Presidential Lightning Rods

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Limits of the Lightning Rod: Eisenhower, Brownell, Southern Whites, and Civil Rights

On October 23, 1957, exactly one month after President Eisenhower issued an executive order sending federal troops into Little Rock, Arkansas, to enforce the court-ordered integration of Central High School and only six weeks after the president had signed the nation’s first civil rights legislation since Reconstruction, Attorney General Herbert Brownell announced his resignation. Many in the South could hardly contain their glee. “From Harper’s Ferry to the Rio Grande,” proclaimed the Richmond *Times-Dispatch*, “no tears are being shed for the retirement of Herbert Brownell, Jr. as Attorney General. The frightful mess the South, and the country, are in is probably as much his responsibility as that of any living man.” The *Times-Dispatch* went on to chronicle Brownell’s offenses:

It was Brownell who journeyed to California in 1953 to confer with Earl Warren before that worthy was named Chief Justice of the United States. It was Brownell who pressed the government’s case in the integration suits before Chief Justice Warren, and told the nine justices that it was their “duty” to rule out segregation in the public schools. It was Brownell who either drafted or sponsored the unspeakable “civil rights” bill, as originally introduced in Congress, and who convinced President Eisenhower that it was a mild and moderate piece of legislation. And finally, it was Brownell who had Eisenhower’s ear throughout the Little Rock affair, and who is generally credited with persuading the President that Governor Faubus should be put in his place with bayonets.

Editorial pages across the South echoed this sense of relief at Brownell’s departure. Southern politicians also rejoiced at the news. Georgia’s Governor Marvin
Griffin felt "encouraged and delighted that Mr. Brownell has resigned." A local pol could hardly contain his enthusiasm: "That's the greatest news I've ever heard in a long time. . . . I don't care who replaces Brownell, nobody could be worse, we are bound to get an improvement. . . . I'm just delighted." The chair of the Alabama Democratic Executive Committee told reporters he was "glad [Brownell's] out . . . [because] Brownell has been the moving factor in the integration movement of the present administration, as well as having advised the use of federal troops in Little Rock." With Brownell out of the way, there was now hope that "the President will look to someone else who might show a little more consideration to the South." An Alabama man who had been the Republican candidate for governor in 1954 declared that he was "delighted to hear [that Brownell] is out of government." While admitting that as "captain of the ship . . . President Eisenhower must still bear his part of the blame," he nevertheless believed that "Brownell has been the agitator, the pusher of the integration plan," and must therefore "accept the blame for the president's decision to send troops to Little Rock, the most tragic incident in American history." Arkansas Governor Orval Faubus was certain that Brownell had been "fired because of the bad advice or misinformation he gave the President about Little Rock."

ATTORNEY GENERAL BROWNELL AS LIGHTNING ROD

It is tempting to interpret such reactions as evidence of another triumph for Eisenhower's blame-avoidance leadership style. Certainly these reactions to Brownell's resignation suggest that many southern whites held Attorney General Brownell personally responsible for actions taken by the Eisenhower administration in the area of civil rights for blacks. Moreover, the enmity directed at Brownell was not due to Eisenhower's luck or some magical "Teflon" but rather was part of a conscious effort on Eisenhower's part to have Brownell out in front on divisive issues like civil rights.

From the outset, Eisenhower made it clear to Brownell that he expected his attorney general to exercise decision-making power and to provide the president with political cover. Among the first tasks Eisenhower delegated to Brownell was to review and make recommendations on pardon applications. Brownell diligently prepared a list of recommendations, and in one of his first official meetings with the president "started to recite the facts of each case." After about ten minutes Eisenhower cut his new attorney general off. "What are you doing reciting these details to me? Give me your recommendations and I'll approve them." A chastened Brownell turned to leave, and Eisenhower added, "But, remember, you and I initiated a policy of making
these pardon actions open to the public. If anything proves to be misrepresented or incomplete about these cases, it’s your responsibility.”

Eisenhower, according to Brownell, believed that the president “was most effective as president if he maintained his tremendous popularity and support with the public and did not get beaten down by the day-to-day political fights.” Eisenhower’s “preferred strategy,” Brownell explains, was “delegating authority to his cabinet officers—when he deemed they could be trusted with it—and having them serve as his political front men and lightning rods, and projecting an image of being above the political fray.” “In my own case,” Brownell continues, “it meant I was given responsibility and authority in a number of controversial areas such as civil rights, antitrust, and internal security, all of which were likely to be divisive.”

In private meetings and correspondence with southern leaders, Eisenhower often conveyed both his detachment from the administration’s actions in the area of civil rights and his sympathy for their predicament. In July of 1953, for instance, with the White House considering how to respond to the Supreme Court’s invitation to file a brief in the pending school desegregation case of Brown v. The Board of Education, South Carolina’s Governor (and former secretary of state under Truman) James F. Byrnes met with Eisenhower in hopes of persuading the president either to decline the Supreme Court’s invitation or take the southern side in submitting arguments to the Court. The president reassured his “great friend” that he felt “improvement in race relations is one of those things that will be healthy and sound only if it starts locally.” Prejudice, Eisenhower agreed, would not “succumb to compulsion.”

Several months later, Byrnes wrote Eisenhower to lobby again for upholding the “separate but equal” doctrine; overturning Plessy v. Ferguson, Byrnes argued, would be inconsistent with “the position you have consistently taken, that the states should have the right to control matters that are purely local.” In a prompt reply, Eisenhower not only reiterated his appreciation for the South’s plight, but carefully distanced himself from the legal proceedings: “In the study of the case,” he explained,

it became clear to me that the questions asked of the Attorney General by the Supreme Court demanded answers that could be determined only by lawyers and historians. Consequently, I have been compelled to turn over to the Attorney General and his associates full responsibility in the matter. He and I agreed that his brief would reflect the conviction of the Department of Justice as to the legal aspects of the case. . . . In rendering an opinion as to these phases of the case, it is clear that the Attorney General had to act according to his own conviction and understanding.”
"No matter what the legal conclusions might be," he assured Byrnes, "the principle of local operation and authority would be emphasized to the maximum degree consistent with [the attorney general's] legal opinions." 13

When questioned at press conferences about the administration's position on civil rights questions, Eisenhower frequently referred the questioner to the attorney general. Questioned on March 7, 1957, as to how he felt about an amendment to the administration's civil rights bill that would provide for jury trials in cases of contempt, for example, Eisenhower refused to comment because the question "is so legal in its character that you ought to go to the Attorney General. . . . I don't know anything about. . . . [these] legal quirks." 14 Asked again a few months later about southern objections to the absence of a jury-trial provision in the civil rights bill, the president responded in much the same fashion: "I am not enough of a lawyer to discuss that thing one way or the other. . . . You will have to go to the Attorney General. He knows more about it than I do." 15 By defining the jury-trial issue as a legal matter best handled by the attorney general, Eisenhower hoped to deflect the anger felt by southern whites onto Brownell.

