks on Davis's record and his progressive position on federal aid earned him endorsements from the *Journal* and the *Constitution* a month before the election. Weltner is a "moderate who is aware of the needs and problems of this district and the nation," the *Constitution* editorialized.¹⁴⁰ The paper's editor, Eugene Patterson, called him "the pleasant surprise of [the] political season" and a "sound and steady man who [was] aware of the problems peculiar to the age and who... would be a credit to Atlanta."¹⁴¹ The Atlanta Labor Council and its 64,000 members also supported Weltner's bid, and the African-American *Atlanta Daily World* editorialized that he was "an able and progressive-minded young man."¹⁴²

Weltner won a tight plurality of the votes in the September 12 primary. He carried the same coalition of African-Americans and liberal whites that Allen had won a year earlier to force a mandatory runoff against Davis. Although Weltner courted Atlanta's powerful African-American leadership to help deliver votes, he had not broached race during the primary and sought to downplay civil rights. Davis had isolated himself from the African-American community from his years of hostility toward blacks, which made it "unnecessary for me to make any commitments or to incur any obligations—or, indeed, even to express my views on the race question—in order to attract Negro support," Weltner recalled in his memoir.¹⁴³ As Leroy R. Johnson, an African-American Weltner strategist and future Georgia state senator told him in August, "the aspirations and the

¹³⁹ "Weltner Hits at Davis' Vote Record," *The Atlanta Constitution*, August 23, 1962.

¹⁴⁰ "16 Years of James Davis is Enough; We Support Charles Weltner September 12," *The Atlanta Constitution*, August 13, 1962.

¹⁴¹ Eugene Patterson, "Mr. Weltner Does His Homework," *The Atlanta Constitution*, August 17, 1962; Patterson, "Weltner Won't Wear Blinders," *The Atlanta Constitution*, September 6, 1962.

¹⁴² "Weltner Endorsed by Labor Council," *The Atlanta Constitution*, August 9, 1962.

¹⁴³ Weltner, *Southerner*, 51.

desires of Negroes for basic freedom and equal opportunity are not likely to be fulfilled as long as the incumbent remains in office.”¹⁴⁴ Johnson, Jesse Hill, the powerful CEO of Atlanta Life Insurance, Rev. William Holmes Borders of Wheat Street Baptist Church, and Atlanta Negro Voters League leader A.T. Walden’s backing helped rally African-American support in the primary.

Replicating a strong African-American turnout in the runoff, however, would prove more difficult without Marvin Griffin or Lester Maddox on the ballot. Black voters had headed to the polls in droves to defeat Griffin’s gubernatorial campaign against moderate Augusta State Senator Carl E. Sanders.¹⁴⁵ To attempt to drive African-Americans back to the polls, Weltner upped the stakes days before the runoff and challenged Davis on his past involvement with the Klan.¹⁴⁶ In a final plea the night before the election, Weltner appeared at a rally at Wheat Street Baptist Church. At a “dreary scene...with older people, patient with years of grinding poverty and disappointment,” Weltner asked voters to throw Davis out of Congress and send him to office.¹⁴⁷ African-American voters responded and carried Weltner to a convincing 14,000 vote victory in the runoff.¹⁴⁸ Weltner had achieved what Atlanta progressives, including his mentor, Morris Abram, had failed to accomplish for fifteen years. His victory and Carl Sanders’s win over Marvin Griffin in the gubernatorial primary, both under a popular vote rather than the unit system, signaled a sea change of moderation in Georgia and seemed capable of transforming the state’s political landscape. As Clifford “Baldy” Baldowski depicted

¹⁴⁴ Leroy Johnson to Charles Weltner, August 8, 1962, Weltner Papers, Box 18, Folder 7.

¹⁴⁵ Weltner, *Southerner*, 48.

¹⁴⁶ John Heritage, “Weltner Rips Foe Over Klan; Davis Charges About-Face,” *The Atlanta Constitution*, September 25, 1962.

¹⁴⁷ Weltner, *Southerner*, 50

¹⁴⁸ “Geer, Weltner Increase their Margins,” *The Atlanta Constitution*, September 28, 1962.

in a *Constitution* cartoon, Weltner and Sanders rode surfboards on the “Wave of the Future” that crashed down on Griffin and Davis.¹⁴⁹

Yet Weltner faced a difficult campaign against Republican nominee L.J. (James) O’Callaghan in the general election. Republicans maintained a strong base in the Fifth District and developed a loyal following among the district’s affluent conservatives. O’Callaghan, a former member of the Atlanta Board of Education and successful businessman, effectively linked Weltner to President Kennedy, who was unpopular in Georgia. Weltner was also uncertain that he could depend on the same level of support in the African-American community against O’Callaghan. Many prominent African-American leaders, including Rev. Dr. Martin Luther King Sr. and C.A. Scott, who owned the *Atlanta Daily World*, voted Republican because of the historic tie between African-Americans and the party of Lincoln and to encourage a two-party system to challenge the all-white Democratic South. Although the *Daily World* endorsed Weltner twice in the Democratic primary, Scott’s paper supported O’Callaghan in the general election.

Race was not the focus during the heated general election battle, but Weltner was forced to address his views on segregation toward the end of the race at the Butler Street YMCA, a revered African-American community center. Couching a response in his practiced legal manner, Weltner said “the law forbids discrimination, and I support the law.” But Weltner maintained that the law only covered public institutions and had no bearing on social relationships between private individuals. He believed that private citizens had the right to choose with whom they associated, a legal doctrine that the 1963 civil rights bill’s public accommodations title soon challenged. “Once again, my answer

¹⁴⁹ Clifford “Baldy” Baldowski, “Wave of the Future,” 1962, *The Atlanta Constitution*, Richard B. Russell Library for Political Research and Studies, The University of Georgia Libraries, Athens, Georgia.

had bespoken the precepts of the law,” he admitted later. “Those of conscience remained unspoken.”¹⁵⁰

In the November 6 election Weltner carried nearly 70 percent of the African-American vote to defeat O’Callaghan by more than 12,000 votes. “A tide of Fulton County voters swept Charles Weltner into office,” reporter John Heritage wrote in the *Constitution*.¹⁵¹ Ralph McGill labeled the victory “a lesson for political science classes” for Weltner’s voter mobilization strategy and attributed his strong performance in the general election to the momentum he had carried over from his previous two primaries. The editor praised his performance in the television debates against O’Callaghan, calling him the “better informed” candidate.¹⁵² It was a meteoric rise for the first time candidate. In less than two months, he had knocked off a sixteen-year incumbent and held off a strong Republican challenger. Weltner headed to Washington in early 1963 as the “bellwether of the new breed in Georgia politics,” *Journal* Washington correspondent Margaret Shannon claimed, and soon faced the rising tide of civil rights and the bill that would remake the South.¹⁵³

¹⁵⁰ Weltner, *Southerner*, 52-53.

¹⁵¹ John Heritage, “Weltner Defeats O’Callaghan by 10,000,” *The Atlanta Constitution*, November 7, 1962.

¹⁵² Ralph McGill, “A Quiet Political Essay,” *The Atlanta Constitution*, November 7, 1962.

¹⁵³ Margaret Shannon, “Weltner Represents a New Wave and His Colleagues are Watching,” *The Atlanta Journal and the Atlanta Constitution*, January 6, 1963.



Weltner during his first term in Congress ¹⁵⁴

¹⁵⁴ 1964 Weltner Campaign Material, Weltner Papers, O.S. Box 1.21.

Chapter Four: “Welcome to the Club”

On February 28, 1963, a month after the 35-year-old Weltner was sworn-in to the 88th Congress, President Kennedy delivered what was then his strongest message on civil rights. The first two years of Kennedy’s tenure had alienated African-Americans, who helped carry him to victory in the 1960 election. Hoping to placate his African-American supporters, Kennedy called for limited measures to strengthen voting protections, offered federal assistance to school districts that were complying with desegregation orders, and proposed extending the Civil Rights Commission for an additional four years.¹⁵⁵ “It is not merely because of the Cold War, and not merely because of the economic waste of discrimination, that we are committed to achieving true equality of opportunity. The basic reason is because it is right,” Kennedy declared in his television address.¹⁵⁶ Soon after Kennedy’s speech, *Journal* correspondent Shannon left a message for Weltner asking for his reaction to the proposal. Shannon’s question caused Weltner, who had never taken a public position on civil rights, a dilemma. He had carefully avoided mentioning racial issues throughout his congressional campaign, and his electoral mandate had been to bring federal dollars to Atlanta. Yet he had carried strong African-American support and risking alienating blacks by distancing himself from Kennedy’s speech. Shannon, however, never called him back. “Once again the issue had passed me by,” he wrote in his memoir. But civil turmoil throughout the spring and early summer of 1963 would compel him to take his first public stance on the period’s defining issue.¹⁵⁷

¹⁵⁵ Anthony Lewis, “President Gives Civil Rights Plan on Vote and Jobs,” *The New York Times*, February 29, 1963.

¹⁵⁶ John F. Kennedy, “Special Message to the Congress on Civil Rights,” February 28, 1963, The American Presidency Project, The University of California, Santa Barbara, <http://www.presidency.ucsb.edu/ws/?pid=9581>, accessed February 24, 2015.

¹⁵⁷ Weltner, *Southerner*, 57.



President Kennedy and Weltner shake hands outside the White House in April of 1963 ¹⁵⁸

During Weltner's initial days in Congress, Martin Luther King Jr. and his Southern Christian Leadership Conference were focusing their next desegregation campaign on Birmingham after an unsuccessful effort in Albany, Georgia, where nonviolent direct action had failed to arouse public sentiment. Birmingham, known as "Bomingham" for its string of racially-motivated bombings, was a prime target for the movement. While Albany Police Chief Laurie Pritchett had successfully coached his department to refrain from resorting to the violent tactics that had invited the national press's attention to southern cities, Birmingham's Commissioner of Public Safety, Eugene "Bull" proved to be an ideal antagonist for the movement.¹⁵⁹ As the spring wore on, Connor and Birmingham officials' response to demonstrations sparked national outrage and pressured the administration to back far-reaching civil rights measures.

¹⁵⁸ "John F. Kennedy and Charles L. Weltner shaking hands outside the White House, April 25, 1963," Photographic Collection, Special Collections and Archives, Georgia State University Library, <http://digitalcollections.library.gsu.edu/cdm/singleitem/collection/lane/id/70/rec/66>, accessed April 8, 2015.

¹⁵⁹ Roberts and Klibanoff, *The Race Beat*, 268.

The flashpoint of the SCLC's "Project C"—for confrontation—came on Friday, May 3. At one o'clock, African-American students began to file out of Sixteenth Street Baptist Church in waves and head east toward City Hall. Under the direction of Connor, Birmingham's police force and fire department confronted the African-American demonstrators—who were marching without a permit—at Kelly Ingram Park and its adjacent streets with high-powered fire hoses and German shepherd police dogs.¹⁶⁰ "Dogs and Hoses Repulse Negroes at Birmingham," the front-page story in the *Times* the next day read and was accompanied by photographs of a police dog leaping at a defenseless African-American protestor and firefighters hosing demonstrators.¹⁶¹ "All the explanations and words in the world cannot erase the force and impact of those photographs," Weltner noted in *Southerner*.¹⁶²

The images coming out of Birmingham accelerated the response at the Department of Justice, where officials had already begun drawing up plans for federal legislation that outlawed segregation in public accommodations. Civil rights allies at the Justice Department believed Congress had the authority to bar segregation in public accommodations under the Commerce Clause, which permitted Congress "to regulate commerce...among the several states" and applied to any facility that fell under the broad scope of interstate commerce.¹⁶³

Events the next month in Tuscaloosa, fifty miles southeast of Birmingham, sealed the fate of the Justice Department's draft. On June 11, 1963, Gov. George C. Wallace—

¹⁶⁰ Roberts and Klibanoff, *The Race Beat*, 319.

¹⁶¹ Foster Hailey, "Dogs and Hoses Repulse Negroes at Birmingham," *The New York Times*, May 4, 1963.

¹⁶² Weltner, *Southerner*, 58.

¹⁶³ Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014), 45-55.

in a scripted display of resistance to federal orders—stood in the schoolhouse door of the University of Alabama in a faceoff against Deputy Attorney General Nicholas deB. Katzenbach to block James Hood and Vivian Malone from integrating the university. “It was a six-hour theatrical show for states’ rights,” *The Washington Post*’s Robert E. Lee Baker wrote in his column the next day.¹⁶⁴ Wallace’s defiance prompted President Kennedy to deliver a nationally televised evening address from the Oval Office in which he fully aligned his administration with the civil rights cause. “We are confronted primarily with a moral issue. It is as old as the scriptures and is as clear as the American Constitution,” Kennedy told the nation.”¹⁶⁵ Hours after he went off the air, Mississippi NAACP Field Secretary Medgar Evers was gunned down in the driveway of his home in Jackson.

Eight days after Kennedy’s address, the administration sent a civil rights bill to Capitol Hill. The bill had seven titles, including three voting provisions from Kennedy’s February proposal, and a strong enforcement title on education that gave the attorney general power to file lawsuits against schools that were not complying with desegregation orders. Title II, the controversial ban on segregation in public accommodations, lay at the heart of the bill.¹⁶⁶ On June 20, the day after Kennedy submitted the bill to Congress, Weltner outlined his opening position on the legislation that Congress would debate for more than a year. While more receptive than other Georgia political leaders like Senator Talmadge, who pledged to “vigorously oppose the President’s package of

¹⁶⁴ Robert E. Lee Baker, “Governor Yields,” *The Washington Post*, June 12, 1963.

¹⁶⁵ John F. Kennedy, “Address on Civil Rights,” June 11, 1963, The Miller Center, The University of Virginia, <http://millercenter.org/president/speeches/speech-3375>, accessed February 27, 2015.

