

**Sealing the Deal,
FDR's Second Bill of Rights and
the Election of 1964**

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We do not come as aggressors. Our war is not a war of conquest. We are fighting in the defense of our homes, our families, and posterity. We have petitioned, and our petitions have been scorned. We have entreated, and our entreaties have been disregarded. We have begged, and they have mocked when our calamity came. We beg no longer; we entreat no more; we petition no more. We defy them!...

--William Jennings Bryant, 1896

When you ain't got nothing, you got nothing to lose."

--Bob Dylan.

The good Lord raised this mighty Republic to be a home for the brave and to flourish as the land of the free--not to stagnate in the swampland of collectivism...Our people have followed false prophets. We must, and we shall, return to proven ways-- not because they are old, but because they are true...

--Barry Goldwater, 1964

Introduction

In Arthur Miller's play *After the Fall*, the author makes the point that the past is holy, not merely because the present contains the past, but because a moral world depends on the notion of causality, on an acknowledgement that we are responsible for and a product of our actions. (1)

Miller, of course, is talking about the choices that *individuals* make and the effects those choices have on their lives. But nation states also make choices. And the direction in which they choose to travel has no less influence on history than those made on the personal level. This paper is about the choice or choices the United States made in 1932 and in 1964. Through the examination of three books it will attempt to show that that in the early 30's America, in its consideration of FDR's New Deal granted validity to a previously foreign notion. Namely that citizens were not only entitled to pursue happiness, but also to have their government help them in achieving it, particularly in times of trouble.

But while the tenets of the New Deal were generally embraced by a majority of Americans there remained a substantial number of Americans who questioned both the

wisdom and validity of “putting the hay down where the goats could get at it.” The opposition first took the form of “Taft” Republicanism, but while it held FDR in disdain, but saw itself more as the loyal opposition rather than a revolutionary force. Later, however, due to the threat of communism and the less than settled international scene after WWII, conservative leaders such as Barry Goldwater would attempt a 180-degree political coup d'état that would not merely oppose FDR’s legacy but replace it with a return to what Goldwater called “the proven ways of the past.”

The battle between these two diametrically opposed philosophies would finally come to a head in 1964. In that election, the American people would be asked not only to consider whether to continue the policies of Roosevelt, but also to affirm or reject the issue of ensuring true equality of the races and the idea that the concept of “rights” applied not only to the political arena, but to the economic and social realms as well. The clear alternative to this proposal was a return to the rugged individualism of the frontier. The proponents of this view held idea that it was better to die in a nation that values “freedom and liberty” than live in a world where individuals ceded their autonomy to the government in exchange for security.

In the end, the nation chose the former rather than the latter. When the people spoke in November of 1964 they not only endorsed FDR’s legacy, but signed on to the notion that government owes its citizens, at a minimum, certain forms of support that go to the very heart of what it means to be human.

Our central guide for understanding how and why this happened will be Cass Sunstein’s *The Second Bill of Rights: FDR’s Unfinished Revolution and Why We Need it More Than Ever*. Sunstein attempts to show how the New Deal was only the beginning of a movement in American history to expand the rights of the common man. Conversely, we will

also examine Rick Perlstein's *Before the Storm, Barry Goldwater and the Unmaking of the American Consensus*. Perlstein does an excellent job of describing the individuals and seminal forces on the right whose goal was not to reform the New Deal but to destroy it. Finally, we will utilize the observations of the eminent political historian Teddy White, in his *The Making of the President, 1964* to try to understand why the nation in the end chose progress over reaction.

The Cruellest Year (1a)

Many popular historians (i.e., Shelby Foote) have opined that the Civil War was the defining moment in American history. There is much to be said for this proposition. After all, the nation's existence was indeed at stake and the fact that the war settled once and for all the critical issue of slavery certainly adds credibility to this notion.

But this author respectfully disagrees. The war was indeed fought to settle not only slavery but other important issues as well. But while these issues were indeed critical, they did not go to the heart of what the average American saw as the proper role of government. Americans (with some notable exceptions) whether they fought for the North or for Dixie, would have likely agreed that capitalism and freedom were the bedrock of the American dream. Furthermore, they would also agree that personal failure was the fault of the individual and not of the inability of the government to take action. In short, while there were many contentious issues in 1865, there were very few individuals who questioned the very nature of American society.

