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## CC 73 and the Birth of the Modern Louisiana Two-Party System

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The 1973 Louisiana Constitutional Convention ("CC 73") happened at a significant moment in Louisiana's political history. It occurred at precisely the same time that Louisiana's present competitive two-party system was born. While the emergence of a two-party system in Louisiana was slow, even when compared to those of the other formerly Democratic dominant states in the Deep South, it was dramatic and has had lasting effects. CC 73 helped define the coalitions that formed the basis of our present competitive two-party system. This article will first place the constitutional convention into the temporal context of this dynamic political period in Louisiana and the American South. Then it will describe how the specific coalitions that formed in the convention became concrete precursors to our present party system and speculate on the difference it has made to present day Louisiana politics.

### I. THE DEVELOPMENT OF TWO-PARTY POLITICS

After the Civil War, Louisiana, like all Southern states, entered a period of absolute supremacy by the Democratic Party that lasted until the time of the 1973 Louisiana Constitutional Convention. The reasons for the domination of the Democratic party bear explanation and are instructive in understanding the changes that finally loosened the grip of the party. Michael Perman describes three post Civil War stages of Democratic Party ascendancy.<sup>1</sup> In the first, Reconstruction, newly re-enfranchised Confederates identified the Republican Party "as illegitimate on the ground that it was alien in origin and personnel and hostile in purpose."<sup>2</sup> From the 1870s to the 1890s "the Democrats still did not engage in genuine inter-party electoral competition, as is expected of normal political parties. Instead, they continued to delegitimize the opposition that consisted, variously, of Republicans, Independents, Readjusters, Greenbackers, and

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1. Michael Perman, *Commentary, in Is There A Southern Political Tradition?*, at 42 (Charles W. Eagles ed., 1996).

2. *Id.* at 47.

Populists.”<sup>3</sup> The final period at the turn of the twentieth century was the most radical and effective. Using a variety of means to disenfranchise citizens who might support their opposition, the Democratic Party “decided quite simply to eliminate the black vote altogether—and, in the process, a lot of white voters too.”<sup>4</sup> Perman summarizes the reasons for Democratic domination, writing: “[a]s the South’s ruling elite, and its system of racial oppression, found itself threatened, not only during the war, but for the following 100 years, this fear of party became a mind-set that was increasingly institutionalized until party in any meaningful sense had virtually evaporated by the beginning of the twentieth century.”<sup>5</sup>

The results of this Democratic domination were stunningly effective and enduring. In 1945, no Republican had ever been elected to the United States Senate from any of the eleven states that comprised the old Confederacy. There were no Republican Governors in the South. Only two of the one hundred twenty-two members of the United States House of Representatives from these states were Republican. While there were a few instances where Republican Presidential candidates had carried some of the border states during that time period, no Republican Presidential candidate had ever carried any of the states known as the Deep South (Louisiana, Mississippi, Alabama, Georgia and South Carolina). The South was totally and thoroughly a one-party region.

By the 1970s, the Democratic grip on the South and Louisiana began to loosen. In 1980, Republicans had returned to the South with a vengeance. Republican Presidential Candidate Ronald Reagan had overwhelmed native Southerner President Jimmy Carter in every Southern state except his home state of Georgia. Republicans were winning contests for the United States Senate, House of Representatives and Governor. Louisiana was certainly not immune to this Republican revolution. Republican Congressman David Treen was elected to Congress in 1972 and elected Governor in 1979. In 1976 and 1977 Republicans Henson Moore and Bob Livingston were elected to Louisiana’s Congressional Delegation. Louisiana had voted for the Republican nominee for President in 1956, 1964, 1972 and 1980. By the end of the 1970s, Republicans started on an irreversible path to parity with the Democrats. Today, a Republican is in his second term as governor, five of the seven members of the Louisiana Congressional Delegation are Republicans, the Republican nominee for President easily won the state in a tightly contested presidential election and

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3. *Id.*

4. *Id.* at 48.

5. *Id.* at 50.

Republicans are winning offices at every level of state and local government.

How did it happen? Democratic dominance was linked closely to white supremacy. When the Democrats embraced the Civil Rights movement in the 1950s and 1960s, Republicans were destined to gain support from the backlash. While the initial breakthrough at the presidential level was in 1952 when Republican Dwight Eisenhower beat Democrat Adlai Stevenson in the race for the presidency, the 1964 election had a more lasting effect.