¹⁶⁶ Risen, *The Bill of the Century*, 77-78.

unconstitutional measures,” Weltner believed that the federal government had overreached.¹⁶⁷

In a statement Weltner placed in the *Congressional Record*, he urged compliance with *Brown* and counseled respect for the law of the land. He endorsed measures to apply uniform voting standards throughout the nation and to place federal monitors in recalcitrant counties. “Those who seek, by harassment, subterfuge, or intimidation, to deny the ballot to others do nothing but invite federally supervised voting procedures,” he said. But Weltner qualified his support for the bill. Title II’s scope was too broad, he argued, and its remedies too steep for his gradualist approach to solving racial issues. Although he acknowledged that “fairplay... [was] lacking” in privately owned facilities that turned down customers on the basis of the color of their skin—which by itself amounted to a strong denouncement of racial discrimination for a Georgia Congressman—he rejected a national blanket law as the solution.¹⁶⁸

The bill clashed with his notion of proprietorship, a position grounded in his belief of the right of proprietors to dictate how they would operate their establishments and whom they served. “Such a law would say to proprietors throughout the [nation]: ‘You may no longer select your own customers, but you must serve all who come.’ Is it right to so restrict every American businessmen in the operation of his own business? Is it right that every American’s investment be so regulated?” Weltner questioned. “I think not. I do not think that prudence dictates such a mandatory rule as the national public accommodations proposal, and I cannot support it.” Communities that had enacted laws barring segregation in public accommodations had “done so on the basis of local

¹⁶⁷ Tom Wicker, “President’s Rights Bills Assailed by Georgians,” *The Atlanta Constitution*, June 20, 1963.

¹⁶⁸ 109 Cong. Rec 11302, June 20, 1963.

sentiment and desire.” These decisions, he stated, “should be made locally, not nationally,” a reflection of his belief in segregation as a states’ rights issue and beyond the federal government’s reach. “A national law is no solution. Atlanta is trying to find its own answers. Answers will be found elsewhere when community leaders speak out.”¹⁶⁹ *Constitution* editor Patterson, who had also opposed Title II, praised Weltner’s position. “Weltner spoke for the new climate of reason in Georgia,” he wrote the following day.¹⁷⁰

Yet Weltner and Patterson’s position contrasted with Mayor Ivan Allen’s courageous stance. In July, Morris Abram, Weltner’s old county-unit ally who was then working as the general counsel to the Peace Corps, came to visit Allen. “I don’t know a single important official in the South who’s come out for it. Patterson, Weltner, *nobody*,” Allen said to Abram. “Ivan,” Abram replied, “the president wants you to support the bill...He wants you to go to Washington and testify.” Allen feared that his support for the bill would imperil his reelection chances. “It would be suicide for me to go, and you know it,” he told Abram. But Kennedy desperately needed a reputable southern official to back the bill. He called Allen soon after to implore him to testify. “I don’t think you are correct in thinking your testimony will defeat you. I think there will be sufficient change in the country by 1965 to where it not only will not defeat you, it will help you get re-elected,” Kennedy told the mayor.¹⁷¹ While reluctant at first, Allen recognized that voluntary desegregation was untenable across much of the South. To continue to advance racial progress and to provide uniform guidelines to a region with an amalgam of state

¹⁶⁹ 109 Cong. Rec 11302, June 20, 1963.

¹⁷⁰ Eugene Patterson, “The Law is Not Needed,” *The Atlanta Constitution*, June 21, 1963.

¹⁷¹ Ivan Allen, Jr., with Paul Hemphill, *Mayor: Notes on the Sixties* (New York: Simon and Schuster, 1971), 104-107.

segregation statutes, Allen became convinced that Congress needed to enact legislation to outlaw segregation.¹⁷²

On the morning of July 26, Weltner accompanied Allen into Room 318 of the Senate Office Building to observe the mayor testify before the Senate Commerce Committee. “His testimony would be one of the most important addresses by a southern politician on the race issue since the Civil War,” Gary Pomerantz noted in *Where Peachtree Meets Sweet Auburn*.¹⁷³ Allen delivered a vigorous defense of the public accommodations title before the committee. “Surely the Congress realizes that after having failed to take any definite action on this subject in the last 10 years, to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the [nation]. Cities like Atlanta might slip backward,” Allen warned. “Now is the time for legislative action,” he urged. “Now the elimination of segregation, which is slavery’s stepchild, is a challenge to all of us.” His response to a question posed by South Carolina Senator Strom Thurmond expanded on why he believed federal guidelines were imperative: “Sometimes we can’t clearly define where we should go and what we should do... We need a definition that would help alleviate this [uncertainty].”¹⁷⁴ With Weltner looking on, Allen spoke out in favor of Title II as both a moral necessity and a practical remedy to provide clarity to the South. *The New York*

¹⁷² “Ivan Allen Testimony,” March 14, 2014, <http://docs.google.com/viewerng/viewer?url=http://ivanallen.iac.gatech.edu/omeka/archive/files/ce272b5c049ae190017de07616321d7.pdf>, accessed February 24, 2015.

¹⁷³ Pomerantz, *Where Peachtree Meets Sweet Auburn*, 319.

¹⁷⁴ *A Bill to Eliminate Discrimination in Public Accommodations Affecting Interstate Commerce: Hearings on S. 1732, Part 2, Before the Senate Committee on Commerce*, 88 Cong. 861-891 (1963) (statement of Ivan Allen Jr., Mayor of Atlanta).

Times lauded Allen's testimony: "On rare occasions the oratorical fog on Capitol Hill is pierced by a voice resonant with courage and dignity," the *Times* editorialized.¹⁷⁵



Ivan Allen testifies before the Senate Commerce Committee in July of 1963 ¹⁷⁶

A month after Allen told Senate leaders that both Atlanta and the South would benefit from the bill, 250,000 people gathered at the National Mall for the March on Washington. From a portable television in the House cloakroom Weltner watched his most famous constituent deliver his "I Have a Dream" speech from the steps of the Lincoln Memorial and another constituent, Morehouse University President Benjamin E. Mays, give the march's benediction. "It was a moving event. Men and women, young and old, white and black, had come from across the entire nation to demonstrate their hopes and beliefs. When it was concluded, the cloakroom was silent...It was as though all of us

¹⁷⁵ "Atlanta's Mayor Speaks," *The New York Times*, July 28, 1963.

¹⁷⁶ Ivan Allen Jr. Digital Collection, Georgia Institute of Technology, <http://ivanallen.iac.gatech.edu/1963-civil-rights-testimony>, accessed April 8, 2015.

began to sense that there was something to what we had heard for so many months,” he wrote in his memoir.¹⁷⁷

Yet the event that had the most profound effect on Weltner and the one that began his national ascent occurred less than three weeks later. At 10:22 a.m. on Sunday, September 15, an explosion rang out from the basement of Sixteenth Street Baptist Church that echoed throughout the nation. A dynamite bomb planted by Klansmen detonated during the middle of Sunday school classes, killing four African-American schoolgirls—Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley. While still opposed to Title II and hesitant to embrace civil rights issues, the bombing outraged Weltner. He decided to take his most forceful public stand against the violence that had long obstructed reasoned debate and stained the region’s image.

“In the face of the events on Sunday, who can remain silent?” he asked in a statement he placed in the *Congressional Record* on September 17. Weltner assailed the absence of leadership in the region, a message he drew from Ralph McGill’s condemnation of southern leaders the day after the 1958 Temple bombing in Atlanta. The bombing “happened because those chosen to lead have failed to lead. Those whose task it is to speak have stood mute,” Weltner claimed. By refusing to speak out southern leaders had given their tacit support to groups like the Klan, he said, and remained bystanders. “We have permitted the voice of the South to preach defiance and disorder,” he said. “We have stood by, leaving the field to reckless and violent men... We will never put down violence until we can raise a higher standard.”¹⁷⁸

¹⁷⁷ Weltner, *Southerner*, 63-64.

¹⁷⁸ 109 Cong. Rec. 17210, September 17, 1963.

Weltner's statement drew high praise across the country. While he had made his remarks in the *Congressional Record*—not on the House floor—*The Detroit News* embellished the drama: “The young Atlanta Congressman walked back to his seat and sat down, [and] there was a stillness in the old chamber that attested to his courage.” *The Chicago-Sun Times* labeled him “a mild-mannered maverick,” while *The Newark Evening News* called him a “lone voice from the Southland.” *The Arkansas Gazette* noted that he “[personified]... a new breed of southern political leader.” Weltner, who had defeated the embodiment of an old-style southern politician to come to Congress, had established himself as a new breed of southern moderate.¹⁷⁹ His national reputation only grew throughout the next three years.



Wyche Fowler, who called Weltner after the Birmingham statement, became his chief of staff in 1965. Fowler later represented the Fifth District and served in the U.S. Senate¹⁸⁰

Weltner continued to defy expectations in early October when he became the sole representative from the Deep South to vote for a one-year extension of the U.S. Civil Rights Commission, a body created by the 1957 Civil Rights Act to investigate and report

¹⁷⁹ Ted Lippman, “‘Maverick’ Weltner Praised from Hawaii to Florida,” *The Atlanta Journal and the Atlanta Constitution*, October 20, 1963.

¹⁸⁰ Georgia Political Review, <http://georgiapoliticalreview.com/qa-with-senator-wyche-fowler/>, accessed April 8, 2015.

on the nation's civil rights conditions. "My vote to continue the Commission is not likely to be popular," he said in a statement in the *Congressional Record*. "Yet popularity is a poor substitute for facing fact. Like all southerners, I grew up to the tune of 'Dixieland.' But we in Dixie cannot 'look away' forever—nor can the rest of the nation, too lately acknowledging its own paradox of prejudice and pride."¹⁸¹ *Journal* reporter Shannon said that Weltner was "the first Georgian to vote for modern civil rights legislation of any sort."¹⁸² Yet to a constituent, Weltner later recalled, he stressed the practical roots of his vote: "We study mules and pigs. Why can't we study these matters of human relations?"¹⁸³

Despite his powerful statement the day after the Birmingham bombing and his vote to extend the Civil Rights Commission, his opposition to the public accommodations title frustrated civil rights leaders. Martin Luther King implored Weltner to come out in favor of the bill. "We feel he should stand up for the public accommodations bill, first because it is morally right, and secondly, because a lot of Negroes voted for him and he owes it to his constituency."¹⁸⁴ Leon Cox, the field secretary for Georgia's NAACP, wrote a letter to Weltner with a thinly-veiled warning that his standing among African-Americans had become tenuous. "Without a doubt many Negroes have a high regard for you but are utterly disappointed at your position on the public accommodations bill," Cox wrote. "Your position on the civil rights bill certainly makes you vulnerable at this particular time."¹⁸⁵ Undeterred, however, he wrote to Cox saying that although he did not

¹⁸¹ 109 Cong. Rec. 18858, October 7, 1963.

¹⁸² Margaret Shannon, *The Atlanta Journal*, Oct. 8, 1963.

¹⁸³ Kuhn, Oral History with Weltner, GGDP.

¹⁸⁴ "King Feels Johnson is Sincere on Rights," *The Atlanta Constitution*, December 5, 1963.

¹⁸⁵ "Weltner Warned on Rights Stand," *The Atlanta Journal and the Atlanta Constitution*, December 1, 1963.

hesitate to “condemn racial discrimination as morally wrong” or “to foster as a great goal of the republic equality of opportunity,” he rejected a national law as the proper course of action.¹⁸⁶ The politics in favor of the bill had not shifted enough for him to offer his support.

Weltner headed into 1964 against the backdrop of a southern president eager to prove his liberal credentials by passing comprehensive civil rights legislation, an upcoming vote in the House on the bill, and a reelection campaign looming that a crucial voting bloc had threatened to abandon. On February 10, nearly eight months after Kennedy had first proposed the bill, the House voted 290-130 in favor of the strongest piece of civil rights legislation since Reconstruction. Rejecting pleas from African-American leaders and a final push from Jonathan Walton—his future editor on his memoir—who exhorted him to stand as a “spokesman” of moderate white thought in the South, Weltner joined the ten members of the Georgia delegation to vote against the bill.¹⁸⁷

Weltner issued a spirited defense of racial equality in a statement in the *Congressional Record* on February 10, one that built on his advocacy for equal opportunity in his initial remarks on the bill, his response to the Birmingham bombing, and his letter to Leon Cox in December. “The end of discrimination on the basis of race is a worthy aim and few Americans will quarrel with the ideal of equality of opportunity...As an individual, I agree that racial prejudice is a moral wrong,” he noted. Yet he remained “loath to impose by nationwide legislation that moral judgment upon others in areas clearly within the sphere of individual action.” Although he would vote

¹⁸⁶ Margaret Shannon, “Negro Rights Plea Rejected by Weltner,” *The Atlanta Journal and the Atlanta Constitution*, December 8, 1963.

¹⁸⁷ Jonathan Walton to Weltner, June 10, 1965, Weltner Papers, Box 5, Folder 13.

against the bill, he pledged “lend every effort to foster that climate of mutual regard and cooperation between the races.”¹⁸⁸

Title II was a controversial interpretation of Congressional power to regulate interstate commerce under the Commerce Clause, and Weltner believed the public accommodations provision exceeded the federal government’s authority. “I felt that this legislation [was] too great a departure from the traditional separation of levels of government in this country,” he told WSB-TV. “I felt that it was something that infringed upon the freedom of choice of American citizens.”¹⁸⁹ Weltner also had to consider the politics of the vote and the composition of his district. While his opposition was unpopular among African-Americans, coming out in favor of the bill would jeopardize his support among whites, who made up 75 percent of the districts and on whose votes he would depend to win reelection in the fall.

Legal developments in the following weeks, however, altered Weltner’s political calculations. On February 17, a week after he voted against the bill, the U.S. Supreme Court ruled that “the Congressional Districts of Georgia were so malapportioned as to deprive the voters of the equal protection of the law” and ordered them to be reapportioned.¹⁹⁰ The Georgia legislature responded by splitting the Fifth District, which included more than 800,000 voters, into two, serving to increase its share of African-

¹⁸⁸ 110 Cong. Rec. 2766, February 10, 1964.