Perhaps the most conspicuous illustration of Eisenhower's studied aloofness from the wrangling over civil rights came in a press conference during the summer of 1957, in which he was asked to comment on Senator Richard Russell's criticism that the administration's civil rights bill was "a cunning device" designed to enforce integration of public schools. Rather than repudiate Russell's charge, Eisenhower replied only that this was not his objective, which was only to "prevent anybody from illegally interfering with any individual's right to vote." He added, however, that "naturally, I am not a lawyer and I don't participate in drawing up the exact language of the proposals"—leaving the implication that perhaps this may have been the objective of others in his administration who drafted the bill. Expressing puzzle ment that "highly respected men" could think this "a very extreme law, leading to disorder," Eisenhower allowed that he was "always ready to listen to anyone's presentation to me of his views on such a thing." Asked if that meant he would be willing to rewrite the bill so that it dealt only with the right to vote, Eisenhower declined to answer on the grounds that "I was reading part of that bill this morning, and there were certain phrases I didn't completely understand. So, before I made any more remarks on that, I would want to talk to the Attorney General and see exactly what they do mean." 16 This was a vintage Eisenhower performance, designed to distance himself from controversial aspects of the bill by deferring to the expertise of a trusted cabinet member. 17

That Eisenhower's intent was to distance himself from the divisive issue of civil rights seems clear enough. How successful, though, was Eisenhower's strategy of having Brownell absorb the blame for unpopular or controversial policies? To answer that question requires us to ask at least three different
questions. First, we need to ask whether Eisenhower actually did maintain public support in spite of controversial administration policies in the area of civil rights. Second, we need to know whether or to what extent the pursuit of presidential popularity came at the expense of achieving Eisenhower's policy objectives. Finally, we must inquire whether Brownell pursued civil rights objectives the president shared, or whether delegating to Brownell entailed sacrificing presidential control over the civil rights agenda.

DID THE SOUTH LIKE IKE?

During Eisenhower's first term, the administration was associated with a number of civil rights positions and actions that were violently opposed by many southerners. Most important among these were the Justice Department's brief arguing that "separate but equal" was unconstitutional, the appointment of Earl Warren as chief justice (both of which were critical in producing the Supreme Court's unanimous decision in *Brown v. Board of Education*), and the civil rights bill of 1956. Yet Gallup polls during Eisenhower's first term reveal consistently high public support for Eisenhower in the South and only relatively minor discrepancies between Eisenhower's approval rating in the South and in the rest of the nation. These approval scores suggest that at least through his first four years Eisenhower did successfully avoid becoming personally associated with administration policies in the minds of most southerners.

Eisenhower distanced himself from *Brown* by refusing publicly to endorse the decision. When, at a press conference two days after the decision was handed down, a reporter remarked that the decision had been "brought out under the Republican Administration," the president promptly, and somewhat testily, retorted that "the Supreme Court, as I understand it, is not under any administration." Asked whether he had any advice for the South about how to react to the decision, Eisenhower quickly replied, "not in the slightest" and then took the occasion to praise Governor James Byrnes: "I thought that Governor Byrnes made a very fine statement when he said, 'Let's be calm, and let's be reasonable, and let's look this thing in the face.' " Eisenhower later insisted on having the words "Eisenhower administration" stricken from the section of the 1956 Republican platform endorsing the Supreme Court's desegregation decision and publicly repudiated Vice President Nixon's boast, made during the 1956 campaign, that the desegregation verdict had been issued by a "Republican Chief Justice."

Eisenhower remained almost equally aloof from his administration's 1956 civil rights bill, which consequently never made it out of committee. He kept the bill at arm's length by having the attorney general recommend the program to Congress rather than having it sent in a presidential message, leav-
TABLE 7.1. Eisenhower's approval rating among southern whites and the rest of the population, April 1957–December 1958.

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<th>Approval</th>
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<td>South. Whites</td>
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<td>April 25–30, 1957</td>
<td>63</td>
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<td>June 6–11</td>
<td>60</td>
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<td>June 27–July 2</td>
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<td>January 2–7, 1958</td>
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<td>January 24–29</td>
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<td>April 16–21</td>
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<tr>
<td>December 3–8</td>
<td>43</td>
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Sources: Gallup polls; data provided by Roper Center. The “rest of the nation” category includes nonwhite southerners.

ing the two most controversial of the bill’s recommendations (those parts calling for protection of voting rights and protection of civil rights more generally) off his legislative “must” list and refusing to endorse these provisions until late in his reelection effort.

The president’s landslide reelection over Adlai Stevenson in 1956 confirmed what the polls had been saying. In 1956, Eisenhower held every southern state he had carried in 1952 (Florida, Oklahoma, Tennessee, Texas, and Virginia), while adding victories in Kentucky, Louisiana, and West Virginia. Moreover, he increased his share of the vote in virtually every southern state. In Virginia, for example, where he had received 56 percent of the vote in 1952 (becoming the first Republican since Herbert Hoover to carry the state), he increased his share of the vote to 59 percent. In Alabama, to take another instance, he improved from 35 percent in 1952 to 41 percent in 1956.

Not until the summer of 1957, as the administration’s civil rights bill made its way through Congress, was there a drop-off in southern support for Eisenhower (see Table 7.1). A Gallup survey conducted in late April showed no difference in support for Eisenhower among southern whites and citizens in the rest of the nation, and even as late as the first weeks of June, the difference between the president’s popularity among southern whites
and his support in the rest of the country was still only marginal. But by the end of June, southern support for Eisenhower had declined significantly, a decline that would appear to be directly attributable to the House of Representatives having passed the administration’s civil rights bill on June 18. This gap between support for Eisenhower among southern whites and the rest of the population persisted throughout the summer as the Senate debated and then passed its own, significantly weaker version of the bill on August 7 and then approved the reconciled version of the bill on August 29. Three surveys conducted in the two-month span between the House passage of the bill on June 18 and final Senate approval of the Civil Rights Act on August 29 show an average gap of almost 13 percent between approval of Eisenhower among southern whites and the rest of the nation. Another poll taken immediately after final passage of the 1957 Civil Rights Act showed the persistence of the same 12–13 point gap between southern whites and the rest of the nation.