To find a time where not only the existence of the nation was in doubt but the very principles that had brought the American Republic to fruition, one must look to the Great

Depression. During that tragic time, untold millions justifiably questioned the economic and societal assumptions that had for so long been held as articles of faith. Many came to believe that the hallowed ideals that had brought the nation into existence must not only be reevaluated but ultimately rejected. As Franklin Roosevelt noted during that time, the “necessitous man is not free.” (2) Some saw salvation in demagogues such as Huey Long; others hewed toward the right and put their faith in equally dangerous men such as Father Coughlin. What was not in dispute was that the Hoover administration was not in the business of providing any viable solutions. Like Coolidge, Hoover believed that “the man who builds a factory, builds a temple and the man who works there, worships there. (3) Other prominent leaders at the time, such as Henry Ford, declared “that unemployment insurance for those who were struggling would only increase unemployment.” His logic was accepted by the powers that be of the time as flawless. (4).

Hoover worked furiously on one level to right the economic ship of state. But, in the end, his methods were lacking due to his belief in certain “immutable” economic principles which he was sure would vindicate him in the end. However, the only immutable point was that the nation was sinking, as never before, into a despair from which it might never recover. History has dimmed the memory of those desperate times. The mind recoils in horror at the stories:

- *One observer wrote of Chicago in 1932, "One vivid gruesome moment of those dark days we shall never forget. We saw a crowd of fifty men fighting over a barrel of garbage which had been set outside the back door of a restaurant. American citizens fighting for scraps of food like animals." (5)*
- *Lorena Hickok, appointed by the Roosevelt administration to assess the situation in*

Georgia, noted the following, "Half starved Whites and Blacks struggle in competition for less to eat than my dog gets at home, for the privilege of living in huts that are infinitely less comfortable than his kennel." (6)

- *A Chicago newspaper said of the Roseland garbage dump, " About twenty five men and women stood in two rows all day waiting for the load to come down. And then like a flock of chickens, they started to scratch in the smelly pile...most of them admitted it was for their supper.(7)*
- *On 28 July, 1932, the International News Service reported that the "sun of a new prosperity is beginning to rise above the clouds." Other headlines read, " Business Pulse Beating Faster." Nowhere in any of these accounts was there mention of the fact that in the United States of America, the richest country in the world, more than 15 million men were looking for jobs that did not exist. (8)*

The irony was that, for his time, Herbert Hoover could have been considered a liberal. While Secretary of Commerce his predecessor had referred to him as "the miracle worker," and "the wonder boy". During his tenure he had taken the less –than- Republican step of regulating radio and the nation's airwaves. And, he was not above manipulating industrial forces for what he considered the common good. But in the end, his belief in rugged individualism and the notion that help for the poor must come from private charities and local or state governments was his undoing. He believed to the depths of his soul that, "the only moral way out of the depression was self-help." (9)

Hoover had no problem standing behind the plate serving as an umpire but his principles prevented him from interfering with anything, no matter how tragic, that might be

going on between the baselines. His refusal to have his government take substantive and meaningful action not only lead to an across-the-board repudiation of his administration but ultimately to a revolution in examining the problems of American society.

At the funeral of the jazz icon Louis Armstrong, Dizzy Gillespie was asked to comment on the legacy of the great trumpet player. "He replied, "no him, no me." In a pejorative sense, Franklin Roosevelt could have justifiably said the very same thing about Herbert Hoover. (10)

FDR's Response: Putting the Hay Down Where the Goats Can Get It

Conventional wisdom has always held that Franklin Roosevelt swooped onto the scene like a guardian angel and saved the country from the ravages of the Great Depression. Most understand that the truth is far more complicated. Many believed that it was the massive industrial expansion that occurred during WWII rather than the New Deal that saved the nation. But, the WWII theory does not tell the whole story.

Even the most ardent skeptic of FDR would have to agree that the number of critical actions he took at the beginning of his term was extraordinarily effective in staving off disaster. *From March 9, when the Emergency Banking Act was cheered into law, to the passage of the National Recovery Act on June 16--the new Chief Executive was continually revealing fresh reservoirs of imagination and energy. Before Congress adjourned in exhaustion, he would have delivered 10 major speeches, given birth to a new foreign policy... taken the country off the gold standard, sent fifteen messages to the Capitol and shepherded through its chambers 13 major pieces of legislation including insurance for all bank deposits, refinancing of home mortgages, Wall Street Reforms, authorization for over four billion*

dollars in federal relief, legalization of beer, and laws creating the Civilian Conservation Corp, the Agricultural Adjustment Administration and the Tennessee Valley Authority. It was all improvised, "Take a method and try it," and if it fails try another, but above all, try something." (11)

But it would be wrong to focus solely on the actions themselves. The critical factor was that FDR had brought about a revolution in the way the nation's leaders approached social and economic problems. This new approach was in some respects as critical and important as the original statements and philosophical underpinnings of the Revolution of 1776. Before the arrival of the New Deal, the United States Government had made the protection of property and property rights paramount. Some historians, namely Charles Beard, had gone so far as to suggest that the Founding Fathers and those who followed them were above all concerned with ensuring that the rich would get richer. The goal was not to provide for citizens but to ensure the country had the means to provide meaningful opportunities for people to take care of themselves. From the beginning, Americans did not hate the rich so much as envy them. The rags-to-riches fable rests on the idea that when the workingman finally gets his, he will be able to enjoy it. No wonder then that people like Hoover were so against anything that smacked of "relief." If the Government was going to take your hard earned dollars to help someone else, what was the sense in working hard for yourself?