¹⁸⁹“Weltner and Maddox Outline Their Objections to Civil Rights Act; Downtown Atlanta Street Scenes,” July 1, 1964, WSB Newsfilm Collection, Walter J. Brown Media Archives and Peabody Awards Collection, The University of Georgia Libraries, <http://dbsmaint.galib.uga.edu/cgi/news?userid=public&db=news&ini=news.ini&rset=001&action=retrieve&recno=34>, accessed March 4, 2015.

¹⁹⁰ Ted Lippman, “Supreme Court Voids Georgia’s Districting,” *The Atlanta Constitution*, February 18, 1964.

American voters from 26.5 percent to 33.4 percent.¹⁹¹ While still politically challenging, *Wesberry v. Sanders* had mitigated the potential backlash of coming out in favor of the bill by increasing the district's African-American voters and reducing the strength of its white voters.

Weltner continued to speak out against racial injustices in the spring of 1964. In late March, he offered scathing criticism of Fulton Superior Court Judge Durwood T. Pye, who had imposed maximum sentences on three demonstrators attempting to integrate Atlanta's First Baptist Church. Weltner, whose statement Eugene Patterson noted "may have been without precedent in Georgia," condemned the excessive penalties. "This judge," Weltner said, "has been oblivious to the demands of simple justice...By imposition of harsh punishments, setting of excessive bail and forfeiture for negligible cause he has intimidated defendants."¹⁹² Although his rebuke of Judge Pye's sentences temporarily mollified Weltner's African-American supporters, critics on both sides of the aisle who were aiming to defeat him in November accused him of duplicity. Fifth District Democratic candidate Wyman C. Lowe said Weltner was "trying to straddle the fence...for the sake of political expediency," while S. Jarvin Levison, chairman of the Fifth District Republican executive committee, noted that he had "spoken out on numerous occasions indicating that he is a liberal in the field of civil rights...[but had] voted in conformity with the views of those precincts that gave their support to Jim Davis and Lester Maddox."¹⁹³

¹⁹¹ *Supplement to Congressional District Data Books: Redistricted States*, "Georgia: Districts of the 89th Congress," February 1965, United States Bureau of the Census, 4-5.

¹⁹² "Judge Pye Criticized by Rep. Weltner," *The Atlanta Constitution*, March 21, 1964.

¹⁹³ "Weltner Tries to Straddle, Lowe Asserts," *The Atlanta Journal and the Atlanta Constitution*, May 17, 1964; "Appeasement Voting on Rights Laid to Weltner," *The Atlanta Constitution*, June 16, 1964.

Under intense pressure from African-American leaders and political opponents, the Senate-amended version of the bill came before the House for a final vote on July 2.¹⁹⁴ Weltner's closest advisers were split on the vote. On Wednesday, July 1, the day before he was due to vote on the measure, Weltner remained undecided. He "sat on the couch in the living room with a 29-cent ball point pen, took a yellow legal sized pad and started writing." He read the statement in favor of the bill on the floor of the House the following afternoon.¹⁹⁵

Newspaper reports accentuated the drama of Weltner's speech to the packed House chamber and emphasized his political courage. "Applause burst from the civil rights advocates on both sides of the aisle as Mr. Weltner finished. His fellow southerners sat stunned," E.W. Kenworthy wrote in *The New York Times* the day after Johnson signed the bill into law.¹⁹⁶ "Somewhat haltingly and in a subdued voice, Mr. Weltner delivered what to many was the most dramatic speech of that historic occasion," John M. Pomfret of the *Times* said months later.¹⁹⁷ He had "embraced political danger," Vincent J. Burke of *The Los Angeles Times* reported.¹⁹⁸ "Rep. Weltner Struggled Over That Vote," *The Atlanta Journal and the Atlanta Constitution's* headline read days later. The city's dailies noted that Weltner was in the "Garden of Gethsemane" the night before casting the vote and that his father had told him his decision was "politically wrong but historically

¹⁹⁴ Risen, *The Bill of the Century*, 229-239.

¹⁹⁵ "Rep. Weltner Struggled Over That Vote," *The Atlanta Journal and the Atlanta Constitution*, July 5, 1964.

¹⁹⁶ E.W. Kenworthy, "President Signs Civil Rights Bill; Bids All Back It," *The New York Times*, July 3, 1964.

¹⁹⁷ John M. Pomfret, "Week in Law: Rights Act Compliance Grows," *The New York Times*, March 28, 1965.

¹⁹⁸ Vincent J. Burke, "Lonely Rights Vote Cast by Southerner," *The Los Angeles Times*, July 3, 1964

right.”¹⁹⁹ *Constitution* editor Patterson called Weltner’s stand a “Profile in Courage.” The congressman “didn’t have to vote for the civil rights bill to get reelected,” Patterson wrote in his column. “He was free to vote ‘no’ with safety...a ‘no’ vote would have been the best short-run politics at home.”²⁰⁰ More recent interpretations of his vote have contributed to this heroic narrative by framing his decision as one based on a dedication to racial equality. In a 1980 article for *The Atlanta Historical Journal*, Joseph H. Dimon said that he “changed his mind, and his vote, because he believed in the fundamental justness of equal rights for blacks.” Weltner had “voted his conscience,” Dimon claimed.²⁰¹

Weltner stressed the political perils of his vote in speeches during his 1964 reelection campaign, his memoir, a column for the twentieth anniversary, and oral interviews he gave while was on the state Supreme Court. Opposing the bill would have been the “easy political alternative,” Weltner said shortly after the vote.²⁰² “It was a difficult decision for me,” he told the Atlanta Exchange Club in September.²⁰³ “It was a painful vote...and one I dearly would have loved to avoid...I had to finally confront the situation,” he explained years later. “There was no more slipping and sliding...no more dodging and ducking.”²⁰⁴ Weltner recounted Dean of the House Carl Vinson’s ominous words to him in his memoir: “Well, profiles in courage, and all that. But I hate to see you throw away a promising career.”²⁰⁵

¹⁹⁹ “Rep. Weltner Struggled Over That Vote,” July 5, 1964.

²⁰⁰ Patterson, Eugene, “Weltner’s Profile in Courage,” *The Atlanta Constitution*, Jul. 3, 1964.

²⁰¹ Joseph H. Dimon, “Charles L. Weltner and Civil Rights,” *The Atlanta Historical Journal* 3, no. 24 (1980): 16.

²⁰² Joe Brown, “Rep Weltner Has No Regrets,” *The Atlanta Constitution*, July 9, 1964.

²⁰³ Weltner Speech to Atlanta Exchange Club, September 1964, Weltner Papers, Box 2, Folder 3.

²⁰⁴ Steely, Oral History with Weltner, GPHP.

²⁰⁵ Weltner, *Southerner*, 77.

Although his decision was admirable, it was also politically adroit. The Fifth District, as Weltner had seen months prior during the redistricting process, was becoming increasingly African-American. As a progressive congressman in an urban, biracial district, Weltner was well-suited to capitalize on the rise of black voting strength that would accompany passage of the legislation.²⁰⁶ Weltner had also seen the overwhelming reaction in favor of Mayor Allen's testimony on behalf of the public accommodations title. Allen had emerged as "a champion of the South," then-*Constitution* city editor Bill Shipp noted, and the positive response paved the way for Weltner to join the mayor.²⁰⁷ Additionally, the inevitability of final passage in the House also provided the impetus for him to come out in favor of the bill. "The nation had decided on the means it would employ to achieve equality of opportunity. The Congress had worked its will, all except for that final, and foregone, step in the House," Weltner recalled.²⁰⁸ He decided to support a bill whose passage was a fait accompli.

Instead of a departure from tradition and a watershed moment in his commitment to racial equality, Weltner's vote was a continuation of his attempt to distinguish himself from the region's reactionaries. "I was determined that this area is one that is not going to remain defiant," he said.²⁰⁹ "Rather than voting futilely against a sure passage, I preferred to cast my vote for and give support to those who would have the difficult task of executing the bill...for it will be by southern efforts and southern responsibility that

²⁰⁶ Risen, *The Bill of the Century*, 241.

²⁰⁷ Bill Shipp, Personal Interview by Author, March 18, 2015.

²⁰⁸ Weltner Speech to Atlanta Exchange Club, Weltner Papers, Box 2, Folder 3.

²⁰⁹ Brown, "Rep. Weltner Has No Regrets," July 9, 1964.

enforcement of this bill can be achieved without violence and injustice” he noted the following year.²¹⁰

As he had consistently done throughout his career, Weltner lent his voice to progress and chose to stand against opposition leaders like Lester Maddox, who, the day after the passage of the Civil Rights Act, turned away three African-American ministers from the Pickrick at gunpoint.²¹¹ Maddox closed his restaurant months later rather than comply with the Supreme Court’s ruling in *Heart of Atlanta Motel v. United States* upholding the Civil Rights Act. A Clifford “Baldy” Baldowski cartoon in the *Constitution* captured the sentiment behind Weltner’s attempt to distance himself from obstinate leaders. With the caption “I Believe a Greater Cause Can Be Served,” Baldy depicted Weltner marching forward toward the development of “progress and understanding” while a group of politicians flailed in vain in the background.²¹²

Weltner’s statement on the House floor on July 2 reflected the driving forces behind his vote—recognition of the futility of voting against final passage, support for Allen and Atlanta’s leaders who sought to help the city’s transition, and the desire to facilitate progress. In his remarks on the House floor, he began by noting that the bill was assured of passage. “What, then, is the proper course?” he asked. “We can offer resistance and defiance...[or] we can acknowledge this measure as the law of the land. We can accept the verdict of the nation.” Atlanta leaders had already come out in favor of the bill, and Weltner backed their efforts. “I shall cast my lot with the leadership of my

²¹⁰ Speech at the Democratic Summer Intern Gala, August 25, 1965, Weltner Papers, Box 4, Folder 3.

²¹¹ “Maddox Holds Gun, Bars 3 Negroes,” *The Atlanta Constitution*, July 4, 1964.

²¹² Clifford “Baldy” Baldowski, “I Believe a Greater Cause Can Be Served,” *The Atlanta Constitution*, July 6, 1964, Richard B. Russell Library for Political Research and Studies, The University of Georgia Libraries, Athens, Georgia.

community, he said. “I shall cast my vote with that greater cause they serve. I will add my voice to those who seek reasoned and conciliatory adjustment to a new reality.”

Weltner ended his statement with a clarion call to a region at a crossroads: “I would urge that we at home now move on to the unfinished task of building a New South. We must not remain forever bound to another lost cause.”²¹³ Mayor Allen was there to greet him when Weltner returned to Atlanta the following day. “Welcome to the club,” Allen told him.²¹⁴



Weltner, Ivan Allen, and Senator Edward Kennedy in the summer of 1964 ²¹⁵

²¹³ 110 Cong. Rec. 15894, July 2, 1964.

²¹⁴ Kuhn, Oral History with Weltner, GGDP.

²¹⁵ Bill Wilson Photographs, Kenan Research Center, Atlanta History Center.

Chapter Five: Weltner's Ace

Passage of the 1964 Civil Rights Act and the publicity Weltner garnered as the Deep South's only supporter—as well the decisive congressional majorities Democrats gained in the November election—energized Weltner's career. “I felt like I had cast the die,” he said years after his vote. “[I had] crossed the Rubicon.” In February of 1965, months after he was reelected to a second term to Congress, he addressed a Harvard Law School forum on the developments the legislation's passage had spawned. He read a poem, “The Rhyme of the Ancient Mariner,” that captured the ramifications of the vote on his career: “The selfsame moment/I could Pray/ And from my neck so free/ The albatross fell off, and sank/ Like lead into the sea.” Although “the race issue has been a dead albatross around the necks of many southern congressmen,” Weltner said, passage of the Civil Rights Act had broken the “Gordian Knot” on Dixie.²¹⁶ The law would free Weltner to pursue his liberal agenda and embrace President Johnson's Great Society during the 89th Congress, the most influential session since the New Deal.

Weltner spoke at Harvard on the heels of an eight month stretch in which he had established his reputation as a key Johnson ally in the South. A month after he came out in support of the civil rights bill, he voted for the Economic Opportunity Act (EOA), the centerpiece of Johnson's War on Poverty program. Shortly after the EOA passed, Weltner addressed the Democratic National Convention in Atlantic City. Representing “Young Citizens for Johnson,” he contrasted the Democrats' forward-looking vision with an opposition party he criticized as “latter-day know-nothings who are always against.”

²¹⁶ Weltner Speech to Harvard University Law School Forum, February, 1965, Weltner Papers, Box 4, Folder 3.

He urged voters to “come with us and the verdict of history shall be ours!”²¹⁷ The *Constitution* editorialized, “This year there’s a new face of the South, and it is typified by Rep. Charles L. Weltner.”²¹⁸



Weltner with Vice President Hubert Humphrey in 1965²¹⁹

Despite emerging as a national figure during the summer and boosting his support among African-Americans, Weltner struggled against Wyman Lowe in the Democratic primary. The response to Weltner’s civil rights vote at home had been decidedly mixed. Critics claimed his vote switch had been politically expedient and labeled him a flip-flopper, while a growing chasm emerged between Weltner and civil rights allies over his initial opposition to the bill. Rev. Andrew J. Young, a top SCLC lieutenant and the future

²¹⁷ Weltner Speech at the 1964 Democratic National Convention, August 26, 1964, Weltner Papers, Box 16, Folder 11.

²¹⁸ “Rep. Weltner and South’s New Face,” *The Atlanta Constitution*, August 27, 1964

²¹⁹ Bill Wilson Photographs, Kenan Research Center, Atlanta History Center.

mayor of Atlanta, disputed *Constitution* editor Patterson's assertion that Weltner had demonstrated political courage by changing his vote. "Atlanta needs a congressman with courage and conviction who will strike a balance between representing and leading his constituents...let us not pretend that [Weltner] has achieved it," Young wrote in the *Constitution*.²²⁰ Weltner's relationship with civil rights leaders would fissure during his second term as he made a series of moves that alienated him from his African-American supporters.