The shift in southern attitudes toward Eisenhower during the summer of 1957 is evident, too, in the editorial pages of leading southern newspapers. Previously inclined to blame Brownell for the administration’s course on civil rights, editors increasingly began to pin responsibility on the president. The Richmond *Times-Dispatch*, for instance, ran an editorial on May 19, 1957, laying the blame on Attorney General Brownell for misleading a well-meaning and honorable president. The commentary began by citing Eisenhower’s remarks at a May 15 press conference that the proposed “civil rights bill is a very moderate thing done in all decency” and that those with questions about the bill’s denial of jury trials should ask the attorney general who “knows more about it than I do.” “Herein,” the editors informed their readers,

lies the tragedy of this whole presidential effort to ram the “civil rights” bill through Congress. Mr. Eisenhower is no lawyer and he has been told by Mr. Brownell that the civil rights bill is a mild piece of legislation. . . . If anybody could get Mr. Eisenhower to read the minority report of the Senate Subcommittee on Civil Rights . . . he might see what vast and far-reaching evil lies in this legislation.

A month later, the editors were still hopeful that “in time, Mr. Eisenhower can be brought to see how utterly nonsensical it is for him to describe this bill as ‘moderate.’”

By mid-summer, however, the paper’s tone had shifted dramatically. The editors ceased to hold out hope that Eisenhower would recognize that he had been deceived and repudiate the bill and his attorney general. While still complaining of a “Warren-Brownell coup,” they no longer spared Eisenhower, whom they now accused of “surrender to the left.” After the presi-
dent issued a statement on August 2 declaring that the Senate's passage of a jury-trial amendment had weakened "our whole judicial system," the *Times-Dispatch* directly attacked the president for presenting an "absurd" opinion that "only adherents to the Warren school of thought could hold." The editors also criticized Eisenhower for "guilelessly" relying on the legal advice of "that astute politician with both ears to the ground, Attorney General Brownell." A few days later the editors continued the trend of placing responsibility on the president for following the advice rather than on the advisers for giving it. As if it only had just dawned on them, they wrote, "Not only has the President endorsed federal civil rights legislation of the most extreme character, but he must have approved the action of Attorney General Brownell in telling the Supreme Court prior to its anti-segregation decision of 1954 that the court was in duty bound to render the decision, annihilating the rights of the states to operate their own public schools."25

A similar pattern of change is evident in the editorial pages of the *Mobile Register*. Alienated by the Democratic party of Truman, Harriman, and Stevenson, the *Register*, like the *Times-Dispatch*, had been a consistent supporter of Eisenhower and had endorsed his candidacy in 1952 and 1956. An April 10 editorial provided the first indication of uneasiness with the discrepancy between Eisenhower's professions of support for states' rights and the civil rights course being pursued by his administration. A week later, the editors suggested that the reason for this inconsistency was that the president had been getting bad advice: he had been "sold a bad bill of goods" by "the loud-mouthed anti-South busy beavers" and "political radicals." If Eisenhower had "more advisers with a political philosophy that makes horse sense," he would quickly "recognize the need for correcting the errors of his administration's ways."26

The first hint of personal criticism of Eisenhower for his handling of the civil rights issue came on June 8. Bemoaning the administration's sponsorship of the civil rights bill, the *Register* concluded that "the South . . . has deserved better from Mr. Eisenhower than he has given it." The following day, the editors called attention to the contradiction between the president's performance and his promises. Eisenhower's address to the annual conference of state governors at Williamsburg, Virginia, (delivered on June 26) advocating a return of power to the states was met with deep suspicion: "It does not make sense to us for Mr. Eisenhower to talk up states' rights while his administration batters down states' rights."27

Throughout July and August, as the bill made its way through Congress, the *Register* continued to criticize in the severest terms the "wretched" civil rights bill but largely refrained from criticizing Eisenhower directly.28 Instead the editors preferred to blast "anti-Southern radicals" in Congress, such as Paul Douglas and Hubert Humphrey. But after the bill had passed both houses of Congress, and with Eisenhower set to sign the bill into law, the edi-
tors publicly expressed, for the first time, the extent of their disillusionment with Eisenhower’s leadership. In a September 6 editorial, they admitted that the Register “once had great hope that Mr. Eisenhower could . . . lead America away from . . . federal intermeddling and racial anxiety” but now conceded that they had been mistaken. Instead the Eisenhower administration had “carried the country deeper into the night of racial misfortune than the Roosevelt and Truman administrations left it.” “The disillusionment of the people with the Republican administration of Mr. Eisenhower,” they concluded, “must be close to complete.”

Despite Eisenhower’s efforts to have the Justice Department take the lead on the civil rights bill, he ultimately was unable to avoid political fallout from this controversial measure. In large part, this was because Eisenhower had been faced with a choice of placing his prestige behind the civil rights bill or watching the bill fail. He had largely avoided identifying himself with the 1956 civil rights bill, and as a result the bill died in committee. In July of 1957, faced with the strong possibility that the Senate would attach a jury-trial amendment to the bill—which he believed would “nullify the purpose of the legislation”—Eisenhower felt compelled to take an unequivocal public stand against the amendment. In a press conference at the end of July, he emphatically stated his opposition to a trial-by-jury amendment and urged the Senate to pass the bill “as it now stands.” Eisenhower’s more visible public profile became necessary because the lightning rod strategy that he had hitherto pursued was now playing into the hands of the bill’s opponents.

Although southern support for Eisenhower slipped markedly during this period, one must be careful not to overstate the extent of the decline. If, as the Richmond Times-Dispatch reported on August 17, “the bloom was off the I-like-Ike boom,” it was also true that a Gallup poll conducted at the end of August showed that twice as many southern whites approved of the president’s performance as disapproved. Gallup polls showed that although there had been a large decrease in the number of southern whites who approved of the president, there was not a comparably large increase among those expressing disapproval. By far the greatest increase was in the number of southerners who were uncertain about how to evaluate Eisenhower’s performance. This public indecision changed rapidly, however, with the dramatic events in Little Rock that followed closely on the heels of the president’s signing of the 1957 Civil Rights Act.