FDR turned this idea on its head. But as Cass Sunstein notes in "The Second Bill of Rights," it would be wrong to think of this sea change as a turn toward any particular ideology. Rather it is far more accurate to think of FDR as the consummate pragmatist. *Roosevelt was not an idealist, or a theory mongerer, or a man with a gospel to peddle. If he*

dismissed an argument on the ground that 'it's all very theoretical,' that was a final dismissal. Results were the only test where political action was under consideration. It is important to note however, that FDR did base much of his actions on the idea that a new conception of rights was required, one that would grow out of the conspicuous injustices in the existing social order. This was key. (12)

Roosevelt emphasized that government was not an enemy of liberty or individualism. All rights, including the right to property, depend on government. He felt that it was now necessary to define rights in a way that went well beyond the founding period and provided protection of human liberty under modern conditions. (13)

This new “modern way” of thinking about the proper relationship the American government should have with its citizens was alluded to throughout the installation of the countless programs of the New Deal. But it was not formally articulated until 11 January 1944, when Roosevelt in his fourth State of the Union address (given by radio rather than in person) alluded to the now famous “Four Freedoms.” Cass Sunstein believes that it was unquestionably the “speech of the century.” Three of the freedoms FDR alluded to, namely speech, religion, and security (freedom from fear) had been part of the American psyche even prior to the revolution. To counter the previously mentioned Beard, some would argue that the break from Great Britain was based not on the need to protect property but to secure the aforementioned freedoms for themselves and their posterity. But as Sunstein also notes, the fourth freedom, namely freedom from “want” was the wild card in the bunch. What did freedom from want mean? Was it a call for the U.S. government to for pay everyone's bills and provide every citizen with a home in Westchester County and a brand new Chevrolet? As noted, Washington, Jefferson, Jackson, and Lincoln would have likely cheered at the prospect

of the government reaffirming protection of the right to speak, worship, and be secure in one's home and in one's own person. But they would have also had a lively debate about the exact parameters of ensuring "freedom from want." In short, in the speech of the century, did FDR mean to say that the world owed people a living?

The answer is a resounding no! As mentioned, Franklin Roosevelt was not a socialist or communist or even a utopian. He was interested in what worked. To his mind, freedom from want simply meant recognizing the "economic understandings which will secure to every nation everywhere a healthy peacetime life for its inhabitants." But there was more. FDR felt that to achieve the aforementioned goal it was imperative to add a Second Bill of Rights. These rights would not be in conflict with the original 10 amendments to the Constitution which basically spelled out the limits of government in interfering in people's lives. Rather, these newly recognized rights would be a much needed addendum which would in Roosevelt's words make possible a world where a new basis of security and prosperity can be established for all-regardless of station, race, or creed."**(14)**

The relevant rights:

- *The right to a useful and remunerative job in the industries or shops or farms or mines of the Nation.*
- *The right to earn enough to provide adequate food and clothing and recreation.*
- *The right of every farmer to raise and sell his products at a return which will give him and his family a decent living.*
- *The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad.*
- *The right of every family to a decent home.*

- *The right to adequate medical care and the opportunity to achieve and enjoy good health.*
- *The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment.*
- *The right to a good education. (15)*

Sunstein makes the crucial point that the New Dealer's actions were directly focused on addressing the many problems brought about by the Great Depression. Roosevelt had taken over a broken nation. He had guided that nation through a horrific war. Dealing with problems in the here and now was his forte. But FDR also realized that the best way to deal with these twin horrors was to make sure they never occurred again. But while he and his advisers sought Constitutional validation for their actions, they were not calling for Constitutional "reform."

Roosevelt was justifiably skeptical of creating new Constitutional rights that would not be able to be enforced by the judiciary. He believed that guaranteeing true freedom from want was best achieved by Congress rather than by the judicially imposed constitutional directives. (One of the major premises of Sunstein's book is that this was a miscalculation on FDR's part and that the tenets of the Second Bill must be constitutionally rather than congressionally enforced)(16)

Roosevelt was the first to recognize the vital link between "freedom from want" and real security. Unlike most of his predecessors, he recognized that when people are hungry and have no way to support themselves and their children, they will care little about the rights to be able to speak freely and attend church services. To quote from the speech, "We have come to a clear realization of the fact that true individual freedom cannot exist without economic

security and independence. Necessitous men are not free men. People who are hungry and out of a job are the stuff of which dictatorships are made." In short, the crucibles of the Great Depression and WWII had clearly shown that true individual freedom could not exist without economic security and independence."