Although the race was closer than anticipated, Weltner staved off Lowe's challenge in the September primary and faced James O'Callaghan in the general election, a rematch of their 1962 race. The bruising reelection campaign hinged on Weltner's support for the Civil Rights Act. "That was the whole campaign," he recalled years later.²²¹ O'Callaghan's attacks on Weltner forced him to defend his economic record and explain his decision to change his vote for the final version of the legislation. "I stood up and I was counted and I'm glad I did," he said two weeks before the election.²²² The Civil Rights Act and President Johnson's platform came before voters in the November 3 election, and the Fifth District reelected Weltner to Congress by a convincing 10,000 votes. He carried approximately 99 percent of African-American voters in the race—up 30 percent from his 1962 race—but lost every majority-white precinct in the district.²²³ Like other Democratic incumbents in the state, the backlash to the legislation and the pervasive anti-Johnson feeling among whites hurt Weltner, but the

²²⁰ Andrew Young, "Weltner Charged with Ambiguity," *The Atlanta Constitution*, July 21, 1964.

²²¹ Steely, Oral History with Weltner, GPHP.

²²² Ted Simmons, "O'Callaghan, Weltner Tangle on Rights Law," *The Atlanta Constitution*, October 20, 1964

²²³ Numan V. Bartley, *From Thurmond to Wallace: Political Tendencies in Georgia, 1948-1968* (Baltimore: The Johns Hopkins Press, 1970), 62-63.

surge in African-American votes anchored his victory.²²⁴ His strengthened biracial coalition of African-Americans and liberal whites validated Weltner's vote for the Civil Act. "I got reelected for it," he later said of his move.²²⁵

Yet Weltner's victory had been overshadowed by the state's returns in the presidential contest and the unmistakable racial animus among the region's white voters. Barry Goldwater, the Republican senator from Arizona who had voted against the Civil Rights Act, offered whites a chance to voice their disillusionment over Johnson and the national party's liberal platform. He swept the Deep South, the first time a Republican candidate had captured the region since Reconstruction. "Racial considerations," as Weltner told the Yale Political Forum weeks after the election, "were paramount" in the election. "Disaffection for Mr. Johnson, the first southern president in a century...carried the day."²²⁶ Goldwater's success in the state marked the long awaited arrival of a two-party system, and the Republican Party presented a challenge to both Weltner and the Democratic stronghold in the following years.

In his first major speech after winning a second term, he made an impassioned plea for policies to break the vicious cycle of economic despair before the National Urban League. Poor Americans "need our help; they need our voices—for they have no voices of their own," he said.²²⁷ The southerner had witnessed the depths of poverty among African-Americans in Georgia during his youth. With a fellow southerner in the Oval Office who had also carried the lessons of "poverty and prejudice" from his days as a

²²⁴ Claude Sitton, "Democrats Upset by Georgia Vote," *The New York Times*, September 11, 1964.

²²⁵ Kuhn, Oral History with Weltner, GGDP.

²²⁶ Weltner Speech to Yale University Political Forum, November 23, 1964, Weltner Papers, Box 4, Folder 2.

²²⁷ Weltner Speech at National Urban League's Regional Health and Welfare Conference, November 19, 1964, Weltner Papers, Box 4, Folder 3.

teacher at a Mexican-American school in Cotulla, Texas, Weltner began calling for programs to eliminate economic gaps between African-Americans and whites in early 1964.²²⁸

Weeks after the president had declared “unconditional war on poverty in America” in his 1964 State of the Union address, Weltner urged a “new departure” to “seek ways of bringing the Negro into a better life” on the floor of the House.²²⁹ “Where before, we have been content with personal charity and individual kindness to the Negro, we must now recognize the dramatic need for bettering the lot of all the poor—white and Negro,” he said. Weltner backed programs that addressed the plight of southern African-Americans, who had languished at the bottom of the economic ladder from decades of subjugation under Jim Crow. African-Americans’ endemic poverty had hampered growth in the South and failure to address their struggles would create “an ever increasing welfare class, mounting hostility between the races, and continued wasting of human and material wealth,” he claimed. The future of the South, Weltner told his House colleagues, would depend on raising the status of its second-class citizens: “The South will remain poor for so long as the Negro remains at the bottom of the heap.”²³⁰

Free from the millstone of civil rights, Weltner became a Johnson Democrat during the “fabulous 89th Congress” as the president often called it.²³¹ During the spring and summer of 1965, Democratic majorities rammed Johnson’s policies through

²²⁸ Lyndon B. Johnson, “Remarks at the Welhausen Elementary School, Cotulla, Texas,” November 7, 1966, The American Presidency Project, The University of California, Santa Barbara, <http://www.presidency.ucsb.edu/ws/?pid=28003>, accessed March 14, 2015.

²²⁹ Lyndon B. Johnson, “State of the Union,” January 8, 1964, The Miller Center, The University of Virginia, <http://millercenter.org/president/speeches/speech-3382>, accessed March 14, 2015; “Give Negro Better Life, Weltner Asks,” *The Atlanta Constitution*, January 29, 1964.

²³⁰ 110 Cong. Rec. 1262-1263, January 28, 1964.

²³¹ Julian E. Zelizer, *The Fierce Urgency of Now: Lyndon Johnson, Congress, and the Battle for the Great Society* (New York: Penguin Press, 2015), 220.

Congress. Three issues were “at the top of his agenda—education, medical care for the elderly, and voting rights,” according to Princeton historian Julian E. Zelizer.²³² In March, Weltner voted in favor of Johnson’s \$1.3 billion education package, the largest government aid to schools at the time. The Elementary and Secondary Education Act, a “landmark measure,” as Weltner called it, increased education spending on poor children and authorized federal aid to school districts with a disproportionate share of low-income students.²³³ In April, Weltner voted in favor of what would become the watershed Social Security Amendments of 1965. The legislation introduced federal insurance for citizens over 65 and provided health care for welfare recipients and other dependent Americans, programs that would become bedrocks of the nation’s health care system.²³⁴



Weltner with Speaker of the House John McCormack ²³⁵

²³² *Ibid.*, 168.

²³³ Zelizer, *The Fierce Urgency of Now*, 182-183; Jay Jenkins, “Weltner Defends Poverty Programs,” *The Atlanta Constitution*, April 15, 1965.

²³⁴ Zelizer, *The Fierce Urgency of Now*, 197.

²³⁵ 1964 Campaign Material, Weltner Papers, O.S. Box 1.21.

Passage of the 1965 Voting Rights Act, however, was the crown legislative jewel of the 89th Congress. In the early months of 1965, Johnson was forced to confront the growing unrest in Selma, the Dallas County seat on the banks of the Alabama River, where only 2 percent of African-Americans were on the voter rolls.²³⁶ On Sunday, March 7—in an event that would reach a national audience—Alabama state troopers, many on horseback, attacked peaceful demonstrators with nightclubs, cattle prods, and tear gas on the Edmund Pettus Bridge on Highway 80 in Selma.²³⁷ Two days later, James Reeb, a white Unitarian minister from Boston, was attacked by white men in Selma and died on March 11 as a result of his injuries.

On March 15, a week after what became dubbed “Bloody Sunday” and days after Reeb’s death, Johnson delivered an unprecedented address to a joint session of Congress. “At times history and fate meet at a single time in a single place to shape a turning point in man’s unending search for freedom...So it was last week in Selma, Alabama,” he told the nation. Johnson invoked the civil rights anthem to implore Congress to pass voting rights legislation. “And we shall overcome,” the first southern president in a century declared.²³⁸

The following day Johnson submitted the most comprehensive voting rights bill to Congress since Reconstruction. Johnson’s bill contained a robust trigger standard that allowed federal monitors to oversee elections in recalcitrant areas where less than 50 percent of the population had registered to vote or gone to the polls in the 1964 presidential election. The administration also proposed a controversial section that

²³⁶ Zelizer, *The Fierce Urgency of Now*, 205.

²³⁷ Roberts and Klibanoff, *The Race Beat*, 386; Roy Reed, “Civil Rights Marchers Attacked in Selma,” *The New York Times*, March 7, 1965.

²³⁸ Lyndon B. Johnson, “Speech Before Congress on Voting Rights,” March 15, 1965, The Miller Center, <http://millercenter.org/president/speeches/speech-3386>, accessed March 13, 2015.

required seven southern states covered under the automatic trigger to receive preclearance from the Department of Justice or three-judge federal district court in Washington prior to making any changes to voting laws.²³⁹

Throughout the early stages of debate over the bill, Weltner voiced his opposition to the scope of the coverage formula. He did not believe that Georgia needed federal monitors to supervise its elections and questioned the federal government's authority to preclear changes to states' voting procedures. In an April address to the Atlanta Chamber of Commerce, Weltner said that he was "not very pleased with...the original proposal of this bill that would place Georgia in the category with some of the sister states in the South who truly, in my opinion, need strong protections for the citizens....where there is flagrant, plain, admitted discrimination at the ballot box because of race." Georgia, which failed to meet the escape clause of the bill because less than 50 percent of voters had gone to the polls in the 1964 election, should be "[relieved] from the burdens of this bill [and] truly [does] not require it," Weltner said.²⁴⁰

He also believed the federal government had unfairly targeted certain jurisdictions, and he objected to the unintended consequences of the proposed legislation. "I am most bothered by the prepared triggering standard...Any triggering device based on a percentage automatically discriminates against someone. Areas which should be included are not, and areas which should not be affected are," he told his colleagues in an

²³⁹ Zelizer, *The Fierce Urgency of Now*, 207-218; Gary May, *Bending Toward Justice: The Voting Rights Act and the Transformation of American Democracy* (New York: Basic Books, 2013), 149-167; Charles Mohr, "Bill to Enforce the Right to Vote Goes to Congress," *The New York Times*, March 18, 1965.

²⁴⁰ "Congressman Weltner talks about Current Issues Facing the Congress," April 19, 1965, WSB Newsfilm Collection, Walter J. Brown Media Archives and Peabody Awards Collection, The University of Georgia Libraries, <http://dbsmaint.galib.uga.edu/cgi/news?userid=public&db=news&ini=news.ini&rset=003&action=retrieve&recno=42>, accessed March 19, 2015.

address on the floor. “In our desire to form a more perfect society we must [not] trample on principles of our federal system.” Weltner called attention to recent voter registration improvements in his home district of Fulton County to bolster his argument that bill’s application was inconsistent: “There have been no complaints of discrimination in voting procedures in Fulton County... We do not feel as if we should have to prove our good deeds to anyone.” Although he acknowledged discrimination in the South, he did not believe a gratuitous amount existed in Georgia to warrant federal supervision. “It is absolutely essential that the right of self-government be observed when an area has repeatedly proven its request for law and progress,” he said.²⁴¹

Despite his criticisms, Weltner voted in favor of the bill in July. In a prepared statement, he expressed his reservations. “It is said that this bill is a drastic measure. Perhaps it is. Yet the problem is drastic, and the need is drastic,” he claimed. He continued to maintain his skepticism of the bill’s scope: “It is said, and with some justification, that this bill affects more areas than might be necessary. Yet, it is better that the measure be too broad than too narrow.”²⁴² Like the Civil Rights Act a year prior, the bill was assured of passage by a convincing margin. The bill would also register a legion of loyal Democrats in the South to help counteract Republicans’ growing strength among whites. Weltner recognized that he stood to gain from increased African-American participation, and he cast his vote for the future of the party in the region.

African-Americans were not the only group who had the potential to reinvent the Democratic Party in the South. Weltner also sought to extend the right to vote to an additional eight million younger Americans. On August 11, Weltner introduced an

²⁴¹ “Remarks on Voting Rights,” 1965, Weltner Papers, Box 4, Folder 3.

²⁴² 111 Cong. Rec., 16270, July 9, 1965.

amendment to the Constitution to lower the voting age from 21 to 18. “A Congress so firmly dedicated to the principle of voting rights should move now to extend the franchise to these young Americans,” Weltner said on the House floor.²⁴³ “Where is all this leading?” *Atlanta Journal* Washington correspondent Margaret Shannon wondered. Although Weltner had not announced publicly that he had higher goals beyond the House, the 8 million voters between 18 and 20 were “political gold mine... [and] there must be a reason” Weltner sought to tap it, Shannon suggested.²⁴⁴ As the *Times* would comment on Weltner’s success in 1965, “no southerner had more reason to be confident about the future—both the South’s and his own.”²⁴⁵ The prospects seemed limitless for the new breed of Georgian.

Weltner’s singular focus during 1965, however, was not expanding voter rolls in the South, but his own effort to curb the organization that represented the greatest threat to racial progress. Soon after beginning his second term in Congress, Weltner spearheaded an effort to investigate a revitalized Ku Klux Klan that was operating with impunity throughout much of the region and often counted local law enforcement officials among its ranks. Civil rights victories and the decline of white Citizens’ Councils economic pressure tactics had led to an uptick in Klan membership and propelled violence and intimidation tactics against African-Americans, especially in Mississippi. During the summer of 1964, the Mississippi White Knights burned 44 black churches and killed three civil rights workers, James Chaney, Andrew Goodman, and Michael Schwerner in Philadelphia, Mississippi, as well as two African-American men,

²⁴³ 111 Cong. Rec., 1984, August 11, 1965.

²⁴⁴ Margaret Shannon, “Weltner at Work—What’s His Goal?” *The Atlanta Journal*, August 26, 1965.

²⁴⁵ “A Rebellious Southerner,” *The New York Times*, October 4, 1966.