“BY GOD I HATE HIS GUTS NOW”

Whatever distance Eisenhower had been able to maintain from civil rights issues ended overnight with his decision to send federal troops into Little Rock to uphold a federal court order to integrate Central High School.
Eisenhower's confrontation with Arkansas Governor Orval Faubus, who had called out the Arkansas National Guard and ordered the troops to prevent black students from entering Central High, proved so costly in terms of political support because it was no longer possible for Eisenhower to remain in the background and allow others to take the heat. The press portrayed events in Little Rock as a personal clash between President Eisenhower and Governor Faubus. Typical was the front page of the Richmond *Times-Dispatch* the day after troops had been ordered into Little Rock, which placed Faubus's picture in the upper left-hand corner and Eisenhower's in the upper right.34

After having made the decision to send troops in, Eisenhower made no effort to distance himself from the controversy. In the president's radio and television address to the nation on September 24, explaining why he had sent in troops, he left no doubt that it was his decision. No mention was made of advice received from those within his administration or requests from local officers in Arkansas. Similarly, at his first press conference after sending troops into Little Rock, Eisenhower did not refer questioners to the attorney general, nor did he redefine questions as purely legal ones that he was not competent to answer. Press Secretary James Hagerty reiterated that "the action taken in Little Rock was the President's responsibility and his alone." 35

This pose was necessary in part because for the president to seem disengaged from such a momentous decision would call into question his competence. It was also required because Governor Faubus was attempting to discredit the administration by portraying Brownell and the "palace guard" as the cause of the problem.36 By not criticizing the president directly, Faubus tried to avoid the impression that he was challenging presidential authority. Faubus argued, in effect, that Brownell rather than he was the usurper. It thus became essential for Eisenhower to make it clear to others that the conflict was between the president of the United States and a governor.

Thrust unprotected onto center stage, criticism rained down upon Eisenhower (Table 7.1). A Gallup poll conducted between September 19 and September 24, at the height of the showdown but before the decision to send in troops, shows further deterioration in support for Eisenhower among southern whites. But it was the sending in of troops that caused Eisenhower's popularity among southerners to sink to unprecedented lows. A survey taken between October 10 and October 15, while federal troops were still in Little Rock, found that almost twice as many southern whites disapproved (53 percent) of Eisenhower's performance in office as approved (28 percent)! The president's approval rating among southern whites was close to forty points below that which he received from the rest of the nation. Even after the last of the federal troops had been withdrawn in November, Eisenhower's approval rating among southern whites still lagged about twenty
points behind the support he received from the rest of the nation, a pattern that endured for well over a year. An Arkansas woman summed up the feelings of a great number of southerners: "I voted for Ike twice, but by God I hate his guts now. He's wrong, wrong, wrong."\footnote{37}

A flood of hostile letters to the editor revealed the depth of southern animosity toward the president. One letter expressed "shame" at having a president "so callous, so lacking in patriotism, and so lacking in judgment." Another believed Eisenhower had "shown himself to be incapable and unworthy of public office," and another condemned him for his "super arrogance." Eisenhower was reviled for having shown "the spirit of a dictator." One reader suggested the formation of an "I don't like Ike club."\footnote{38} Believing Eisenhower had "broken faith" with the South, many letters demanded that we "get a new President."

The \textit{Mobile Register}, which had expressed guarded disillusionment with Eisenhower over his handling of the civil rights bill, now vilified Eisenhower for his "horrifying" decision to send troops into Little Rock. The editors lamented: "Something has happened to the Eisenhower who was first elected President in 1952. The old Eisenhower is gone from the White House. A different Eisenhower, an unfamiliar Eisenhower and a contradictory Eisenhower is there now." The Eisenhower of today was "unrecognizable as the man who only last year pleaded earnestly for patience and understanding." The Eisenhower of today, the editors complained, had joined with Brownell to usher in dictatorship and drive out freedom.\footnote{39}

The \textit{Register}'s assault on the president only intensified the following day. It announced that "Dwight Eisenhower should be the last sample of career military brass who will be seen in the White House as an elected President of the United States." Eisenhower had proven that a military man could not be trusted as president. "Behind the facade of Eisenhower's ingratiating manner stood a personality long accustomed to snapping military commands that none dared disobey or ignore." Mindless of the inconsistency, the editors also maintained that Eisenhower's "military mind" had become "political putty recklessly influenced by men like the incompetent attorney general Brownell."\footnote{40}

Previous criticisms of Brownell had accentuated the differences between the opinions of the president and those of his attorney general, but the \textit{Register} now referred to "the team of Eisenhower and Brownell." Before, the nonpolitical Eisenhower had been contrasted to "the politicians" like Brownell and Nixon, who were allegedly pandering to the black vote, but the \textit{Register} now spoke of the "high Republican politicians from Eisenhower down."\footnote{41} Little Rock had sullied Eisenhower's carefully cultivated image of being above the political fray.

The confrontation in Little Rock over integration vividly reveals the limitations on a president's ability to use advisers to deflect criticism, a fact one
might miss if one looked only at Eisenhower’s overall national approval ratings, which throughout this period show little change (August 29–September 4: 59 percent; September 19–24: 59 percent; October 10–15: 57 percent; November 7–12: 58 percent; and January 2–7, 1958: 60 percent). It would be easy but badly mistaken to interpret these national approval numbers as remarkable evidence of Eisenhower’s invincible Teflon coating. Probing beneath the misleading national approval average shows that Eisenhower was anything but Teflon coated in the case of Little Rock. Southern support for Eisenhower dropped precipitously after the president sent federal troops into Little Rock, and even after Brownell’s resignation at the end of October, southern support for Eisenhower remained substantially below pre–Little Rock levels for well over a year.

POPULARITY AT WHAT PRICE?

Assessing presidential success or failure is, of course, far more complex than determining whether a president’s popularity rose or fell. Achievement of policy objectives matters too. One can make a reasonable case that before Little Rock, Eisenhower had significant success in deflecting responsibility for the administration’s civil rights agenda onto Attorney General Brownell. After all, even after the Civil Rights Act had passed both houses of Congress at the end of August 1957, twice as many southern whites approved of Eisenhower’s performance as disapproved. To what extent, though, did Eisenhower’s distancing of himself from crucial provisions of the 1957 civil rights bill get in the way of achieving his administration’s policy objectives?