But the "Four Freedoms" speech, while ambitious, did not really settle the issue of just how much the government owed its citizens during times of trouble. First off, there was recognition that like most political speeches it was a work in progress and more of a blueprint (conservative detractors might even call it a wish list) than a set of settled constitutional principles with which to implement policy. In addition, despite the consistent endorsement of FDR and his policies by the bulk of the electorate, there were still far too many Americans who were in opposition to its goals. Most importantly, FDR's call to create a new world of peace and economic security both at home and abroad did not address the issue of race and the plight of African Americans. Nowhere in the speech does the President mention the fact that millions of Black Americans in the South had yet to even secure the privileges contained in the first Bill of Rights, much less the proposals named in the second.

Unlike Hoover, FDR had responded effectively to the country's needs. In doing so, he had revolutionized the way Americans looked at themselves and at their relationship with their government. But the game was not over. During the Great Depression, due to the dire economic situation, the citizens of the United States had almost had no choice in their decision to embrace FDR's new approach. It was not only the logical thing to do, but for many it meant the difference between survival and ruin.

But the question remained, what would the country do once prosperity returned. During the Depression, Roosevelt had publicly embraced Disney's *The Three Little Pigs* and

its smash theme song "Whose Afraid of the Big Bad Wolf." (17) But now the wolf had been safely put in the pot and was being boiled for dinner. When the memory of soup kitchens and broken lives faded would the American people continue to embrace the tenets of the New Deal? Or, with the crises having safely passed, would they begin to long once again for the rugged individualism and "I've got mine" philosophy of the past. In 1932, the electorate had a choice between ruin or Roosevelt. They chose FDR.

But whether or not they would continue to embrace his policies remained to be seen. In 1932, Fortune Magazine held "that the very concept of social responsibility should be rejected on the grounds that the introduction of any non-economic factor would destroy the benign workings of the free market. (18) Millions still believed this. They saw the New Deal not as the solution, but as the problem. To their mind, Roosevelt had put a once great nation on the "Road to Serfdom." (19) What had yet to happen was a legitimate non-depression era showdown between the philosophies of laissez-faire capitalism and those of the New Deal. To this author's mind, this event would not occur until the fall of 1964. Between the end of WWI and that time, a series of events would take place on right that would allow the American people a chance to decide.

The Conservative Response

Even at the height of Roosevelt's and the New Deal's influence there were those, notably Senator Robert Taft of Ohio, who respectfully dissented from FDR's robust combination of liberal progressivism on the domestic front and internationalism in foreign affairs. But the victories that men like Taft achieved while serving as the loyal opposition (save for stopping FDR's court packing scheme) were few. Their only effective purpose was

to show that there were legislators who had not fallen under the spell of "that man in the White House." The memories of the 30's combined with the success of WWII had made it impossible for the right to make any inroads. Due to the inclusion of Russia in the Allies fight against fascism, even the usually dependable specter of communism had been unavailable to them in their effort to gain some political ground on their opponents.

But by 1948, the situation had changed. The USSR was no longer a gallant ally. There was no longer any reason to conduct any kind of "Mission to Moscow." Bernard Baruch had noted that the nations of the free world were now engaged in a "Cold War" with the Soviet Union. In addition to the threat of communism, a whole generation had returned from the war, taken advantage of their GI Bill benefits, and started to reap the benefits of what John Kenneth Galbraith' had termed the "Affluent Society." In their zeal to participate in the "economics of abundance" in post-war America, they became less interested in New Deal reforms and more interested in keeping, not the wolf, but the IRS agent away from their door.

But even though the tide was starting to turn against the Roosevelt philosophy and coalition, the "true believers" as they would come to be known had not yet been able to secure a beachhead in the minds of the electorate. Even though the fervor for reform was gone, there was still a lingering memory of what life had been like before FDR. This had the effect of transforming the right's agenda, not into a position of direct opposition, but into a kind of "Republican light" philosophy which tolerated those New Deal programs that were widely accepted (i.e., Social Security) but embraced the need to fight communism, reduce taxes and eliminate government waste, fraud, and abuse.

In 1952 and 1956, the hard right wing of the Republican Party had fought the good fight but had ultimately been outfoxed and out maneuvered by the more moderate elements of

the GOP. Many members of the party were not sure where the grandfatherly Eisenhower's policies fell on the political spectrum, but they knew for sure that they were a far cry from the kind of radical agenda that many felt deserved a chance on the political stage. Even in 1960, with the selection of Richard Nixon, the hard right had been deprived of running on a philosophy which opposed rather than accommodated the New Deal's legacy. Nixon had been, in many respects, the consummate Cold Warrior, but he had also been Ike's Vice-President for two terms. Dick Nixon may have given the impression that he distrusted the Eastern establishment. But at the same time, like his former boss, Tricky Dick was more than willing to play ball with them if they could help him achieve his political goals. Nixon was more trustworthy than Ike, but to the GOP's hard liners of the time that wasn't saying much.