Henry Dee and Charles Moore, in Meadville.²⁴⁶ In Madison County, Georgia, Klansmen murdered Lt. Col. Lemuel Penn, an African-American veteran, days after the passage of the Civil Rights Act. The Klan, Weltner noted in his memoir, would “remain a grave danger to the South, and to [southerners] until its power is curtailed,” and he sought to limit its influence by exposing a public record of its activities.²⁴⁷

Weltner selected an unorthodox vehicle to fight the Klan: the House Un-American Activities Committee (HUAC). Although discussions to investigate the Klan dated back to the 1920s, the far-right stalwart had led subversive witch hunts and engendered fierce opposition from left-wing groups throughout the two decades it had been a standing committee. Democratic gains in the House on November 3, however, had created a vacancy on HUAC, a “golden opportunity” for Weltner, columnists Rowland Evans and Robert Novak reported. Soon after the election, he approached Rep. Phil M. Landrum, a member of the House Ways and Means Committee, and lobbied the fellow Georgian to propose him to fill the HUAC vacancy.²⁴⁸ In January, the Klan burned a cross on the lawn of House Democratic whip and Weltner ally Hale Boggs. “It was that cross on Hale Boggs’s front lawn...that really got me stirred up,” he told *The Washington Post*, and sealed his decision to “go after the Klan.”²⁴⁹ The committee’s conservatives, “asleep at the switch, woke up to find HUAC infiltrated by a liberal. And having gotten

²⁴⁶ Joseph Crespino, *In Search of Another Country: Mississippi and the Conservative Counterrevolution* (Princeton: Princeton University Press, 2007), 108-120.

²⁴⁷ Weltner, *Southerner*, 180.

²⁴⁸ Rowland Evans and Robert Novak, “HUAC vs. the Klan,” *Inside Report*, February 4, 1965

²⁴⁹ Julius Duscha, “Atlantan Long a Critic of Klan,” *The Washington Post*, March 31, 1965; Betty Jean Weltner, Personal Interview.

his seat, Weltner quickly dropped his ace on the table,” Evans and Robert Novak wrote.²⁵⁰

On February 1, in an address to the House, Weltner exhorted HUAC to launch an investigation into the Klan. “We are rising to our full potential. We are struggling for orderly progress. We are turning to real problems and solid opportunities.” But “madness is in our midst” remained, Weltner said. “Shall we permit faceless men, under the cover of robes and darkness, to imperil the liberties of our people?” A “thorough and detailed investigation” would combat the Klan’s “weapons of secrecy, rumor and fear,” Weltner asserted. “Let us turn upon this ‘invisible empire’ the light of public scrutiny. Let us examine in full its extent, character, and objects. Let us reveal for all to see the men behind the masks.”²⁵¹

Wyche Fowler, Weltner’s top aide during his second term, called the move “one of his more untraditional ideas.”²⁵² Once again, Weltner demonstrated his political savvy by joining HUAC. He saw an opportunity to transform the red-baiting committee and attempted to force HUAC sympathizers to reconsider their idea of un-American activities. The congressman recognized that a far-reaching investigation from HUAC would expose Klan violence across the political spectrum and deflect criticism from conservatives of a left-wing bias.²⁵³ Columnists Evans and Novak noted his potential to reorient the committee: “The House Un-American Activities Committee, that

²⁵⁰ Evans and Novak, “HUAC vs. the Klan,” *Inside Report*, February 4, 1965.

²⁵¹ 111 Cong. Rec, 1627, February 1, 1965.

²⁵² Wyche Fowler, Interview by Author.

²⁵³ Tom Wicker, “President Seeks Stiffer Klan Law,” *The New York Times*, March 30, 1965.

impregnable bastion of the Right, may never again be the same—thanks to...a rising young [southern] Democrat.”²⁵⁴

The proposal immediately thrust Weltner into the national spotlight as he confounded interests across political lines. Georgia Grand Dragon Calvin F. Craig called him a “mouthpiece for Martin Luther King and Lyndon Johnson.”²⁵⁵ He also came under fierce scrutiny from civil rights allies back home who believed that he would use HUAC to probe rights groups: “Blacks thought I’d gotten on there to investigate the NAACP because all the [southerners] used to talk about doing that,” he later recalled.²⁵⁶ Civil liberties groups, outspoken critics of HUAC’s excesses, also raised objections to the investigation. The regional director for the ACLU maintained that “probes of political opinions and associations are, in our view, violative of the spirit of the First Amendment of the Constitution...The avowed purpose of proposed investigations of various Klan groups—exposure for exposure’s sake—is improper,” he claimed.²⁵⁷ Finally, Weltner ran into resistance from committee chairman Edwin E. Willis, a conservative Louisiana Democrat, and HUAC staff members who were ambivalent about expanding the committee’s traditional role of investigating groups with alleged Communist

²⁵⁴ Evans and Novak, “HUAC vs. the Klan,” *Inside Report*.

²⁵⁵ “Grand Dragon of the Georgia Klan, Craig, Talks About ‘Nigger Communists,’” February 14, 1965, WSB Newsfilm Collection, Brown Media Archives, The University of Georgia Libraries, <http://dbsmaint.galib.uga.edu/cgi/news?userid=public&dbs=news&ini=news.ini&rset=001&action=retrieve&recno=41>, accessed March 14, 2015,

²⁵⁶ Kuhn, Oral History with Weltner, GGDP.

²⁵⁷ Paul Valentine, “Klan Officials Rap Weltner Probe Call,” *The Atlanta Journal and the Atlanta Constitution*, February 7, 1965.

affiliations.²⁵⁸ Weltner had to “drag them kicking and screaming,” *Constitution* reporter Bill Shipp recalled.²⁵⁹

Deliberations into the Klan investigation coincided with the third and final leg of the 54-mile voting rights march from Selma to Montgomery. On March 25, hours after Martin Luther King delivered a stirring address on the steps of the Alabama State Capitol to a sea of 25,000 demonstrators, Viola G. Liuzzo was shot and killed while driving from the state capitol to Brown AME Chapel in Selma.²⁶⁰ Four Klansmen had targeted Liuzzo, a white civil rights volunteer from Detroit who had traveled south and had been shuttling marchers between Montgomery and Brown Chapel. As she and Leroy Moton, an African-American SCLC worker, were driving through a highway stretch in Lowndes County, the Klansmen drove by them and fired into the car, fatally wounding Liuzzo and setting in motion events that catalyzed the right-wing HUAC to launch an investigation into the Klan.²⁶¹

Liuzzo’s slaying sparked an immediate response from the White House. In a press conference the next day, a hardened Johnson, flanked by Attorney General Katzenbach and FBI Director J. Edgar Hoover, announced that four Klansmen, one of whom was working for the FBI, had been arrested in connection with Liuzzo’s murder. Johnson directed Attorney General Katzenbach to develop legislation to reign in the group’s activities and signaled his approval for Congressional investigations to buttress the Justice Department’s effort. The Klan’s loyalty was “not to the United States of America

²⁵⁸ Ted Lippman, “Weltner’s Klan Probe Call Snagged by 2 Court Rulings,” *The Atlanta Journal and the Atlanta Constitution*, February 28, 1965.

²⁵⁹ Bill Shipp, Interview with Author.

²⁶⁰ Paul J. Montgomery, “Woman is Shot to Death on Lowndes County Road,” *The New York Times*, March 26, 1965.

²⁶¹ Taylor Branch, *At Canaan’s Edge: America in the King Years, 1965-1968* (New York: Simon & Schuster, 2006), 173-174.

but instead to a hooded society of bigots,” Johnson said, and he pledged the federal government’s backing to assist HUAC’s probe.



Viola Liuzzo’s car off of Highway 80 in Lowndes County, Alabama. Liuzzo’s murder led President Johnson to call for a congressional investigation into the Klan ²⁶²

Johnson, as Charles Mohr of the *Times* wrote the next day, “declared war on the Ku Klux Klan,” and spurred HUAC to investigate the organization.²⁶³ What had initially seemed like a quixotic call for HUAC to probe the Klan had become a national priority. Four days after Johnson endorsed a HUAC investigation, Willis announced that public hearings would begin “immediately.” Yet Willis hinted that HUAC would extend its scope beyond the Klan. Willis asserted that “Communist influences” had infiltrated the movement and said that the committee was “not losing sight of its jurisdiction in the areas of Communist activities and will continue to investigate them.”²⁶⁴

The probe gave Weltner a national platform to continue to establish himself as a pragmatic southerner and advance his national goals. Yet although the hearings had

²⁶² Daniele L. McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance—a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power* <http://atthedarkendofthestreet.com/photo-gallery/selma-gallery>, accessed April 8, 2015.

²⁶³ Charles Mohr, “Johnson Opens Fight on Klan After F.B.I. Seizes 4 Members in Alabama Murder of Woman,” *The New York Times*, March 27, 1965.

²⁶⁴ Ted Lippman, “Weltner’s Panel Investigating Klan,” *The Atlanta Constitution*, March 31, 1965

gained traction following the president's endorsement in March, Weltner continued to come under fire from civil liberties groups. John de J. Pemberton Jr. admonished him to focus his attention on revising toothless federal enforcement statutes against the Klan, vestiges from the Reconstruction era that provided little legal protection to combat Klan violence.²⁶⁵ "Ending segregated justice will do far more to destroy the Klan than illegally repressing it," the Georgia ACLU said on the eve of the investigation.²⁶⁶ As Walter Goodman of the *Times* described the choice confounding liberals as the HUAC hearings began, "Which beast were they to root for?"²⁶⁷ Despite liberal outcry, Weltner's position on HUAC and the Klan was the pragmatic one. Communist fears still remained prevalent and most congressmen supported the existence of a congressional body to investigate subversive activities. By turning the committee in the opposite direction, however, Weltner could ensure that it would direct its attention toward exposing the Klan and prevent reactionary forces from using it as a political tool to push their own agenda.

HUAC, led by its "sparkplug" Weltner, as John Herbers of the *Times* called him, "set out...to make visible to the world the 'invisible empire' of the Ku Klux Klan."²⁶⁸ In his opening remarks in the caucus room of the Cannon House Office Building, Weltner announced "I have been very interested in this investigation and I am convinced that the matters to come forth as a result of this will be of great interest to the South."²⁶⁹ The most

²⁶⁵ Ted Simmons, "Turn Energy From Klan Probe to Rights, Weltner Advised," June 14, 1965.

²⁶⁶ "Civil Liberties Union Criticizes Probe of Klan, Judge Duke." *The Atlanta Constitution*, October 21, 1965.

²⁶⁷ Walter Goodman, "HUAC Meets the KKK," *The New York Times Magazine*, December 5, 1965.

²⁶⁸ John Herbers, "Klan Inquiry Opening Tomorrow In House Likely to Run 13 Weeks," October 18, 1965, *The New York Times*.

²⁶⁹ *Activities of Ku Klux Klan Organizations in the U.S.: Before the House Committee on Un-American Activities, Part 1*, 89 Cong. 1597 (1965) (Charles Weltner, Congressman from Georgia's Fifth District).

crucial development of the first two weeks, Weltner told Herbers, was the committee's disclosure of 381 names and locations of Klan chapters committee investigators had discovered around the South. The Klan had often used front names to disguise its activities, and many southerners had been unaware that Klansmen were active in their communities. He used his own backyard as an example: "I didn't know that Roswell, Georgia, a quiet suburban community in my district, had a Klavern. Most people in that city didn't know they that had a Klavern."²⁷⁰ On October 27, midway through the early stages of the hearings, Weltner attacked the heart of Klan country—Bogalusa, Louisiana. The Bogalusa Klan controlled the levers of local government, including city hall, the district attorney's office, and law enforcement agencies. "By intimidation, coercion, and boycott, these men... were able to force many innocent people to do their bidding," Weltner explained as he circulated the names of hundreds of Bogalusa Klansmen in the *Congressional Record*.²⁷¹

Despite Weltner's efforts to shift HUAC's priorities, he was still susceptible to the committee's anti-Communist tendencies. On January 6, SNCC chairman John Lewis released a provocative statement charging the government with duplicity in Vietnam and called on Americans to find alternatives to the draft.²⁷² The following day, Julian Bond, the former SNCC leader who had won a seat to the Georgia House of Representatives, said that while he would not burn his own draft card, "he would admire the courage" of anyone who did. Georgia leaders swiftly condemned Bond's statement. Weltner said the former SNCC leader had made a "grievous error" and brought "harm [to] those who

²⁷⁰ Herbers, "Klan Data Called Surprise to Many," *The New York Times*, October 31, 1965.

²⁷¹ 111 Cong. Rec, A6182, October 27, 1965.

²⁷² "Rights Unit Says U.S. is Aggressor," *The New York Times*, January 7, 1966.

[sought] equal justice.”²⁷³ Shortly after Bond’s statement, Weltner asked HUAC to “evaluate” whether either Bond or SNCC’s statements were subversive. He also asked for the committee’s analysis on Lewis’s refusal to answer questions at a press conference about his Communist ties.²⁷⁴ While HUAC never launched a full investigation of SNCC, staff director Francis J. McNamara combed through Bond and Lewis’s public history to determine whether either had demonstrated a pattern of subversive statements. Weltner, as rights groups initially feared, had used the right-wing committee to target key movement leaders.²⁷⁵

From a national standpoint, Weltner’s reputation as a symbol of southern progressivism remained in tact as HUAC hearings into the Klan reconvened in late January. The second session featured testimony from some of the most notorious Mississippi Klansmen of the era, including Byron De La Beckwith, who would be convicted thirty years later for Medgar Evers’s murder, and damning evidence linking James Ford Seale to the deaths of Charles Moore and Henry Dee in Meadville. (Seale would be convicted forty-one years after he testified.)²⁷⁶ And in early February, less than a month after he ordered the firebombing that killed NAACP leader Vernon Dahmer in Hattiesburg, Samuel H. Bowers Jr., the Imperial Wizard of the White Knights, refused to answer questions before the committee on whether his group had ordered the “extermination” of Andrew Goodman, one of the three civil rights workers killed in

²⁷³ Sam Hopkins, “Governor Joins Critics of SNCC Executive,” *The Atlanta Constitution*, January 8, 1966

²⁷⁴ “Rep. Weltner Asks SNCC ‘Evaluation,’” *The Atlanta Journal*, January 13, 1966.

²⁷⁵ Francis J. McNamara Letter to Charles Weltner, January 17, 1966, Weltner Papers, Box 3, Folder 6.