The civil rights bill President Eisenhower signed into law on September 9, 1957, differed significantly from the original administration proposal. Gone was section three, which would have empowered the attorney general to seek injunctions against anyone interfering with civil rights broadly defined. Amended to the bill was a jury-trial provision, which required that anyone cited for contempt be given a jury trial if the sentence exceeded forty-five days in jail or a $300 fine. Believing that no white jury would convict another white person for preventing a black person from voting, many black leaders felt the bill had been so emasculated that they urged the president not to sign it. Indeed the president himself, after the Senate had passed an earlier version of the jury-trial amendment that called for juries in all contempt cases, had blasted the amendment for making “largely ineffective the basic purpose of the bill—that of protecting promptly and effectively every American in his right to vote.”

The president’s anger at the Senate for tacking on a jury-trial amendment was genuine—he told the cabinet the next morning that the vote was “one of the most serious political defeats of the past four years”—but the president
himself was at least partly to blame for that serious defeat. On three separate occasions during the spring of 1957, he had asserted at news conferences that he didn’t know enough to say whether a jury-trial amendment “would be a crippling or disabling amendment” and had referred questions about the subject to the attorney general. The president did not publicly take a stand in opposition to the jury-trial amendment until July 31, just two days before the Senate passed its amendment. Those opposed to the administration’s civil rights policies were able to make Eisenhower’s strategy of distancing himself from controversial provisions of the civil rights bill serve their own ends. By ceding Eisenhower his popularity, opponents of civil rights legislation could achieve their own political ends.

Eisenhower’s statement in his July 3 press conference that there were “certain phrases” in the civil rights bill he didn’t “completely understand” was particularly critical in giving southerners a means to attack the bill without attacking Eisenhower. Senator Sam Ervin of North Carolina, who called the bill the “most drastic and indefensible” legislation ever submitted to Congress, assured his Senate colleagues that President Eisenhower would not favor the civil rights bill in its present form “if he understood its provisions and implications.” Virginia Senator Harry Byrd used the same opening gambit to launch his attack upon the bill:

If there is any doubt about this being a bad bill, we can start with the President of the United States as the first authority on the deception which has been perpetrated on him, on the Congress, and on the public. He has repeatedly said he looks on the bill primarily as covering only so-called voting rights. But at a news conference several weeks ago, he appeared to be getting a glimmer of the injustice to which he was being made a party. He said he did not understand what he called the “legal quirks” in the bill. Then at a later conference, he went further, and said he had been reading the bill and did not understand all of its language.

Byrd then went on to analyze for his Senate colleagues twenty “quirks” that he found in the bill. Eisenhower’s press conference remarks were successful in deflecting criticism away from the president in large part because they enabled opponents of the civil rights bill to attack the administration’s bill as being inconsistent with the president’s stated intentions.

Eisenhower’s refusal to refute directly Senator Richard Russell’s charge that the bill was cunningly designed to hasten integration of southern schools—Ike would say only that was not his intention—allowed the bill’s opponents to hammer away at those in the Justice Department for perverting the president’s honorable intentions. Mississippi Senator John Stennis, for instance, called the bill an evil concoction of some “crafty and designing
lawyers," a sentiment echoed by the other senator from Mississippi, James Eastland, who described the measure as "a slick, devious scheme."48

Section three of the civil rights bill was attacked not for the power it would give to Eisenhower but for the power it would grant to Attorney General Brownell. Senator Ervin asserted that the bill would make the attorney general "dictator of all the Southern states." It would "create a little Hitler out of the Attorney General," declared South Carolina Senator Olin Johnston. Georgia Democrat Herman Talmadge told his Senate colleagues that the provision would turn the attorney general into a "civil rights czar" superior to the Constitution. Echoing these statements, Harry Byrd warned that the bill would make Brownell "a 20th century American Caesar."49

That Brownell rather than Eisenhower was attacked as an aspiring tyrant may have helped Eisenhower maintain his personal popularity but it also helped weaken the administration's civil rights bill. It is difficult, of course, to determine whether these southern senators really believed Brownell was the culprit or whether their motivation was purely tactical. For our purposes, however, it is sufficient to observe that acquiescing in Eisenhower's lightning rod strategy—by accentuating the divergence between the president and the attorney general—helped further their aim of stripping the administration's civil rights bill of its most stringent provisions.50

The charge that Eisenhower's performance, particularly at the July 3 news conference, hurt the civil rights bill is not new. It was made by many contemporaries and has been repeated subsequently by several scholars.51 What is different is that rather than viewing this episode as an instance of Eisenhower's political ineptitude—the usual explanation—it can now be understood as the unintended result of an overall presidential strategy designed to avoid blame and maintain political support. A lightning rod strategy is not a presidential panacea, for considerable costs accompany its benefits.52 Not the least of these costs is that to the extent that presidential support is critical to realizing policy objectives, presidential distancing may come at the expense of achieving those objectives.

WHOSE VOICE?

The Little Rock episode reveals a further cost of using advisers as lightning rods: it generates uncertainty as to whether one is hearing the president's voice or the voice of the adviser. If, as Richard Neustadt argues, "the first factor favoring compliance with a presidential order is assurance that the President has spoken,"53 then a lightning rod strategy makes compliance with a presidential directive less likely. It seems possible that Eisenhower's reliance on Brownell as a lightning rod, by creating ambiguity in Governor
Faubus's mind about Eisenhower's position, played a significant role in forcing the president to send federal troops into Little Rock.

Faubus and Eisenhower met on September 14 in Newport, Rhode Island, to discuss the tense situation in Little Rock. After this meeting, Neustadt asserts, "there is no doubt that Faubus knew it was the President who wanted something done." If Faubus's own testimony is to be given credence, however, Neustadt's claim must be called into question. For, according to Faubus, it was on precisely this point that the governor harbored doubts.

