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Research Article

The Pragmatism of Politics: Senator Norris Cotton and the Civil Rights Legislation in the 1960s

—Ryan Sanborn

I have always been fascinated by the hows and whys of history. My interest in civil rights legislation did not truly begin until the later semesters of college. My original research work began as an assignment for the Senior Colloquium in History in the spring of 2016. At the time, my research concerned the influences on the passage of the Civil Rights Act of 1964 and the passage of the Voting Rights Act of 1965. My research evolved to investigate why and how both of these laws passed the United States Senate—taking into account the effects of party politics, the influence of the Cold War, public support for such legislation, and so on. I learned of Norris Cotton almost by sheer coincidence. Two texts I was using for research on the passage of both acts—Robert Mann's *The Walls of Jericho* and Nick Kotz's *Judgement Days*—mention Republican Senator Norris Cotton of New Hampshire, and, more importantly, an amendment he proposed to the Civil Rights Act of 1964. My research for my senior seminar shifted in focus again.



Ryan Sanborn in the library at the University of New Hampshire.

Senator Cotton had served for several years in Congress, and when these bills arrived, he voted *against* the Civil Rights Act 1964 and *for* the Voting Rights Act of 1965. These conflicting votes led me to intriguing questions: What in this decade of the Cold War influenced American Legislators? And, more specifically: What influenced Cotton? My research soon brought me not only to his personal records at the University of New Hampshire (UNH) Archives in Durham but also to his memoir, *In the Senate: Amidst the Conflict and the Turmoil* (Cotton 1978). As the pace of my research quickened, I spent several hours poring over a copy of Cotton's Amendment, congressional record remarks, and constituent mail at the UNH Archives in an effort to understand his motivations and beliefs.

Events of the 1950s and 1960s: When the Pressure Boils Over

Several factors led President Lyndon Johnson to push for the passage of the Civil Rights Act of 1964 and Voting Rights Act of 1965. The first was the federal government's struggle to enforce voting rights for African Americans in the South, beginning with passage of the Civil Rights Act of 1957. The 1957 Act established the Civil Rights Division (CRD) of the Department of Justice to enforce the Act and civil rights statutes, but the CRD faced numerous enforcement challenges, including prejudiced local law enforcement and juries, a lack of trust from the African American community, and staffing shortages (Lichtman 1969, 346–347, 348–351, 360–361).

The second factor necessitating legislation to protect the goals of the civil rights movement concerned the international image of the United States. On June 26, 1961, Ambassador Malick Sow of the state of Chad experienced racial discrimination in the United States when he was denied a cup of coffee at a diner in Maryland while traveling to meet with President Kennedy. The ambassador felt humiliated (Dudziak 2000, 152). Incidents like this were harming the image of America abroad and hampering relationships with newly independent African States (Borstelmann 2001, 1–2; Dudziak 2000, 153). The United States of America, the bastion of democracy in the Cold War, did not provide equal rights to all of its citizens, and this became a political and moral issue in both the Kennedy and Johnson administrations.

A third factor was the increasing violence in the South surrounding the civil rights movement, including the violent end to the march from Selma to Montgomery, Alabama. On March 7, 1965, over 600 civil rights marchers set off on Highway 80 to Montgomery, but heavily armed local law enforcement officers confronted them, and a group of white onlookers cheered on the officers (Mann 1996, 452–453). By the end of the day, seventy-eight African Americans required medical treatment at the hospital, and the event was captured on film for the entire nation to see (Mann 1996 453). This had a huge impact on public opinion, and protests spread throughout major cities in the United States, even to the White House (Mann 1996, 453–455). Several sources indicate that these factors—enforcing the legal rights of African Americans, preserving the international image of the United States, and ending the escalating violence against protesters—necessitated the hard-fought passage of the Civil Rights Act of 1964 and, soon after, the Voting Rights Act of 1965.

The Civil Rights Act, the Voting Rights Act, and Congress

The Civil Rights Act (CRA) of 1964 addressed several broader aspects of civil rights. These included ending segregation in “public accommodations, public facilities, schools and employment” (Lichtman 1969, 363–364). The CRA made several minor, practical improvements in voting rights and “one major procedural improvement” (Lichtman 1969, 364). The “denial of the right to vote because of immaterial errors or omissions on registration forms was prohibited,” and strict regulations were applied to the administration of literacy tests and what constituted a sufficient reading level (Lichtman 1969, 364).