²⁷⁶ “2 Negroes Whipped, Probe Told,” *The Atlanta Constitution*, January 15, 1966

Philadelphia, Mississippi, in June of 1964.²⁷⁷ Bowers would ultimately be sent to prison for his involvement in both Dahmer's death and the slaying of Goodman, Cheney, and Schwerner.

While nearly every witness took the Fifth Amendment, the investigators were sanguine about the impact of the hearings as they came to an end. "Investigators believe that the hearings have succeeded in placing directly on Klan organizations and leaders responsibility for much of the racial violence in the South," John Herbers of the *Times* reported.²⁷⁸ "Never before in the history of the United States has so much information about the Klan been placed in a public record," Chairman Willis said months later.²⁷⁹ The committee had successfully exposed the record of Klan violence throughout the South and cited seven Klan leaders in contempt of Congress for refusing to turn over subpoenaed documents. Even Klansmen admitted that the national spotlight and daily headlines damaged the organization. "People might start to think [now] that to get in the Klan they have to go out and kill somebody," one Klansman testified.²⁸⁰ "Months of investigation have ripped away whatever mask of respectability the Klan may have worn," the *Constitution* editorialized after the hearings concluded.²⁸¹ Wyche Fowler

²⁷⁷ Remer Tyson, "Mississippi Terror Laid to Klan," *The Atlanta Constitution*, February 2, 1966; "Klan Order Cited in Rights Slaying," February 1, 1966, *The New York Times*.

²⁷⁸ John Herbers, "Klan Loss is Laid to House Hearings," *The New York Times*, February 21, 1966.

²⁷⁹ *Hearings on Bills to Curb Terrorist Organizations: Hearings Regarding H.R. 15678, H.R. 15689, H.R. 15744, H.R. 15754 and H.R. 16099, Before the House Committee on Un-American Activities*, 89 Cong. 1399 (1965) (statement of Edwin Willis, Congressman from Louisiana's Third District).

²⁸⁰ John Herbers, "Inquiry Reported To Damage Klan," *The New York Times*, February 10, 1966.

²⁸¹ "KKK: Time for Judgment," February 26, 1965, *The Atlanta Constitution*.

recalled that the hearings had “shined the light on the roaches” and forced “local officials who had turned a blind eye” to grapple with Klan activity in their communities.²⁸²

In his final remarks, Weltner appeared buoyant about the effect of the hearings he had led. “We have seen the drastic diminution in Klan activity throughout the South. We have seen areas that were Klan infested, and now they are in a state of dormancy... It has become quite evident that the days of Klan influence in political and social decisions of the South are over,” he claimed. “As a result of these hearings, I believe there has been a substantial effect within the Klan itself, brought about by the revelations concerning the financial affairs of the Klan... I think we have accomplished what we have set out to do.”²⁸³ The hearings also served political purposes for Weltner. The probe was a “vehicle for publicity,” Fowler recalled, and helped Weltner raise his national profile.²⁸⁴

Although the committee had successfully exposed how pernicious the Klan had become in the South, Weltner hurt his relationship with civil rights leaders. On January 25, Weltner introduced dragnet legislation to curb the Klan’s influence, relying on the same enforcement tools that HUAC had used a decade prior to reign in the Communist Party: internal security laws. “The Klan,” he said, “is a criminal conspiracy whose purpose is to deprive the people of their individual rights through force, violence, and intimidation. Differing in membership and pronouncement, [it is] nonetheless the same [as the Communists]. He proposed a major overhaul of the Internal Security Act of 1950—commonly known as the McCarran Act, which Congress had approved over President Truman’s veto—requiring Communist organizations and their members to

²⁸² Wyche Fowler, Interview by Author.

²⁸³ *Activities of Ku Klux Klan Organizations in the U.S.: Before the House Committee on Un-American Activities, Part 5, 89 Cong. 3824-3826 (1966)* (Charles Weltner, Congressman from Georgia’s Fifth District).

²⁸⁴ Wyche Fowler, Interview.

register with the Subversive Activities Control Board (SACB). Weltner's legislation proposed broadening the definition of a criminal conspiracy to include other groups, including the Klan and the Mafia, and would allow the attorney general to register these organizations under the reconstituted Criminal Conspiracies Control Board. Under the Weltner bill, the Justice Department would have the power to file for injunctive relief in federal court to prohibit groups from conspiring to deprive citizens of their constitutional rights.²⁸⁵

In late July, HUAC held hearings on Weltner's bill and three other similar proposals that had been condensed into a single bill to amend the McCarran Act and expand its scope. The attorney general, the NAACP, and civil liberties groups all raised constitutional objections to the bill. Many also felt that the high burden of proof—intent to commit a criminal conspiracy—was too difficult to prosecute. Attorney General Katzenbach said in a statement that “there are constitutional difficulties and problems with some aspects of the committee's bill...I think you run into some First Amendment problems.” Morris Abram, Weltner's old ally from Georgia, testified that the bill failed to “conform to constitutional requirements.” NAACP Washington bureau director Clarence Mitchell said that there were “hazards in the bill as it is written.”²⁸⁶ Joseph L. Rauh Jr., vice chairman of Americans for Democratic Action blasted the bill as “unconstitutional, unworkable, and unwise...Bluntly put, this legislation is a fraud on the American public.” C.T. Vivian, a top SCLC chief, called a press conference in which he lamented that

²⁸⁵ 112 Cong. Rec 1077-1079, January 25, 1966.

²⁸⁶ *Hearings on Bills to Curb Terrorist Organizations: Hearings Regarding H.R. 15678, H.R. 15689, H.R. 15744, H.R. 15754 and H.R. 16099, Before the House Committee on Un-American Activities*, 89 Cong. 1417-1518 (1966).

provisions of the bill could be twisted to prosecute civil rights groups. The bill, Vivian claimed, would be “terrible” for rights groups.²⁸⁷

²⁸⁷ “Weltner Bill Backer Runs Into Barrage,” *The Atlanta Journal*, July 22, 1966; Remer Tyson, “Rights Leaders Assail Klan Bill,” *The Atlanta Constitution*, Jul 22, 1966.

Chapter Six: “A Devil of a Mistake”

Following criticism of the proposed Criminal Conspiracies Control Act, Weltner shifted his focus to his bid for a third term in Congress, a reelection campaign that occurred in the midst of growing urban unrest across the nation. The rise of younger African-American leaders had fractured civil rights groups and created deep-seated uncertainty among whites about the future of the struggle for racial equality. The militant turn the rights movement had taken following successful desegregation campaigns in the early 1960s and legislative triumphs in 1964 and 1965 had also alienated Weltner. While he had supported King and elder African-American leaders’ strategy of interracial cooperation, he saw Black Power as divisive. “It is particularly distressing that... a small group should come forward with the advocacy of what they call ‘Black Power.’ The doctrine is nothing more and nothing less than the old outworn concept of ‘white supremacy’ with changed colors,” Weltner said in a statement in July. “Black Power, at most, can only appeal to but one tenth of our people. It is totally illogical. It is reckless. And it can only end in failure, bitterness, and grief.”²⁸⁸

Urban upheaval endangered the political middle ground that Weltner and other southern moderates had paved. In August of 1965, days before riots broke out in Watts, Weltner said on WSB-TV that racial tensions would “result in a polarization of viewpoints. It is a substantial danger.”²⁸⁹ Black Power’s “meaning is simply a call to

²⁸⁸ Bill Shipp, “SNCC Sound Truck Assails ‘White Jesus’ in Vine City,” *The Atlanta Constitution*, July 7, 1966.

²⁸⁹ “Weltner on Racial Tension and Their Efforts in the South; Money Given by Members to Clubs,” August 2, 1965, WSB Newsfilm collection, Brown Media Archives, The University of Georgia Libraries, <http://dbsmaint.galib.uga.edu/cgi/news?userid=public&db=news&ini=news.ini&rset=001&action=retrieve&recno=45>, accessed March 19, 2015.

violence,” he later said.²⁹⁰ In a clear sign of backlash to the riots, Congress failed to pass a watered-down 1966 civil rights bill, which contained a severely weakened open housing section. “The death of the bill is undeniable evidence that the people of the United States are not going to suffer organized violence under the guise of civil rights,” Weltner said after he voted in favor of the compromise bill. “For those genuinely interested in expanding opportunities, it ought to be compelling persuasion that black power advocates must be repudiated.”²⁹¹

Republican nominee Fletcher Thompson, a state senator from Fulton County, exploited the tense racial backdrop of the campaign. Fifth District Republican nominee James O’Callaghan had carried the white vote in the district in 1964, and Thompson looked to build on O’Callaghan’s success. In a racially-tinged appeal to whites disempowered by urban upheaval, Thompson heightened apprehension over an “atmosphere of lawlessness [that] manifests itself in riots, emotions, and the burning of our cities.” In a rebuke to Weltner, Thompson said “we must have men who will not condone such lawless acts as being simply the acts of under-privileged, and misunderstood people from broken homes... I challenge [Weltner] to condemn the participants of SNCC and the other organizations who are going about causing these lawless demonstrations.”²⁹² Racial unrest became the central issue in the campaign and contributed to Republican strength among white voters in 1966 and beyond.

²⁹⁰ John Herbers, “Weltner Assays Rioting in South,” *The New York Times*, October 18, 1966.

²⁹¹ Art Pine, “Black Power Gained Little in Rights Vote, Leaders Say,” *The Atlanta Journal and the Atlanta Constitution*, September 25, 1966.

²⁹² Fletcher Thompson Speech, August 26, 1966, Weltner Papers, Box 20, Folder 10.

Under pressure from Thompson, Weltner adopted an aggressive stance to attempt to quell rioting in the weeks before the Democratic primary.²⁹³ He voted in favor of a steep anti-riot amendment to the House version of the civil rights bill that made it a federal crime to cross state lines with the intent to incite a riot. “It matters not the race or color, or political viewpoint of those involved, or their social outlook, or their political objective. The evil of this matter is violence, which must be suppressed by all lawful means,” Weltner said upon supporting the provision.²⁹⁴

A police shooting in September touched off violence that challenged Atlanta’s reputation as a model of racial harmony in the South and threatened to derail Weltner’s reelection campaign. Hours after Atlanta police shot and seriously wounded an African-American suspected car thief, hundreds of African-Americans rioted in the Summerhill neighborhood around the newly built Atlanta-Fulton County Stadium, the \$18 million project Mayor Allen had supported to lure a major league baseball team to the city and continue to build the city’s national stature. Crying “Black power!” protestors hurled rocks and bottles and overturned police cars and television trucks. At least fifteen people were injured in the violence, including four policemen. Mayor Allen rushed to the scene and pleaded for calm from atop a police car, but protestors chanted “white devil, white devil!” Police arrested sixty-three people, including Stokely Carmichael, the fiery leader of SNCC.²⁹⁵

²⁹³ “Weltner Assails Violence in Streets,” *The Atlanta Constitution*, August 27, 1966.

²⁹⁴ 112 Cong. Rec. 18471, August 8, 1966.

²⁹⁵ Dick Herbert, Keeler McCartney, Michael Davis, Bill Shipp, and Charles Moore, “15 Injured as Hundreds of Negroes Riot, Toss Rocks at Police, Smash Cars Here,” *The Atlanta Constitution*, September 7, 1966; Nathaniel Meyersohn, “Hulet M. Varner, Jr.” The Georgia Civil Rights Cold Case Project at Emory University, Emory University.

Weltner spoke on the floor of the House the next day praising Allen's response and condemning the riots. "I join with other citizens of Atlanta in commending the prompt action and courage of Mayor Allen in quelling the disturbances of recent hours. Once again, he has demonstrated that high caliber of leadership which has earned for him a national reputation," Weltner began. He expressed "abhorrence" at the "strife and violence that has marred our city." Weltner called on Atlanta officials, particularly African-American leaders, to rally "against the destructive action of 'black power'... Our need is for leadership throughout the community, and particularly among elected Negro officials. Men and women of good will, determined to continue the remarkable achievements of Atlanta, will not be deterred from that goal by the few in our midst who would halt progress in the name of demagoguery—be it white or black."²⁹⁶ The riots in Atlanta and the rise in racial tensions helped lead to a political upset weeks later and a subsequent decision that *Newsweek* later called "an implausible postscript to an incredible story."²⁹⁷

On September 28, in an improbable victory, Lester Maddox—the man who capitalized on his political fame from his violent resistance to the Civil Rights Act and ran for office as a symbol of opposition to the liberal gains under the Johnson administration—defeated the prohibitive favorite, progressive former governor Ellis Arnall, in a runoff election to capture the Democratic Party's gubernatorial nomination. "Maddox's election was staggering to moderates and liberals," Gene Roberts of *The New York Times* recalled years later.²⁹⁸ "Mr. Maddox's victory causes me to be ashamed to be a Georgian," Martin Luther King Jr. told the *Constitution's* Bill Shipp the day after

²⁹⁶ 112 Cong. Rec. 21028, September 7, 1966.

²⁹⁷ "A Profile in Courage," *Newsweek*, October, 1966.

²⁹⁸ Gene Roberts, Telephone Interview by Author, March 18, 2015.

Maddox won the nomination. “Georgia is a sick state produced by the diseases of a sick nation.”²⁹⁹ The “seal of the great State of Georgia lies tarnished,” Mayor Allen said. “The wisdom, justice and moderation espoused by our founding fathers must not be surrender to the rabble of prejudice, extremism, buffoonery and incompetency.”³⁰⁰



Lester Maddox the day after his victory
In the runoff against Ellis Arnall³⁰¹

Maddox’s victory put Weltner in a bind. Weltner was an Arnall protégé who had dedicated his career to fighting inflammatory leaders only to see the embodiment of white backlash rise to the top of the Democratic ticket in 1966. Like all Democratic candidates in Georgia, Weltner had signed a one-sentence loyalty oath “[pledging] myself to support at the general elections of Nov. 8, 1966, all candidates nominated by the Democratic Party of the State of Georgia” when he paid his qualifying dues to run for reelection. The oath was a relic of the one-party system and had been overlooked for

²⁹⁹ Bill Shipp, “King is ‘Ashamed To Be a Georgian,’” *The Atlanta Constitution*, September 29, 1966.