Faubus explained that he "felt that the only possibility of ironing it out was through the innate good will and good nature of the President who, I always felt, was a good-intentioned man, who wanted to do the right thing." From the moment the interview began, Faubus recalls, it was evident that the president's advisers "simply hadn't informed him on anything." Faubus proceeded to tell Eisenhower how far Arkansas had progressed in desegregating public schools, universities, and even some private institutions. The president, Faubus recalled, was "impressed" by his presentation. The governor then told Eisenhower that "the only hope of solving it right now without the use of force is a delay, to give the tempers a chance to cool off, to give emotions a chance to subside." Eisenhower seemed in agreement with the governor on this. At this point, Faubus reports, the president called in Brownell and asked him, "Can't you go down there and ask the court to postpone the implementation of this order for a few days, ten days or three weeks?" The attorney general, according to Faubus, responded, "No, that's impossible. It isn't legally possible."

The effect of this interview was to leave Faubus with the impression that it was Brownell, and not the president, who wanted the court order enforced. By having the attorney general play the "no-man," Eisenhower conveyed an impression of sympathy for the governor's plight, consistent with the impression the president had communicated in conversation and correspondence with various other southern elites. While effective as a means of maintaining the support of southern whites, it was ill suited to getting Governor Faubus to comply with the president's wishes. By allowing Faubus to believe that "the attitude of the federal government" did not express the president's views but instead "was principally due to Brownell," Eisenhower had inadvertently given Faubus reason to hope that he could defy the court order.

The Little Rock episode is thus best seen neither as an illustration of the inherent limitations on presidential power nor as an example of the political ineptitude of President Eisenhower. Rather, it reveals the weakness of a particular blame-avoidance style of presidential leadership. It was both the strength and shortcoming of Eisenhower's style that it created ambiguity about whether it was the president or the adviser speaking. In the case of Little Rock, unfortunately, ambiguity over whose voice was being heard un-
dermined Eisenhower’s immediate objective, which was to prevent a public showdown over integration between the president of the United States and a governor of a southern state.

WHOSE POLICY?

Eisenhower’s objectives in the case of Little Rock are clear enough. The president wanted to uphold the federal law while at the same time avoid a public showdown with Faubus that he felt would inflame race relations and place the president in a politically vulnerable position. Faubus’s refusal to cooperate made it impossible for Eisenhower to avoid a public showdown if he was also to uphold federal law, not to mention presidential power. Unlike the case of Joseph McCarthy, whom Eisenhower helped to undercut without ever having to go public, Eisenhower was forced to meet Governor Faubus’s challenge by abandoning his low-profile, blame-avoidance posture in favor of a highly visible, buck-stops-here mode of presidential leadership complete with prime-time television announcements, presidential proclamations, and unambiguous statements of presidential responsibility.

Determining President Eisenhower’s objectives in the area of the civil rights bill, on the other hand, is more difficult. To what extent did the civil rights bill reflect the goals of the president, and to what extent did delegating responsibility to the attorney general result in a bill that departed substantially from the president’s own preferences? Put another way, was Eisenhower’s public standoffishness toward certain elements in the civil rights bill merely a strategic ploy disguising his private commitment to Brownell’s public positions, or did his public behavior accurately reflect his ambiguous and even confused private feelings? This question goes to the heart of the revisionist claim that there was a fundamental division between what Eisenhower said (and did) in public and what he said (and did) in private.

Was the president being disingenuous or was he genuinely confused about the objectives of the civil rights bill when he informed reporters at his July 3 press conference that he didn’t fully understand “certain phrases” of the bill? A telephone conversation Eisenhower had with Brownell immediately after the press conference indicates that the latter may be closer to the truth. Eisenhower told Brownell (as reported by the president’s personal secretary, Ann Whitman) “that some two years ago when they had discussed civil rights legislation, he had understood verbally from the Attorney General that the right of the Attorney General to go into the South was to be concerned with interference of the right to vote.” He wondered “whether this bill was not somewhat more inclusive in that particular factor than had been intended.” Eisenhower added that he did not understand what “any civil right” meant since “it varied from state to state and city to city.” While re-
affirming his commitment to ensuring the right to vote, the president insisted (just as he had in the press conference) that it was not his intention to go beyond the protection of voting rights.

The 1957 civil rights bill had its origins in a draft statement Brownell presented to the full cabinet on March 9, 1956, thus fulfilling a pledge in the president’s State of the Union Address that “there will soon be recommended to the Congress a program further to advance the efforts of the Government, within the area of Federal responsibility” to ensure that “every person [is] judged and measured by what he is, rather than by his color, race or religion.” The attorney general made four proposals: (1) creation of a bipartisan commission mentioned in the State of the Union message; (2) amendment of existing statutes to further protect the right to vote; (3) amendment of existing statutes to further protect other rights; and (4) creation of an assistant attorney general to head a new civil rights division.

In the subsequent discussion, Ezra Taft Benson, HEW Secretary Marion Folsom, Treasury Secretary George Humphrey, and Harold Stassen all questioned the wisdom of going beyond the establishment of a bipartisan commission. Progress, argued Humphrey, “must be evolutionary . . . [and] must accent moderation.” Benson echoed that we must “be on the side of patience,” and Folsom hoped the president would “find occasion to speak clearly on [the] need for calmness and moderation.” The “great danger,” Stassen agreed, was in “moving too fast.” Brownell’s counterargument was that these proposals—by allowing the Department of Justice to employ civil rather than criminal remedies—would give the department more flexibility and enable them to avoid having to resort to more drastic measures such as sending in troops. Without them, he maintained, “we have no basis for acting in these incidents except to throw people in jail. These would allow us to take moderate action.” This debate shows that both Brownell and his opponents on this issue were keenly attuned to the fact that to sway the president it was necessary to show how one’s suggestions served the cause of moderation.

The March 9 meeting shows Eisenhower in essential agreement with Brownell’s objectives. The president thought the four-point program was “O.K.” as long as the attorney general included in the presentation a statement “that what is needed is calmness and sanity.” Eisenhower believed the proposals—especially the emphasis on civil rather than criminal recourse—were, as Brownell claimed, “ameliorative,” “moderate,” and “mild” and dissented from the critics’ view that they were “moving too rapidly.” The attorney general, Eisenhower concluded, “should put forward what he has got here, but with a statement that many Americans understandably are separated by deep emotions on this subject,” a message that Eisenhower tirelessly preached in all of his public statements on the subject. Although Ike closed by instructing Brownell to bring the revised statement back for a final
review before submitting it to Congress, he gave no indication that he would balk at any of these proposals.  