By comparison, the Voting Rights Act (VRA) of 1965 was much more narrow in scale, but immensely comprehensive in its own right. The VRA focused solely on how the federal government would

enforce the right to vote. This included outlawing literacy tests and poll taxes and gave significant power to the attorney general to enforce the Act, ensure the protection of the right to vote, and control the process of voter registration (Voting Rights Act of 1965). The VRA proved to be very successful. Subsequently, the number of African Americans registered to vote increased from 21 percent across several southern states in 1964 to 48 percent by 1967 (Lichtman 1969, 365).

Change as significant as that proposed by these acts did not pass through Congress without conflict. However, there was a large difference between the levels of conflict that each act created. Robert Mann's *The Walls of Jericho* describes a Senate filibuster that almost broke the Civil Rights Act while it was still a bill (Mann 1996). As I soon learned, the resistance to the Voting Rights Act of 1965 was considerably less, and it passed Congress with almost breakneck speed by the standards of today. It was at this point in research that I discovered Senator Cotton's conflicting votes.

Senator Norris Cotton

Senator Norris Cotton was born on May 11, 1900 in Warren, New Hampshire (Saxon 1989). His professional life included both public service and private law practice. He served one term in the New Hampshire state legislature in 1923; worked as secretary to Senator George Moses while attending George Washington University Law School from 1924 to 1928; practiced law in New Hampshire for several years; and served as Grafton County Attorney and Justice to the municipal court of Lebanon, New Hampshire. Cotton was elected to the United States House of Representatives in 1946 (Cotton 1978, 1; Saxon 1989; Cotton 1978, 13–14; *Washington Post* 1946, 10). He would serve there for four terms, after which he served in the US Senate for twenty years before retiring in 1974 (Paul 1973). My research on Cotton included reading his memoir, *In the Senate: Amidst the Conflict and the Turmoil*, in which he details his experiences as a congressional delegate; his successes and his failures; Senate traditions and rules; the day-to-day life of a Senator; how Congress had changed since his time as a clerk in the early 1920s; and how his tenure in the House better prepared him to serve in the Senate. (See Figure 1.)

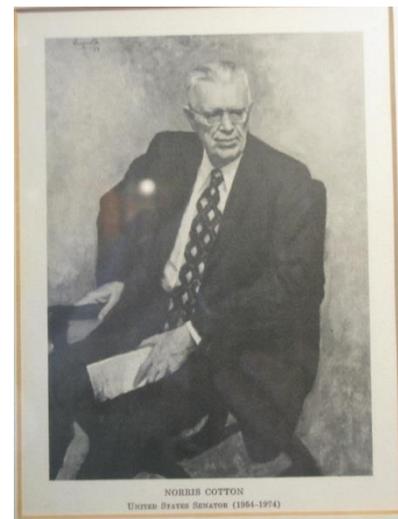


Figure 1. Senator Norris Cotton

Senator Cotton “described himself as a ‘rock-ribbed conservative Republican’” (Saxon 1989). His beliefs and views are almost libertarian in nature; in his memoir, he often points out perceived government overreach and negligent spending, both concerns of libertarians. He held his constituents in a very high regard, and as was then common practice sent out biweekly reports to keep them updated (Cotton 1978, 93–94). These reports would become central to my research, providing the answers to his stance on both the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

I discovered that Cotton believed that the media was responsible for distorting the view of the power of government, as the public focused on the White House rather than Congress, and many Americans thought that the presidency held much more power than it really did (Cotton 1978, 81–83). Furthermore, he felt that a legislator held a two-part identity, writing, “[A senator] is a representative to his constituents, but is also a politician, and must strive to maintain a proper balance between the two functions involved” (Cotton 1978, 93). He explains that a senator cannot become so absorbed by the goings-on in Congress and the United States that he forsakes his voters, but he also cannot become so absorbed in his voters that he forsakes the goings-on in Congress and the United States. Cotton also points out, quoting Edmund Burke’s speech to his electors, that a politician’s convictions are just as important as the connection to his constituents. Cotton’s wrote that even though some of his constituents disagreed with him, they also understood that his own convictions were important (Cotton 1978, 93–95). This balancing of the influence of public opinion and personal beliefs is a perfect example of the pragmatism of politics.