³⁰⁰ “Allen Calls Nomination Deplorable,” *The Atlanta Constitution*, September 30, 1966.

³⁰¹ AP Photo/Charles Kelly, <http://bigstory.ap.org/content/lester-maddox>, accessed April 8, 2015.

decades.³⁰² It was seen as a “moral obligation” rather than a binding oath, according to a Georgia Democratic official, and carried no penalty for violators.³⁰³ Leroy Johnson, the first African-American state senator in Georgia since Reconstruction, had openly flouted the oath by announcing he would not support Maddox. “Nobody paid any attention to it,” the *Constitution*’s Shipp recalled.³⁰⁴ “It was nothing,” Wyche Fowler later said.³⁰⁵

Weltner wanted to speak to the nominee before committing his support. On October 1, he held a closed-door meeting with Maddox, Fulton County Democratic chairman Jack P. Turner, and Travis Stewart, the former chief of the Georgia Democratic Party. “Mr. Maddox,” Weltner began. “Lester,” Maddox insisted. “Lester,” he continued, “You want us to be Democrats for you and many of us want to know if you are going to be Democrats for us.” Georgia had voted for Goldwater in the 1964 presidential contest, and Weltner, a Johnson loyalist, wanted Maddox’s confirmation that he would support the national ticket in 1968. “Do you understand that if Lyndon Johnson and Hubert Humphrey are the Democratic nominees for president and vice president, that you will support them?” Weltner asked. “I may not place the entire prestige and power of the office of governor behind Mr. Johnson, but I will support the Democratic ticket,” Maddox replied.³⁰⁶

Weltner issued a terse statement to the press the following day. “As all Democratic candidates, I signed a pledge to support on November 8 the nominees of the Democratic primary. And though I have always opposed Mr. Maddox in the past, I

³⁰² Gene Roberts, “House Member Quits Rather Than Back Maddox in Georgia,” *The New York Times*, October 4, 1966.

³⁰³ “The Democratic Loyalty Oath—A Pledge—and Why it’s Binding,” *The Atlanta Constitution*, October 4, 1966.

³⁰⁴ Bill Shipp, Interview by Author.

³⁰⁵ Wyche Fowler, Interview by Author.

³⁰⁶ Charles Pou, “Weltner Confirms Maddox-LBJ Story,” *The Atlanta Journal*, October 17, 1966.

cannot violate my oath. Other Democrats, who are not bound by oath, must make their own decisions. As President John F. Kennedy once said, ‘sometimes party loyalty demands too much.’” Although Weltner loathed Maddox, he was the Democratic nominee for governor and Weltner believed that had no choice but to uphold his oath.³⁰⁷

Privately, though, he began to vacillate. “I thought about the rest of my life, having voted for Lester Maddox. I thought about what would happen if Lester Maddox were elected with one vote...the very symbol of hate and violence and oppression. And then I thought I was also incapable of breaking my own oath,” Weltner later told *Constitution* reporter Bruce Galphin.³⁰⁸ Withdrawing was “the only way I could reconcile my conscience with the oath I took as a candidate to support other nominees, he said to Jack Nelson of *The Los Angeles Times*.³⁰⁹ As Weltner said a quarter-century later, “there was only one way out.”³¹⁰

Bound by the oath, the allure of standing alone on principle—as his father had done more than three decades prior when faced with a similar choice—had clouded his ability to weigh the repercussions of leaving office at the height of his career and led him to make an impetuous move. The pragmatism that had allowed Weltner to distance himself from the region’s reactionary forces and the shrewd political calculations that had propelled his rise as a leader of the Democratic Party in the South had become compromised. After spending fifteen years in opposition to the forces who had thwarted progress since his father’s era, Weltner succumbed to a trivial oath and a futile cause. As

³⁰⁷ “Weltner to Support Maddox,” *The Atlanta Journal and the Atlanta Constitution*, October 2, 1966.

³⁰⁸ Bruce Galphin, “Not a Matter of Consultation,” *The Atlanta Constitution*, October 4, 1966.

³⁰⁹ Jack Nelson, “Georgia Democrat Refuses to Back Maddox, Quits Race,” *The Los Angeles Times*, October 4, 1966.

³¹⁰ Susan Heller Anderson, “Chronicle,” *The New York Times*, May 22, 1991.

The Washington Post noted of Weltner's decision, "If orthodoxy in support of bigotry and hate were to be the watchword of politics in Georgia, it could only darken the cloud that is already hanging over the country."³¹¹

Weltner also likely reached his decision after factoring in the dimming prospects of winning reelection. In a phone conversation the day after Weltner's departure with Georgia Senator Richard B. Russell, President Johnson hinted that he may have withdrawn from the race "because, with Maddox and the Republicans joining up on him, he figured he might get beat."³¹² The riots and the deep hostility toward Johnson had contributed to Democrats' losses in the region, including Ellis Arnall's defeat days earlier. Riots had "made the difference between the election of moderates in Virginia and Florida last spring, and the recent debacle in Georgia," Weltner said weeks after his withdrawal. "There's a slender and tenuous difference percentage between those who are willing to be patient and those who are not," he noted, and Maddox had won because Black Power had "[worn] out the patience" of moderate voters.³¹³ He had already seen the Atlanta riots hurt his mentor Arnall and Republican Thompson had been gaining ground among moderate whites, the swing voters in the Fifth District, with his racially-charged approach. It would also likely have proved a struggle to turn out African-Americans at the same level he had in his two previous victories with a segregationist at the top of the ballot. "It seemed that Charles would get beat," Shipp recalled.³¹⁴

³¹¹ "A Tragic Retreat," *The Washington Post, Times Herald*, October 4, 1966.

³¹² Lyndon B. Johnson and Richard B. Russell, Telephone Conversation, October 4, 1966, Lyndon Baines Johnson Presidential Library, National Archives and Records Administration, Austin, Texas, <https://www.youtube.com/watch?v=4fEdXYDE6kc>, accessed March 24, 2015.

³¹³ "Weltner Says Riots Got Votes," *The Atlanta Constitution*, October 18, 1966.

³¹⁴ Bill Shipp, Interview by Author.

At 2:30 in the morning on Monday, October 3, Weltner made up his mind. When he woke up, he called his wife, Betty Jean, who was in Washington. “You’re kidding,” she responded.³¹⁵ Weltner headed to his office in the Old Post Office and told a stunned staff that he would withdraw from the election. Wyche Fowler hastily arranged an 11:15 a.m. press conference. *The Macon Telegraph* described the somber scene at the Old Post Office: “Weltner, keeping his composure with an effort, grimly faced a battery of microphones and newsreel cameras in his small third-floor office.”³¹⁶ A secretary in the audience fought to keep back tears as Weltner announced his departure from Congress.³¹⁷

Thirty-one years after his father left office rather than capitulate to Eugene Talmadge, Weltner exited the 1966 Congressional race in opposition to Lester Maddox. “Today, the one man in our state who exists as the very symbol of violence and oppression is the Democratic nominee for the highest office in Georgia. His entire public career is directly contrary to my deepest convictions and beliefs,” Weltner told the press. “And while I cannot violate my oath, neither can I violate my principles. I cannot compromise with hate. I cannot vote for Lester Maddox. Therefore, I am withdrawing as the Democratic nominee for the House of Representatives.” Weltner concluded his statement with a dramatic line to which he would become inextricably linked for the rest of his life: “I will give up my office before I give up my principles.”³¹⁸

News of Weltner’s withdrawal shocked the nation. The Democratic National Committee “has been calling all around wanting to know what in God’s name is going on,” a Weltner ally told Roberts of the *Times*. “All we can tell them is that the guy is

³¹⁵ Roberts, “House Member Quits,” *The New York Times*.

³¹⁶ “Weltner Out Over Maddox,” *The Macon Telegraph*, October 4, 1966.

³¹⁷ Roberts, “House Member Quits,” *The New York Times*.

³¹⁸ “Withdrawal Statement,” October 3, 1966, Weltner Papers, Box 1, Folder 11.

Despite the national praise Weltner received, many allies criticized his departure from Congress. Robert F. Kennedy wrote to Weltner that “it [is] indeed unfortunate for your district, for the state of Georgia, and in my judgment, for the nation, to be deprived of your ability and courage and of the commitment of public service which you exemplify.”³²⁴ Vice President Humphrey later lamented Weltner’s exit: “We need Congressman Weltner in Congress. His withdrawal brings me considerable pain and sorrow, because I, as an American citizen, want him so much to be in the House.”³²⁵ Senator Russell believed his move was ill-advised. “I’d say he was a splendid young congressman...hell of a nice boy, [but] he’s making a devil of a mistake on this thing. He outta’ stay up here...I’m sorry personally ‘cause I like Charles and I think he’s a very promising young man and a very capable young man...I’m sorry he quit,” Russell told Johnson in their phone call the following day.³²⁶

Although Weltner said in his announcement that he was leaving Congress “with abiding gratitude for the many friends who have sustained me,” he reached his decision without the outside counsel that had guided him carefully throughout his career. For a decade, he worked assiduously with the “same old crowd” on many of the key battles of the era, including the fight to repeal the county-unit system, to preserve the state’s public schools with HOPE, on the Democratic Forum during the 1960 presidential election, and on Allen’s 1961 campaign. The Atlanta crowd had helped him secure two congressional victories and was prepared to elect him to a third term. But when it came time for Weltner to make the most important decision of his career, he did not consult with his

³²⁴ Ibid.

³²⁵ “Campaign Materials Printed,” Weltner Papers, Box 19, Folder 12.

³²⁶ Lyndon Johnson and Richard. Russell, October 4, 1966, Lyndon Baines Johnson Presidential Library, <https://www.youtube.com/watch?v=4fEdXYDE6kc>, accessed March 24, 2015.

loyal cohort of advisers. “He was alone...when he reached the decision that he must withdraw,” Galphin of the *Constitution* reported. “It’s not a matter of consultation,” Weltner said.³²⁷ His blinkered approach blinded him to the folly of leaving office and exposed himself to deep criticism from allies, who were caught off-guard by his departure. If he had discussed his withdrawal with the “same old crowd” beforehand, Shipp believed, the group would have pushed him to “dig in his heels and fight.”³²⁸

Weltner’s startling move fractured his political relationships and left his party ill-suited to field a replacement candidate. Joe Brown and Marion Gaines of the *Constitution* described Fulton County Democrats as “shocked and confused” upon learning of his announcement.³²⁹ “Nobody understood it,” Wyche Fowler recalled.³³⁰ “It was bull,” Jack Turner, the chairman of the Fulton County Democratic Party, later said.³³¹ Fowler noted some thought Weltner’s act was “self-righteous,” while Turner believed that “he should have stayed...and let a lot of people down” by leaving. “He owed me something. He owed his constituents something. We were *Democrats*.”³³² Civil rights leader Vernon Jordan later described supporters at a loss over Weltner’s sudden exit: “We elected a guy we didn’t know.”³³³

Georgia Lieutenant Governor-elect George T. Smith’s immediate response reflected the sentiment of those who believed Weltner had abandoned the party. “I do not agree with all members of the Democratic Party either, but I know you can’t solve our

³²⁷ Galphin, “Not a Matter of Consultation,” *The Atlanta Constitution*.

³²⁸ Bill Shipp, Interview by Author.

³²⁹ Joe Brown and Marion Gaines, “Weltner's Withdrawal as Nominee Puts Party in Replacement Dither,” *The Atlanta Constitution*, October 4, 1966.

³³⁰ Wyche Fowler, Interview by Author.

³³¹ Jack Turner, Interview by Author.

³³² Wyche Fowler, Interview; Jack Turner, Interview.

³³³ Vernon Jordan, Interview by Author.

problems or help correct any weaknesses in our party by quitting. I feel you must stay in the party and fight within the party to help rectify any differences in policy that we may have,” Smith said.³³⁴ His hasty decision forced party officials to scramble to find a replacement a month before the election, and the district flipped to the Republican Thompson in the 1966 midterms elections.

Weltner’s stance on the “Write-in Georgia” campaign—a dedicated effort Atlanta progressives led to rally support to write-in Ellis Arnall’s name for governor—only compounded his allies’ frustration and caused one white civil rights leader to question his commitment to principle. Weltner scoffed at the write-in effort and told a reception in Atlanta in late October “We’ve lost the governor’s race. I don’t believe in lost causes.” His response angered supporters. “I have always applauded for you, but I didn’t applaud you tonight,” one woman responded.³³⁵ Days later, Rev. John B. Morris, a founder of The Episcopal Society of Cultural and Racial Unity (ESCRU) and a leading civil rights clergyman in the South, sent a blistering letter to Weltner over the congressman’s position on the write-in campaign. “You say that we lost the race and you don’t believe in lost causes. This does not harmonize with your own stand on principles. Indeed, it calls into question your own stand,” Morris wrote. “The charisma of commitment to principle alone is gone... You have, in short, Charles, cashed in on all that was good about your two terms in Congress and abdicated to some other camp in this most desperate hour in Georgia’s history... Undoubtedly you had not considered yourself to be the hope for the future. But some of us thought you might be. I am sorry—and many others are too.”³³⁶

³³⁴ Brown and Gaines, “Democratic Chiefs Jolted by Weltner,” *The Atlanta Constitution*.

³³⁵ Wayne Kelley, “Write-In a Waste, Welter Protests,” *The Atlanta Journal*, November 1, 1966.

³³⁶ Rev. John B. Morris to Charles Weltner, November 1, 1966, John B. Morris Papers, Box 1, Series VI, Richard B. Russell Library.

Rev. Morris captured the dismay of liberals who had staked the promise of a new Georgia on Weltner.