The true believers would finally break through in the election of 1964. But the journey that had finally brought them to the Promised Land would be a difficult struggle. This journey is aptly described in Rick Perlstein's *Before the Storm*, which lays out in incredible detail how a wide and varied collection of groups and individuals created an effective grass roots movement that would ultimately result in the nomination of Barry Goldwater.

The book's first chapter describes the thoughts of legions of Republican true believers, people such as Paul Manion, William F. Buckley, William Rusher, and Ronald Wilson Reagan. The aforementioned were businessmen, attorneys, and actors. Some were born with silver spoons in their mouths; some came from the middle class worlds of small town America. All of them believed "*that the New Deal threw money at everyone and everything, but you. All of them were resentful of the fact that during the war they had been made to deal with "Lawyers from the National War Labor Board and the Office of Price Administration, small, petty jealous men who had never met a payroll in their life, who poked their heads into*

their places of business, read their profit and loss statements and told them what to make and what to change. They all looked forward to a day when Washington would once again balance a budget, when the President would actually read and follow the Constitution. (20)

And in time, they would all begin to send more and bigger checks. Not to the Republican Party but to patriotic pro-U.S., pro-Constitution organizations who would work to achieve their goal of an America which rejected communism and collectivism. This new America would once again be based on freedom and liberty rather than the dole and Social Security checks. (21)

The seminal moment for these men came on June 1st, 1959, when they received a letter from the academic and radio commentator Clarence Manion. The “confidential” correspondence invited them to join the movement to draft Senator Barry Goldwater to run for President. There was a good reason that Manion had anointed the Senator as the conservative Moses who would be able to lead them out of the wilderness. The son of Big Mike Goldwater, a southwestern entrepreneur who had come west to make his fortune, Barry stood for everything the right held dear. He had fought courageously in WWII as a hot shot pilot, left school to take over his father’s department store, and successfully ran for the Senate defeating one of the country’s most powerful Democrats. Goldwater was fond of claiming that in his family “We didn’t know the federal government. Everything that was done, we did ourselves.” This was not exactly the case. Like many businessmen who settled the burgeoning west, Mike Goldwater had benefited mightily from government contracts. (22) No matter, his son more than had the right stuff.

In a 1938 letter to the Phoenix Gazette, he had mocked Roosevelt’s fireside chats, “*You have, for over five years been telling me your plans; how much they were going to do*

and how much they were going to mean to me. Now I want to turn around and ask you just what have they done that would be of any value to me as a businessman and a citizen. (23)

Despite his Tory pedigree many on both the left as well as the right believed that the attempt to nominate him was a lost cause. They despaired that they would never see a true conservative at the top of the Republican ticket. Six years later, the dream, despite the skeptics, would come to fruition.

Andrew Jackson had once noted, “one man with courage makes a majority.” He could have easily been talking about Barry Goldwater. The right wing was correct that the deck was indeed stacked against them. Powerful bosses and fixers in places like New York City were adamant that no right wing nut was going to be allowed to conduct a political suicide mission that could bring the Republican party down with it. The eastern establishment had won with Eisenhower and nearly won with Nixon. The right move was to keep on the path to success, not throw caution to the wind and nominate some wild man who would “never play in Peoria.”

But Goldwater had a secret weapon. This weapon might not be enough to deliver the White House but it was potent enough to give the “powers that be” a run for their money. Goldwater’s ace in the hole was a potent, some might say rabid, grass roots movement that was ready to do whatever it took to win. Thirty-nine million Americans actively worked for Goldwater (Johnson would have half as many from a voter pool twice as large). In the 1964 election, automobile bumper stickers supporting Goldwater outnumbered Johnson stickers by a ratio of 10-1 on the nation’s highways. Fortune had dubbed the Republican candidate “the favorite son of a state of mind.” Others called his supporters a “federation of the fed up.” Perlstein notes that Goldwater supporters, even if they could not afford it, gave generously to

the cause. Twenty two thousand people had donated to JFK's campaign, 44,000 to Nixon's. But during his run for the Presidency in '64, over a million people opened up their wallets for the Senator from Arizona. His supporters had hundreds of rouge political militias " tiny bands for whom Goldwater was the answer to every question and every conspiracy (24). The inimitable Phyllis Schlafly who had demanded that this time around the party deserved "a choice not an echo" had penned the all too appropriate rallying cry for these legions of followers. (25)

The Election of 1964

For decades, the last word on U.S. Presidential Elections could be found in the works of Teddy White. In 1961, he had won the Pulitzer Prize for his book, "The Making of the President-1960." White made his name by weaving a tapestry of legitimate political analysis, behind the scenes reporting, and personal profiles into a seamless narrative that allowed one to feel as if they had ridden in the back of the campaign bus. Building on the success of the first book, White set out to out do himself by producing a similar tome on the 1964 race. In 1964 White showed how a series of lucky breaks and mishaps brought Goldwater out of the wilderness and into the praetorium of the Republican Party.