A revised message, presented to the cabinet on March 23, began, as Eisenhower had requested, by recognizing the "deep emotions" that divided the country on this issue and called for "restraint, calm judgment and understanding." This time, however, Brownell's proposal met with a decidedly more chilly reception from the president. The session opened with Eisenhower telling Brownell that he was having a "terrible time getting through your brief." As in the previous meeting, Brownell insisted that "going under civil law rather than criminal would have a calming effect." But Eisenhower now expressed doubts that section three would have the ameliorative effect predicted by Brownell. The attorney general tried to reassure the president that the Justice Department "wouldn't use the power to the extreme" and argued that it would have "good preventive effect." Perhaps sensing the president's concern, Brownell said he was "willing and eager to accept lay judgement on this," admitting that "as lawyers we may take too technical a view." What was needed, Eisenhower reminded Brownell, was "good sense and moderation—rather than get[ting] more laws on [the] books only to have them defied."

The danger of legislating social mores, and the consequent need for a more gradual approach, was echoed by Dulles, Benson, Folsom, and Wilson. Folsom argued that the controversial sections should be left to the bipartisan commission, a proposal that appealed to Eisenhower's instinct for remaining aloof from controversy. Realizing that he was losing the battle over the definition of what constituted a moderate program, Brownell now retreated from his earlier tack and instead insisted that leaving the voting rights and wider civil rights provisions for a commission to study "would be moderation but no progress."

Throughout the cabinet discussion, Eisenhower exhibited a bewildering mix of conflicting sentiments. He wanted "to put something that [we] can show as an advance" but also wanted "to make sure that we don't go further than moderate intelligent people." Although the president still believed that the voting rights section was "moderate," he could not deny Folsom's point that the South "won't see it that way" and acknowledged that "any broadening of authority is going to be resented." While complaining that "Southern Democrats have gone so far that anything ameliorating we propose and regard as an advance gets attacked," Eisenhower simultaneously criticized civil rights advocates who didn't understand "how deep this emotion is in the South" and would, by pressing too hard for advances, provoke a backlash that would set back race relations. The president finally confessed that he was "at sea on this." With the cabinet at an impasse, the president asked Brownell to come and see him later.

That afternoon Brownell met with the president and gave him a revised
statement of the civil rights program. Although Eisenhower repeated his concern that “the program would be regarded in the southern states as an extension of Federal power,” he agreed to let Brownell “go ahead with it if he wished.” Eisenhower thus disregarded the advice of Sherman Adams and Gerald Morgan that “the statement should not go up unless and until the President was more convinced in his own mind that it was the right thing to do.”

Brownell has explained that Eisenhower allowed him to send up the controversial parts of the program (as departmental rather than administration proposals) because he “knew how deeply I felt about the importance of them.” The president’s decision to defer to Brownell, despite not being fully persuaded that the program was “the right thing to do,” is testimony to the president’s strong predisposition to allow (in the absence of strong, contrary presidential preferences) a trusted cabinet member like Brownell to pursue what that cabinet member believed to be good public policy.

In view of Eisenhower’s grave reservations about the wisdom of the Justice Department plan—particularly section three, which dealt with federal protection of undefined “civil rights”—one should be wary of glib talk of lightning rods. Brownell was not a passive agent announcing and administering Eisenhower’s policy, as the lightning rod metaphor might suggest, but instead was himself actively involved in the formulation of that policy. If Brownell took most of the heat for section three it was only proper because it was he, and not the president, who pressed for it. Delegation was thus not without its hazards for Eisenhower, because it pulled him into controversies that he might otherwise have avoided.

One must be careful, however, not to exaggerate the differences between Eisenhower and his attorney general. The evidence does not support the claim made by J. W. Anderson, in Eisenhower, Brownell, and the Congress (1963), that there was a “profound difference [on the civil rights bill] . . . between the President and his Justice Department,” nor that Brownell had “overstepped the line that divided initiative from insubordination” by sending up the voting rights provision and section three over White House objections. Some White House staff members might grumble about the “Department of Just Us,” but Eisenhower himself did not. Brownell did not, as Anderson argues, slyly defy Eisenhower’s wishes; rather, in the case of section three Eisenhower deferred to the judgment of a cabinet member he admired and trusted immensely, and in the case of the voting rights provision Eisenhower and Brownell were in close accord.

Although Eisenhower was at first reluctant to have himself publicly identified with the voting rights provision (and hence unwilling to put it on his legislative “must” list in 1956), Eisenhower’s private comments reveal that he fully supported this provision—in contrast not only to section three but also to the Brown decision about which he harbored severe misgivings. As he explained in a press conference the following year, “If in every locality ev-
ery person . . . is permitted to vote he has got a means of . . . getting what
he wants in democratic government." He echoed these sentiments to Re-
publican legislative leaders, telling them that section three had only "be-
clouded the issue," for if blacks can get the right to vote they can protect
themselves, and "the Republican party can stand on that." The president's strong commitment to the voting rights provision and his
uncertainty over section three can be seen from his sharply contrasting reac-
tions to setbacks to the respective provisions. When Congress eliminated sec-
tion three from the bill, Eisenhower expressed no regret, publicly or pri-
vately. Passage of the jury-trial amendment to the voting rights section,
however, put the president in a foul mood. He opened the cabinet meeting
the day after the Senate action by telling the assembled members that there
was "not much forgiveness in my soul. We've taken political defeats in the
past four years, but this one is the worst" because it affected "a basic prin-
ciple of the United States." This private expression of disgust was followed
by a public statement excoriating the jury-trial amendment for tending to
"weaken our whole Judicial system" and making "largely ineffective the ba-
sic purpose of the bill—that of protecting promptly and effectively every
American in his right to vote."

Until late July, Eisenhower had carefully maintained his distance from the
heated controversy over the jury-trial amendment. In public he repeatedly
said that such a question was too complicated and legalistic for a nonlawyer
like him. Go ask Brownell instead, he would say. In private, however, he ex-
pressed unqualified support for Brownell's position. It was "wrong," Eisen-
hower told Press Secretary James Hagerty in a prepress conference briefing
in mid-April, "to put [voting rights violations] in the hands of a jury." Eisenhower's handling of the jury-trial amendment thus reveals, as Green-
stein's "hidden-hand" thesis predicts, a substantial discrepancy between the
public and private Eisenhower. Here Eisenhower's ambiguous public stance
does seem to have been part of a conscious (albeit, as we have seen above,
flawed) strategy to deflect responsibility for a controversial position that he
fully endorsed onto his attorney general.