The most lasting impact of Weltner's decision to bow out of the 1966 race, however, would not be damaged relationships, a lost district, or a weakened party in the South. Days after his announcement, *Journal* reporter Charles Pou wrote of a "highly non-confirmed report" that "had been going around in Washington....The young Atlanta congressman is considered running-mate timber by Bobby Kennedy." Pou claimed that "Kennedy threw out the name of Weltner in a private conversation, among others, as a possible name to be considered when and if it becomes the turn of Bobby Kennedy."³³⁷ Reese Cleghorn, who was then working as a stringer for the *Times* in Atlanta, also noted that "there has been speculation that he was looking toward a leading role in national politics in the future."³³⁸ Betty Jean Weltner later said her husband was "hoping Johnson would offer him a position" after he left.³³⁹ Even Weltner admitted during his press conference announcing his exit from the race that he hoped to return to politics "some time in the future."³⁴⁰ Yet if Weltner left office with an eye on a cabinet position or a spot on the Democratic ticket in 1968, he was "naïve" to think leaving Congress would benefit him at home, Wyche Fowler said.³⁴¹ While he gained national attention, his act "upset" the local business structure that had depended on Weltner to "keep the Maddox-types at

³³⁷ Charles Pou, "Weltner Thrust Into Limelight; Maddox Viewed as Leading," *The Atlanta Constitution*, October 9, 1966.

³³⁸ "Weltner Preface, October 3," Reese Cleghorn Papers, Box 1, Folder 2, Manuscript, Archives, and Rare Books Library (MARBL), Robert W. Woodruff Library.

³³⁹ Betty Jean Weltner, Interview by Author.

³⁴⁰ Roberts, "House Member Quits," *The New York Times*.

³⁴¹ Wyche Fowler, Interview.

bay,” Shipp recalled.³⁴² “It embittered many of his...supporters because they had no other candidate to back,” *Constitution* columnist Reg Murphy later noted.³⁴³

Weltner had miscalculated the response from Atlanta’s powerful business community and was left with a divided political base that failed to return him to office in his attempt to regain the seat in 1968. When Weltner contemplated running for mayor of Atlanta in 1969 to replace a retiring Ivan Allen, Coca Cola Chairman Robert W. Woodruff “dissuaded” him from entering the race. “They didn’t feel like they could count on me,” Weltner later recalled.³⁴⁴ “Charlie was haunted by charges that he had ‘run out’ on his constituents when he should have stuck it out and worked against the Maddox crowd ‘within the system,’” Allen wrote in his memoir.³⁴⁵ “The businessmen downtown couldn’t agree on whether to support him. The black community, which once had given him 95 per cent of its votes, was talking other names,” Reg Murphy claimed.³⁴⁶ In 1973, when he ran for mayor, a *Constitution* columnist commented that Weltner’s “noble gesture has lost meaning.”³⁴⁷

Weltner’s political career would never recover from his fatal mistake on October 3, 1966. His decision to “fall on the sword,” as Shipp noted many observers said of his withdrawal, backfired. Instead of a courageous act, many supporters believed Weltner had “cut and run,” Shipp later said.³⁴⁸ His abrupt departure, Vernon Jordan recalled, was

³⁴² Bill Shipp, Interview.

³⁴³ Reg Murphy, “Charlie Weltner Hangs’ Em Up,” *The Atlanta Constitution*, June 26, 1969.

³⁴⁴ Kuhn, Oral History with Weltner, GGDP.

³⁴⁵ Allen, *Mayor: Notes on the Sixties*, 224.

³⁴⁶ Murphy, “Charlie Weltner Hangs’ Em Up,” *The Atlanta Constitution*.

³⁴⁷ Ernest B. Furgurson, “Noble Gesture has Lost Meaning,” *The Atlanta Constitution*, May 28, 1973.

³⁴⁸ Bill Shipp, Interview.

a “big disappointment” to African-Americans.³⁴⁹ As a member of two influential sessions of Congress, a loyal Johnson vote, and the leader of the liberal wing of the South, Weltner had made his mark on several of the defining bills of the twentieth-century and emerged as a national politician. But he no longer would have a voice in shaping the development of the New South as a result of what his son later called a “self-destructive” move at the pinnacle of his career.³⁵⁰

³⁴⁹ Vernon Jordan, Interview.

³⁵⁰ Philip Weltner, Interview.

Conclusion: A Dying Breed

In November of 2014, Georgia Congressman John Barrow, the last white Democrat in the Deep South, lost his reelection campaign. Barrow's defeat culminated the steady decline of white Democratic leaders in the region that began nearly 48 years prior when Weltner left Congress. Although Weltner's decision to withdraw from the 1966 race curtailed his influence at the peak of his career, his biracial appeal would have become increasingly untenable in a fractured South. The promise of the interracial politics that Weltner represented faded as the tide of southern politics shifted following his departure.

As Weltner surveyed the changes to his district in the days before he left Congress, the nascent trends coalescing—the rise of the Republican Party and the increase in the African-American share of the electorate—eventually grew into seismic shifts that led to a polarization regional politics. Weltner's initial assessment of Fletcher Thompson's strength among suburban whites in the Fifth District proved prescient. Running on a law-and-order ticket, Thompson handily defeated Archie J. Lindsey, the Democratic replacement candidate, to become the first Republican to win the seat since Reconstruction. Next door, in Georgia's Fourth District, James A. MacKay, a Weltner ally who had supported the 1965 Voting Rights Act, also lost to his Republican challenger. Democrats conceded their landslide majorities in the midterms and with them came the “end of this important and historic liberal moment,” historian Julian Zelizer noted.³⁵¹

When Weltner ran to regain his seat in 1968, the political winds in the district and state had continued to shift rightward. Although Weltner carried more than 97 percent of

³⁵¹ Zelizer, *The Fierce Urgency of Now*, 260.

the African-American vote in Atlanta, Thompson picked up conservative Democrats and white Republicans to win majority-white precincts in Buckhead, Paces Ferry, and Sandy Springs.³⁵² While Weltner could once count on moderate and liberal white voters, he soon learned that whites across income lines had abandoned the Democratic Party. Replacement candidate Archie Lindsey carried 64 percent of poor whites in 1966, but only two years later Weltner saw his support plummet to 36 percent. After winning 66 percent of the white working-class vote in his first campaign in 1962, Weltner won only 27 percent six years later. A quarter of middle-income and semi-affluent whites supported Weltner's bid in 1968, down a staggering 40 points from his first campaign.³⁵³

White flight to suburban enclaves around Atlanta had key implications on the race and on Georgia politics, especially following the 1970 redistricting process that saw Republicans gain seats in the state legislature.³⁵⁴ Historian Matthew Lassiter's *Silent Majority* helps us understand the dichotomy between urban Atlanta, which slowly shifted to a majority-black city, and surrounding white suburbs that became disillusioned with continuing urban unrest, the ballooning welfare state, and later busing.³⁵⁵ Suburban whites identified with Thompson's brand of economic conservatism against Weltner in 1968. "I fell eight to ten percent behind in the vote I needed to get from them to win," he later said. The *Constitution's* Reg Murphy concluded that Weltner "obviously fell short in his comeback attempt at getting enough accompanying middle-means white and suburban white votes needed for a winning moderate."³⁵⁶ As whites continued to flee

³⁵² Kruse, *White Flight*, 252.

³⁵³ Numan Bartley, *From Thurmond to Wallace: Political Tendencies in Georgia*, 96.

³⁵⁴ Kruse, *White Flight*, 252.

³⁵⁵ Matthew Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2007), 109-114.

³⁵⁶ Charles Pou, "Whither Weltner?" *The Atlanta Constitution*, February 23, 1969.

urban areas and switch their partisan identifications—a trend that accelerated under Ronald Reagan—they formed a bulwark of Republican support that allowed G.O.P. candidates to pick up former Democratic seats in Congress and swing the balance of power in the region.

At the national level, Democratic presidential nominee Hubert H. Humphrey, Johnson's vice-president and a former U.S. Senator from Minnesota, suffered from backlash to the Vietnam War and urban unrest. Former Alabama Governor George Wallace swept the Deep South in a successful third-party effort built around his opposition to federal intervention in public school desegregation. Republican candidate Richard Nixon honed Wallace's racially-based appeal in the peripheral South in 1968 and four years later he carried all 11 states in the old Confederacy. As the national Democratic Party drifted left in the subsequent years, Georgia became hostile territory for presidential candidates. No candidate has carried the former Democratic bastion since Bill Clinton in 1992.

The success of the Republican Party was not the only political trend that thwarted the emergence of white liberals. Racial gerrymandering had crucial implications on southern politics and squeezed white Democrats out of office. During the 1980s and 1990s, civil rights groups, responding to the token minority representation in the southern congressional bloc, launched a redistricting effort to create new majority-minority districts. In 1982, Congress amended Section 2 of the 1965 Voting Rights Act to prohibit any practice that resulted in minority vote dilution. The 1982 amendments, as well as the Supreme Court's decision in *Thornburg v. Gingles* (1986)—which applied Congress's results test to strike down six North Carolina districts—signaled that the maximum

number of majority-minority districts must be drawn to ensure minorities had an equal opportunity to elect candidates of their own race.³⁵⁷

Nowhere was the battle to pack African-American voters into a safe district more contentious than in Weltner's old seat. The Fifth District, which encompassed Atlanta, a city that was rapidly becoming a symbol of new black politics and went on to elect five consecutive African-American mayors, saw its black share of the electorate increase to 44 percent following the 1971 redistricting process. A year after redistricting, Andrew Young, a former SCLC leader, capitalized on the uptick to defeat Thompson for the seat. Young rode a strong biracial coalition to victory to become the first black elected to Congress from the Deep South since Reconstruction. When Young left to become Jimmy Carter's ambassador to the United Nations in 1977, Wyche Fowler, Weltner's protégé, carried the seat that had tipped slightly over a majority-African-American threshold. Yet even Fowler, who captured strong black support, came under constant challenge from minority leaders who hoped an African-American would represent the district.

Julian Bond, a state legislator, spearheaded an effort to create a supermajority in the district to boost the prospect of an African-American—likely himself—winning the seat. Following the 1980 census, Bond proposed a district that increased the African-American share of Fifth District voters to 69 percent. His plan ran in opposition to a measure the state General Assembly's passed that raised the African-American population to 57 percent.³⁵⁸ The *Constitution's* Bill Shipp called Bond the architect of the

³⁵⁷ Kenny J. Whitby, *The Color of Representation: Congressional Behavior and Black Interests* (Ann Arbor: University of Michigan Press, 1997), 115-116; Earl Black and Merle Black, *The Rise of Southern Republicans* (Cambridge: University of Harvard Press, 2003), 331-336.

³⁵⁸ Chandler Davidson and Bernard Grofman, eds, *Quiet Revolution in the South: The Impact of the Voting Rights Act 1965-1990* (Princeton: Princeton University Press, 1994), 88-89.

“New Separatism in Atlanta.”³⁵⁹ The Reagan Justice Department struck down the General Assembly’s plan—which would have also kept a sizable coalition of African-Americans in the neighboring Fourth District and prevented stiff Republican competition—and forced the General Assembly to redraw the district to include a black population of 65 percent and a Fourth with only 12 percent. Four years later, when Wyche Fowler vacated the seat to run for the U.S. Senate, Bond jumped into the race. But he faced John Lewis, the former SNCC leader, whose biracial appeal captured a significant portion of the minority white vote. Lewis upset his former civil rights ally in a runoff.

Even after the Voting Rights Act amendment, only five African-Americans served in Congress. Under pressure from the Bush Justice Department, state legislatures created 12 new majority-black districts following the 1990 census. An unholy alliance of black Democrats and white Republicans—who stood to benefit from “packing” black votes in a small number of districts and diluting African-American voters’ strength in surrounding majority-white districts—led the push for majority-black districts. The work of these strange bedfellows in the early 1990s destabilized white moderates’ seats and created opportunities for Republican candidates to pick off Democratic districts.³⁶⁰

The unintended consequences of majority-minority districts crystallized in Georgia, where two new majority-black districts had been drawn during the redistricting round. In 1990, Democrats held eight more seats in Georgia’s ten-seat House delegation. Just four years later, however, in part as a result of the two new majority-African-American districts opening up newly-competitive seats, Republicans took a commanding seven-four advantage during the party’s House takeover in 1994. “If Georgia drew those

³⁵⁹ Bill Shipp, “Julian Bond and the New Separatism,” *The Atlanta Constitution*, September 1, 1981.

³⁶⁰ Black and Black, *The Rise of Southern Republicans*, 332-336.

districts irregularly to...protect Democratic incumbents, [it] failed miserably... Georgia clearly illustrates the constraints put on Democrats by the Voting Rights Act to protect either incumbents or open seats for white Democrats,” political scientist Kevin Hill noted in his study of the 1992 election.³⁶¹

John Lewis, who has held Weltner’s seat since 1986, warned in 1992 that majority-minority districts weakened the biracial coalitions forged in the crucible of the effort to secure the right to vote for which he was beaten unconscious on Bloody Sunday. “The goal of the struggle for the right to vote was to create an interracial democracy in America,” Lewis said. “It was not to create separate enclaves or townships. The Voting Rights Act should lead to a climate in which people of color will have an opportunity to represent not only African-Americans, but also Hispanic-Americans and all Americans.”³⁶² Yet the hope for interracial democracy in Georgia and the Deep South and the racial divide that moderate white Democrats like Weltner once seemed poised to bridge gave way to a system in which a slight number of African-American Democrats represent majority-black districts and an overwhelming number of white Republicans represent majority-white districts. Charles Weltner’s “‘new breed’ on whom so many southern moderates stake their hopes for the future,” as *Newsweek* declared in 1964, would become a relic of a bygone era.³⁶³

³⁶¹ Kevin A. Hill, “Does the Creation of Majority Black Districts Aid Republicans? An Analysis of the 1992 Congressional Elections in Eight Southern States.” *Journal of Politics* 57 (2), 384-388.

³⁶² Robert Pear, “The 1992 Campaign: Congressional Districts; Redistricting Expected to Bring Surge in Minority Lawmakers,” *The New York Times*, August 3, 1992.

³⁶³ “The Georgia Story: Two Men, Two Districts,” *Newsweek*, March 2, 1964.

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