As noted, the eastern establishment was anything but thrilled over the prospect of the Goldwater candidacy. The heir apparent in their minds was Nelson Rockefeller, the wealthy Governor of New York. Rockefeller was a richer and more effusive version of Ike. He was for business, but also understood the need for government, at times, to step in and do good things for the people. In addition, he understood better than most the need for the United States to stay engaged on the international front as well. However, like most rich men, Nelson had the

luxury of marching to his own drummer. He could take risks that others could not. For a rich man, doing what one wants, when one wants it is a given. But this luxury does not extend to politicians no matter how wealthy they may be.

Due to the morals of the day and the timing of his divorce, Rockefeller basically disqualified himself from winning the nomination. After he had lost in the New Hampshire primary, he decided if he could not be a king he could at least be a king maker by convincing William Scranton, the Governor of Pennsylvania, to take up the standard of Eastern Republicanism. But Scranton, unlike Goldwater, lacked a credible plan to win the day. In the end, despite the influence and power of both Rockefeller and Eisenhower, Scranton was unable to muster up the manpower and the resources to conduct a national campaign.(26) Other possible candidates such as George Romney, Ronald Reagan, and Richard Nixon were either too inexperienced, committed to other interests, or tainted by past failures. (27)

On June 2nd, the political planets fell in line. Based largely on the strength of his movement and the lack of organization on the part of his adversaries, Goldwater won the California primary with 51.6 percent of the vote. He would never look back. The true believers, through a combination of dumb luck and political energy (some might say fanaticism), had delivered the nomination to their champion.

In his quest to win the White House, Goldwater would face a political legend. Lyndon Baines Johnson was not part of the Eastern establishment. He had come out of the hard and unforgiving Texas Hill Country to achieve incredible political success. Johnson, a tall and imposing figure had a persona that alternated between crudeness, charm, and political brilliance. He did not fit in at Hyannisport, but in the world of Washington politics he reigned supreme, first as the Master of the Senate, then as Vice President, and finally (due to an

assassin's bullet) as President. The Kennedy crowd was less than enthusiastic about Johnson's elevation. But no one was more comfortable or effective in using the political power to serve the nation. He himself was a product of the Great Depression. Johnson knew what it was like to work in the hot dirty fields of the Hill Country and what it felt like to walk behind a mule. He also knew, from having taught in an impoverished Texas border school, of the disgraceful gap between rich and poor in the nation. (28)

LBJ did not have Roosevelt's polish or style. But he shared his desire to bring about a new world of peace and security by using the power of government to increase prosperity, opportunity, and hope. Johnson was a master publicist and while he admired the New Deal, he wanted his own moniker to help to remind people that it was Lyndon Baines Johnson who was responsible for progress in the modern age. When Eric Goldman, a Princeton history professor, suggested the term "Great Society," the deal was done. (29)

On May 22, 1964, six months to the day after the Kennedy assassination, Johnson provided the remarks at the University of Michigan's commencement exercise. On that day, the agendas of LBJ and FDR became one. Johnson did not call for a Second Bill of Rights, but he did articulate and endorse the idea that the fundamental principles brought forth by the New Deal were as important in 1964 as they were in 1934.

The Great Society rests on abundance and liberty for all. It demands an end to poverty and racial injustice, to which we are totally committed in our time. But that is just the beginning. The Great Society is a place where every child can find knowledge to enrich his mind and to enlarge his talents. It is a place where leisure is a welcome chance to build and reflect, not a feared cause of boredom and restlessness. It is a place where the city of man serves not only the needs of the body and the demands of commerce but the desire for beauty

and the hunger for community. It is a place where man can renew contact with nature. It is a place which honors creation for its own sake and for what it adds to the understanding of the race. It is a place where men are more concerned with the quality of their goals than the quantity of their goods. (30)

Johnson and the Democrats were not about reforming the New Deal. They meant to simply refit it for modern times. Johnson's policies were not new, but they were very much improved. Even more critical perhaps was the mention of the need to address racial injustice. For too long the deep South had lived in its own horrible world. Teddy White's description of Mississippi in the Making of the President-1964 is terrifying.

" To say that Mississippi is backward is to understate the case... Here, two kinds of human animals live, black and white; the whites have the guns and the machinery of government, and in their semi-beast relationship the white man is the hunter animal; the Negro the prey."