Senator Cotton’s Views on Civil Rights

Cotton’s reactions to three federal actions regarding the civil rights movement reveal his views on civil rights. Cotton’s view on the 1954 Supreme Court decision in *Brown v. Board of Education*, compelling school integration, would serve as the baseline for my research on the later CRA and VRA. He believed that the Supreme Court becoming involved in the enforcement of integration through *Brown v. Board of Education* was an act of overreach, but he also believed that the decision to end “separate but equal” was the right one, as “it rectified a long-standing injustice to the black race” (Cotton 1978, 199). This contradiction is typical of many libertarians, as Senator Cotton believed that the government should have the ability to defend the rights of its citizens, but that it must do so within the confines of the Constitution.

The second federal action illustrating Senator Cotton’s views on civil rights was his involvement in the passage of the Civil Rights Act of 1964. As previously stated, southern senators were leading a filibuster in an attempt to kill the bill. Seeking to end the filibuster, President Johnson made a deal with those Senate Republicans who had not aligned themselves with their southern counterparts who were part of the filibuster. As part of the deal, these Senate Republicans would vote to end the filibuster, and Cotton proposed an amendment to the CRA to make the bill more amenable them (Mann 1996, 423; Kotz 2005, 150). The “Cotton Amendment” was aimed at “[limiting] the application of the fair employment section” of the bill so it would apply only to businesses with more than 100 employees (see Figure 2). This was designed as a means of protecting small businesses from government oversight, which was favored by several Republicans. According to the Congressional Voting Record, those senators in favor of Cotton’s amendment felt that the fair employment section of the CRA could not be impartially enforced across the many small businesses of the United States. Cotton’s amendment failed to pass with only thirty-four supporting votes, because the majority felt that his amendment would handicap that section of the bill (Vote No. 303 1964).

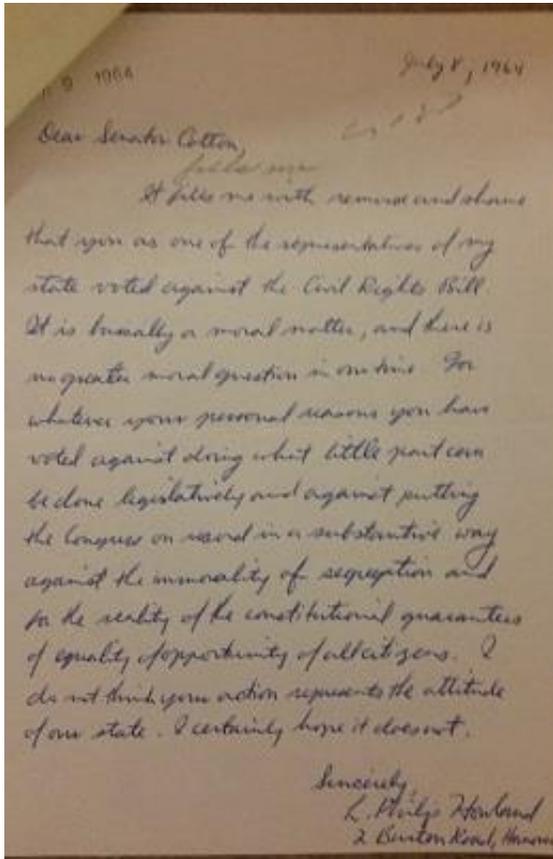


Figure 3. Mr. L. Philip Howland's letter criticizing Senator Cotton's vote on the Civil Rights Act of 1964.

letter with, "I do not think that your action represents the attitude of your state. I certainly hope it doesn't" (Howland 1964). (See Figure 3.) Attached Howland's letter in Cotton's records was a form letter on carbon paper with Senator Cotton's response. He apologized for the disagreement and followed with "However, difficult though it may be, one has to vote according to his own best judgment and honest convictions" (Cotton 1964).

This bill is of prime importance because the cornerstone of all civil rights is the vote. Free elections and universal suffrage are not just symbols of freedom. They are its guarantees. So is it with the American Negro. (Cotton 6/10/65)

The rest of the constituent report chronicles the other pieces of legislation that had been passed up to 1965 to ensure the protection of the Fifteenth Amendment, explaining that those other Acts were all steps in the proper direction, but that there was still more that had to be done (Cotton 6/10/65). By detailing his support of civil rights bills over his time in Congress, this report makes clear his support of the rights of African Americans. It is important to note how the Voting Rights Act of 1965 fits into Cotton's own libertarian beliefs. The Voting Rights Act focuses exclusively on the

protection of a single, public right and does not address private rights in any way. Instead, it addresses a public right that is essential for a functioning republic and Congress. The purpose of the bill fell completely within both his political beliefs and his personal convictions, whereas the Civil Rights Act did not.