But to see Eisenhower's behavior on the civil rights bill as fully vindicat-
ing Greenstein's hidden-hand thesis would be inaccurate. Although the hid-
den-hand thesis makes sense of Eisenhower's actions in the case of the jury-
trial amendment, the concept does not do justice to Eisenhower's
involvement with section three of the bill. Here Eisenhower's public uncer-
tainty mirrored his own private doubts and even confusion. Although his
own political instincts and his other political advisers clearly warned the
president of the political dangers of Brownell's more controversial pro-
posals, Eisenhower reluctantly decided to defer to Brownell's judgment and
preferences. In part, this decision must be seen as evidence of Eisenhower's
own conflicting emotions on the subject of race, torn as he was between feel-
ing that lasting progress on race relations required gradual measures that moderate southern whites could accept and his equally strong feeling of the injustice of denying blacks basic civil rights. But in part, too, the decision reveals Eisenhower's preference for deferring to trusted cabinet members whenever possible. The evidence, in this case at least, points not to Machiavellian guile but to an administrator who genuinely believed in giving subordinates the authority to make their own judgments and mistakes.

Both the "hidden hand" Ike of the jury-trial amendment and the deferential Ike of section three are an integral part of the Eisenhower blame-avoidance leadership style. Indeed it was Eisenhower's delegation and deference to trusted aides that made the periodic dissembling of his hidden hand possible. Because in so many cases he genuinely did defer to his aides' judgment it then became possible in other cases for the president to avoid responsibility for views or policies he fully endorsed. To try the hidden hand without the deference would soon expose any president to deafening, even disabling, cries of deception, distortion, even lying.

LIMITS OF THE LIGHTNING ROD

Presidents who pursue a lightning rod strategy must be prepared for the strategy's limits. Those limits are probably most evident in the Little Rock confrontation. Eisenhower's decision to send federal troops into Little Rock necessitated putting the president onto the front lines unflanked and unprotected. Such a decision had to be announced and defended publicly by the president, and the president had to take full responsibility for it privately as well. Neither Brownell nor anyone else could protect Eisenhower at this point from bearing the brunt of the wrath of southern whites. Moreover, and more interesting, Eisenhower's reliance on Brownell as a lightning rod before the showdown may have contributed to the need for a public confrontation by giving Faubus the mistaken impression that it was Brownell rather than Eisenhower who wanted Faubus to comply with the federal court order.

In the struggle over civil rights legislation, Eisenhower was faced with a trade-off between deflecting blame onto Brownell and getting civil rights legislation through Congress. To defeat the administration's civil rights bill, congressional opponents of the bill were more than willing to vilify the attorney general and grant that the president did not know what was in the bill. In the case of the proposed jury-trial amendment, Eisenhower was confronted with the choice of publicly identifying himself with a controversial provision of the bill or seeing the bill compromised by an amendment that he privately opposed. Only in late July, far too late to affect congressional deliberations, did the president publicly and unambiguously oppose the
jury-trial provision. To the extent that Eisenhower regarded such a compromise as making (in his words) "largely ineffective the basic purpose of the bill," his strategy of distancing himself from this provision seems to have poorly served his policy objectives.

Finally, the civil rights case study reveals limitations to the lightning rod metaphor as such. More specifically, the metaphor can be misleading if one assumes that a cabinet member who absorbs criticism is only announcing and executing policy set by the president. In order to make Brownell a plausible lightning rod, Eisenhower delegated not only responsibility but authority. Brownell was not simply taking the heat for the president's policy; he was instrumental in making that policy.

As Brownell's recently published memoirs make clear, it was the attorney general and not the president who took the initiative in pressing for civil rights legislation. "The initiatives," Brownell freely concedes, "rested on my shoulders." Brownell admits that he "could have responded to the political pressures on the administration to propose new civil rights legislation with a weak bill that offered a lot of pious words about racial equality and simply brought forward again the orthodox solutions previously proposed." Implicit here is the admission that Eisenhower would have had no difficulty supporting Brownell if the attorney general had proposed a watered down civil rights bill.

While Brownell received the greatest burden of public criticism for section three, the attorney general was also the person responsible for the provision. Left to his own instincts for shunning controversy in this contentious area, Eisenhower would certainly have preferred to avoid such a contentious proposal, instead limiting the legislation to voting rights and proceeding in the area of more broadly defined civil rights only where the federal government had clear authority to act unilaterally—as Eisenhower did in desegregating the armed forces—or where he could effect change indirectly and gradually—as he did in appointing moderate federal judges. Delegating decision-making power to Brownell, although intended to deflect criticism away from the president, thus helped contribute to the very political firestorm that Eisenhower had hoped to avoid.

Having accented the limits of Eisenhower's lightning rod strategy, it is also worth remembering what Eisenhower did achieve. After all, Eisenhower did pass the first civil rights bill since Reconstruction, something that Franklin Roosevelt and Harry Truman had failed to do. Though Eisenhower was genuinely upset about the inclusion of the jury-trial amendment, the Civil Rights Act of 1957 did take a credible first step in the direction of protecting voting rights for blacks. The opposition to the final bill among both black civil rights leaders and southern segregationists, moreover, suggests that the law struck the sort of balance between progress and moderation that Eisenhower originally sought. At the same time, before Little Rock Eisenhower
had been able to contain much of the political fallout in the South. Though hardly Teflon coated, Eisenhower did manage to deflect a substantial amount of blame for the administration’s civil rights positions onto Brownell.

If Eisenhower would have done better, in view of his own misgivings, to instruct Brownell unequivocally in the spring of 1956 to omit section three from the bill, it is the type of mistake that inevitably accompanies an administrative style that gives cabinet members genuine autonomy and discretion. Richard Neustadt might with reason chide Eisenhower for forgetting that “no one sits where he sits, or sees quite as he sees,” yet it is equally true that the president cannot afford to sit where everybody else sits. A president who consistently tries to substitute his own judgment for the judgment of even his most trusted aides is a president who will be continually overextended and overexposed. The president who is serious about blame avoidance must be prepared to cede not only responsibility but power. If that is a limit of the lightning rod strategy, it is also its strength.