In short in 1964, for millions of African Americans the rule of law did not exist. In 1948, Hubert Humphrey, in an address to the 1948 Democratic Convention (much to the dismay of many members of the once solid Roosevelt coalition) forced the Democratic Party to confront the issue.

We can't use a double standard -- there's no room for double standards in American politics -- for measuring our own and other people's policies. Friends, delegates, I do not believe that there can be any compromise on the guarantee of civil rights which I have mentioned in the minority report... the time has arrived in America for the Democratic party to get out of the shadow of states' rights and walk forthrightly into the bright sunshine of

human rights!...People, people -- human beings -- this is the issue of the 20th century. People of all kinds -- are looking to America for leadership, and they're looking to America for precept and example. (31)

On February 17th after hundreds of years of blatant injustice, Johnson would provide both the precept as well as the example by signing into law the Civil Rights Act of 1964. To quote Teddy White, *"Every one of the proposals presented to the Senate on February 17th was anathema to the Old Guard of Southern Senators .. One could say that their defeat in this last stand was the major historic event of the spring of 1964--for their hour had come."* (32)

But while the Southern Segregationists may have lost their place in the Democratic Party they were being welcomed with open arms in other quarters. On 16 July 1964 Barry Goldwater would deliver an acceptance speech that was in many respects the antithesis of Johnson's call for a Great Society and Hubert Humphrey's call for racial justice.

The good Lord raised this mighty Republic to be a home for the brave and to flourish as the land of the free -- not to stagnate in the swampland of collectivism...We are plodding along at a pace set by centralized planning, red tape, rules without responsibility, and regimentation without recourse...Rather than useful jobs in our country, our people have been offered bureaucratic "make work; rather than moral leadership, they have been given bread and circuses...Small men, seeking great wealth or power, have too often and too long turned even the highest levels of public service into mere personal opportunity...Those who seek to live your lives for you, to take your liberties in return for relieving you of yours, those who elevate the state and downgrade the citizen must see ultimately a world in which earthly power can be substituted for Divine Will...I know that the road to freedom is a long and a

challenging road. And I know also that some men may walk away from it, that some men resist challenge, accepting the false security of governmental paternalism...We see in the sanctity of private property the only durable foundation for constitutional government in a free society. (33)

From a conservative perspective it was a magnificent speech, worthy of comparison to Kennedy's inaugural address. But Goldwater's words had a dual effect. On one level they energized the army of Goldwater supporters as never before. Here truly was a choice and not an echo. But on another level, Goldwater's words served to paint a sharp and clear contrast between those of Johnson and Humphrey.

Due to the lucid and unambiguous nature of the party platforms and agendas the American people would have a clear choice. No one on either side would be able to say that the electorate was confused or sending mixed messages in the rendering of their final verdict. The hard right had labored for decades to give the nation a chance to choose between the false promises of the New Deal and the values that they believed had made the country great.

In the end, Lyndon Baines Johnson, 36th President of the United States, won reelection from the people of the United States by the greatest margin and the greatest percentage (61 percent) that any President had ever drawn from the U.S. electorate up to that time. Teddy White noted that he would live long before he would see its like again. The American people had spoken. They had chosen the forces of progress and equality over those of property rights and reaction. (34)

Conclusion

At first glance it would appear that the fundamental aspects of the New Deal were

permanently enshrined in the American consciousness with the landslide endorsement of Lyndon Johnson's program. Cass Sunstein would probably disagree with the premise that the election of 1964 was a clarion call for the enactment of the aforementioned 2nd Bill of Rights. But while it may not be a de facto endorsement, it at least made it clear that the goals of the Great Society were ones worth pursuing. In addition, there was a distinct sense that the electorate perceived America's destiny and the goals of Johnson's program as one in the same.

But this is only half the story. This analysis begs the question, if the 1964 election validated and endorsed the tenets of the New Deal, how does one explain the "Reagan Revolution." Even closer to the present day, how does one fathom the millions of struggling middle class citizens who put George W. Bush back in the White House in 2004. If the principles contained in the Second Bill of Rights are so important to the electorate, why then did Senator Kerry fail to gain the votes of those who had the most to lose from a Bush victory.