The Pragmatism of Politics

Rights legislation is not purely moral and ethical or purely political, but is influenced by a combination of all factors, as are the politicians who vote on such legislation. Cotton's votes on the Civil Rights Act of 1964 and the Voting Rights Act of 1965 are two perfect examples of this balancing act. These acts were written with consideration to the moral and ethical imperative to secure the right to vote for African Americans, in addition to a variety of political and economic factors. Cotton's votes on these bills were acts of pragmatism. In 1964, Senator Cotton voted against the Civil Rights Act based on his own political beliefs and convictions. On one hand, the CRA would serve a moral and ethical need. On the other hand, Senator Cotton felt that the bill went too far beyond the limits of the powers of Congress. By comparison, Senator Cotton's vote for the Voting Rights Act did not compromise his political beliefs or his own convictions. It was yet another example of his strong support for defending

the rights of African Americans. By voting based on his beliefs and the voices of his constituents, he showed that pragmatic calculation is not always about gaining or losing votes, but balancing one's own convictions with those of one's constituents.

My research on Norris Cotton proved to be some of the most rewarding in my time as an undergraduate. Not only did I have the opportunity to read and use primary source material, but I had the opportunity to apply three full years of education in historical research as well. My study of Senator Cotton has also opened up a new path of research for me, and I have recently completed further research on the passage of both the Civil Rights Act of 1964 and the Voting Rights Act of 1965. My studies now include the study of rights within the study of international relations as well. It is safe to say that this project has redefined my perspective as a student, and as an individual.

Many people supported me through this process. To begin, I want to thank Dr. Stephen Pimpare, who advised me while going through the Inquiry submission process and provided much needed assistance in my initial research on the motivations behind Senator Cotton's votes. Without your help and guidance, my senior thesis might never have been finished. Next, I would like to express my gratitude toward the UNH Manchester Center for Academic Enrichment Director Kim Donovan, whose assistance in my editing process with Inquiry has been absolutely invaluable. I would like to express my deepest gratitude to Dr. John Cerullo, my mentor and academic adviser as a history student. Over the course of four years as your student, not only have I gained a new level knowledge and appreciation for history, but also you have inspired me to become a constant student of history—I simply would not be the student I am today without your guidance, knowledge, and inspiration. Like so many of my fellow history students I feel that the words “thank you” are not enough. Finally, I would like to thank my mother, father, brother, and my fellow student Caroline Consoli. Your encouragement and support through this process, no matter how large or small, has meant a lot to me.

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Author and Mentor Bios

Ryan T. Sanborn, a Merrimack, New Hampshire resident majoring both in history and in politics and society, was brought to his research on Senator Norris Cotton almost by chance. When beginning research work for his senior seminar, he came across a mention of NH Senator Cotton's proposed amendment to the Civil Rights Act of 1964 and was immediately intrigued. His professor and academic adviser, Dr. John Cerullo, told Ryan about the possibility of publishing work in *Inquiry*, and Ryan pursued the lead. He says it was both challenging and rewarding to construct a profile of Senator Cotton after finding rich primary resources at the University of New Hampshire (UNH) Archives at Dimond Library in Durham. Ryan will graduate from the University of New Hampshire at Manchester in May 2017 and is considering a career in development and advancement in higher education. He will never forget the depth of knowledge he gained about New Hampshire history through his senior research project.

Stephen Pimpare is senior lecturer in politics and society at University of New Hampshire at Manchester. He specializes in American politics and public policy, specifically on the history of poverty and homelessness in the United States. He has known Ryan through a number of courses, including a research methods course that involved related research. His support of Ryan's work followed that of retired Professor John Cerullo, who also assisted Ryan. Dr. Pimpare says that one of the joys of working with Ryan was hearing his excitement about the information available through the University of New Hampshire Archives, where Ryan found many useful primary resources concerning Senator Norris Cotton. Ryan is the first *Inquiry* author that Dr. Pimpare has mentored. Regarding the value of writing for *Inquiry*, Dr. Pimpare notes that it is "urgent that we all be able to communicate our knowledge to others; engaged citizenship can't be real without useful knowledge, and we and our students can help produce and disseminate that knowledge."

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