Before the Storm, provides some answers. Then as now, the true believers who brought about the Goldwater and Reagan (and now apparently Bush) revolutions have lost many battles, but unlike the Democrats, they have never even remotely considered the fact that they are no longer relevant. As Perlstein makes clear, to the true believers on the right, the philosophy goals laid out by Goldwater in his 1964 speech at the Cow Palace are always within reach. (35)

Certainly, it is true that 1964 placed issues like Social Security and Medicare outside the bounds of political debate. But as Ben Wattenberg notes in his book "Values Matter Most," by the late 1990s even the most ardent liberal had to admit that something had gone awry. Wattenberg makes the point that "when government programs are poorly run or give the impression the people are "getting something for nothing," they leave themselves open to

attack from the right. If the values aren't right, sooner or later the opposition will be able to make political hay out of the situation. (36)

Logically, one would have to agree that both sides have fallen victim to political delusion. This author is a huge proponent of Sunstein's proposals, but while the goals contained in Second Bill of Rights are worthy ones, history and human nature indicate that they are far from easy to achieve. As Sweden has demonstrated, even the most successful welfare state often finds itself at odds with human nature. One does not have to be a disciple of Barry Goldwater to agree with Wattenberg's assertion that giving people "something for nothing for long periods of time leads to disaster." (37)

When the left and the progressive element of the American political realm overreach, the right will always be there to remind the body politic that paradise on earth will never be achievable and at base we can only depend on ourselves. This philosophy, while harsh, has some credibility, if only because it acts as a check on the potential excesses of government programs.

But if there were a prize for delusion, it would have to go to the Goldwater crowd. During the 1964 campaign, the rallying cry for the Senator was "In your heart you know he's right" The appropriate rejoinder from the Democrats was "In your guts you know he's nuts." This is significant because one of the tragedies of the so-called conservative movement is their consistent ability to ignore the human suffering unfolding around them.

As noted in 1932, dozens of bright, talented and experienced leaders waited in vain for what Barry Goldwater called "the proven ways" to kick in. Meanwhile millions of lives were being destroyed and the country was literally "going to hell in a hand-basket." This propensity to favor what they believe to be immutable laws over the impulse to reduce human suffering

is what will ultimately lead to some form of the Second Bill of Rights eventually being implemented.

It is instructive to note that even at the height of the Reagan Revolution, no one on the right was seriously proposing to eliminate Social Security. That ship had already sailed. So while 1964 nailed down much of the tenets of the Second Bill, there is still much to be done. In 1932, FDR had “put the hay down where the goats could get it.” Since that time, particularly in 1964, Americans have debated about how much hay should be put down, and in what part of the barn it should be stored. No one however since that critical election, has proposed, as Barry Goldwater and his followers did at that time, to put the hay back up in the loft. Despite the conclusions of the pundits regarding the last election, this is not likely to change.

Notes:

1. Christopher Bigsby, *Introduction to Arthur Miller's Death of a Salesman*, (New York, Penguin Books)
- 1a. William Manchester, *The Glory and the Dream*, (New York, Random House) pg. 31
2. Cass Sunstein, *The Second Bill of Rights: FDR's Unfinished Revolution and Why We Need it More Than Ever*, (New York, Basic Books)
3. William Manchester, *The Glory and the Dream*, pg.25
4. Ibid
5. Sunstein, *The Second Bill of Rights*, pg. 38
6. Ibid
7. Ibid
8. Manchester, *The Glory and the Dream*, pg. 28
9. Ibid, pg.24-25
10. Louis Armstrong: *The Revolution of Swing*, (Written by Neil Tesser) ((c) and (p) (Jazz From Lincoln Center, 2001)
11. Manchester, *The Glory and the Dream*, pg.80
12. Sunstein, *The Second Bill of Rights*, pg. 66
13. Ibid
14. Ibid
15. Ibid pg. IX,
16. Ibid pg. 143
17. Stefan Kanfer, *Serious Business: The Art and Commerce of Animation in America (From Betty Boop to Toy Story)*, (New York, Macmillan Press)
18. Manchester, *The Glory and the Dream*, pg.25
19. Friedrich A. Hayek. *The Road to Serfdom*, (Chicago, University of Chicago Press)
20. Rick Perlstein, *Before the Storm, Barry Goldwater and the Unmaking of the American Consensus*, (New York, Hill and Wang) pg. 5-6
21. Ibid pg.6
22. Ibid pgs. 18-19
23. Ibid pg. 23
24. Ibid pgs. 473-476
25. Ibid. pg.477
26. Theodore H. White, *The Making of the President 1964*, (New York: Atheneum Publishers) pg. 157
27. Ibid. pgs.130-161
28. Robert A. Caro, *Master of the Senate*, (New York Alfred A. Knopf) pg. 417
29. Rick Perlstein, *Before the Storm*, pg. 411
30. Ibid. pgs. 411-412
31. Robert A. Caro, *Master of the Senate*, pgs. 442-443
32. Theodore H. White, *The Making of the President 1964*. pg. 174-175
33. Ibid. pgs. 215-218
34. Ibid. pg. 380
35. Rick Perlstein, *Before the Storm*, pgs-xi-xvi
36. Ben Wattenberg, *Values Matter Most*, (New York, The Free Press), pgs3-8
37. Ibid

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