In 1964, Republican presidential candidate Barry Goldwater's opposition to Civil Rights legislation carried him to victory in the state. The Goldwater victory was a breakthrough because it included poor and working-class whites as part of the Republican coalition; these voters would be critical to Republican victories that followed. In the three decades since that election, Republicans have periodically won statewide office and consistently won seats in Congress. Although the racial issues of the 1960s gave Republicans their first major opportunities in Louisiana, two other factors allowed for more solid long-term gains.<sup>6</sup> The economic message of the Republicans appealed to the growing suburban white middle classes in Louisiana; the conservative social agenda articulated by the Republicans appealed to many Protestants in North Louisiana and pro-life Catholics in South Louisiana.<sup>7</sup>

## II. EDWIN EDWARDS AND THE MODERN DEMOCRATIC COALITION

These racial, economic and cultural coalitions were forming in the 1973 Louisiana Constitutional Convention. In the early 1970s the Democratic Party was transforming and reconstituting itself. The Republican Party would follow in the late 1970s by building enduring coalitions from those not in the reformulated Democratic base. After the 1965 Voting Rights Act, African-Americans began registering in large numbers throughout the South and voting consistently for the Democratic Party, a party that was viewed by African-Americans as the party that created voting opportunities. A black-white coalition proved quite successful in these initial stages of party realignment and several Democratic southern politicians were elected during these

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6. T. Wayne Parent, *The Rise and Stall of Republican Ascendancy in Louisiana Politics*, in *The South's New Politics: Realignment and Dealignment* 204 (Robert H. Swansbrough & David M. Brodsky eds., 1988); Alexander P. Lamis, *The Two-Party South* (1988).

7. T. Wayne Parent, *Louisiana*, in Andrew M. Appleton & Daniel S. Ward, *State Party Profiles: A 50-State Guide to Development, Organization, and Resources* 157 (Congressional Quarterly, 1997).

years. These "New South" politicians that embraced a biracial coalition were the darlings of the national news media. Jimmy Carter, Bill Clinton, Dale Bumpers, Reuben Askew, John West, William Waller and Edwin Edwards were all part of this breed of Southern Democrats. Edwards, aware of his role, said in his 1972 inaugural speech, "To the poor, the elderly, the unemployed, *the thousands of black Louisianans who have not yet enjoyed the full bounty of the American dream*, we extend not a palm with alms but the hand of friendship."<sup>8</sup> For Louisiana and the South, this was a time of racial healing after the bruises of the 1960s Civil Rights conflicts. While Carter and Clinton were able to use that era of good feeling to promote themselves into national prominence, Edwards was successful in building a political dynasty in Louisiana eventually serving four terms as Governor. He became the inheritor of the Huey and Earl Long mantle of spokesmen for the downtrodden, adding the rhetoric of ridding the state of race and ethnic discrimination to the Longs' message of economic populism.

Edwards, who called the convention, certainly set its political tone. The promise to write a new constitution to replace the antiquated 1921 Constitution was a highly visible part of the Edwards campaign. Voters knew that, if elected, this candidate would not just propose and enact legislation but would be the architect of a new framework of government. Therefore, the outcome of the 1971 gubernatorial race had an even greater impact on the state than usual. This race saw Edwards, a moderate Democrat from south Louisiana (Johnson), in a highly competitive race with a more conservative north Louisiana Democrat, Bennett Johnston (Shreveport). Each candidate vied for support from various factions, who were often at odds with one another, of the then dominant Democratic party. Edwards's eventual victory was achieved, in large part, due to his ability to build an unprecedented coalition between three of these key factions: labor, Catholic, and black voters.

South Louisiana, in general, tends to be more favorable to labor issues, and more Catholic, than its northern counterpart. Because Edwards was originally from Johnson, a south Louisiana town, he won the labor vote by emphasizing his blue collar upbringing. Edwards's father was a relatively poor sharecropper, allowing him fewer of the opportunities enjoyed by the upbringing of his opponent. Playing on this image, Edwards was able to present himself as more in touch with the daily lives and problems of the working man and farmer. Edwards was also the political beneficiary of having a mother who was both French and Catholic. This combination was

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8. Neal R. Pearce, *The Deep South States of America* 61 (1974) (emphasis added).

helpful for Edwards in this region dominated by Cajun culture, but Edwards's campaign realized that carrying the south Louisiana parishes would not be enough. Edwards would have to enlist the support of a voting bloc previously off limits to most mainstream Louisiana politicians.

The most impressive, and possibly most important, achievement of Edwards's campaign was his ability to merge the labor and French Catholic voting blocs with the black vote, a new and previously politically dangerous voting bloc. Not since the days of the populist rhetoric of Huey Long had a Democrat been able to enlist the support of African-American voters without at the same time alienating most of their white constituents. Edwards was able to build this coalition by making the more conservative Johnston unpalatable to the labor and Catholic blocs, while at the same time appealing to disenfranchised black voters. Edwards orchestrated a masterful campaign by actively addressing the issues facing the black community, while at the same time not alienating his white constituents by running a campaign singularly on race related issues. This newly formed coalition was the first time that a candidate was able to bring white and black voters together politically in the post civil-rights period.

The coalitions that constituted Edwards's basis of support in the 1971 gubernatorial race bear close resemblance to the factions that now constitute the modern Democratic party in Louisiana. While these similarities may seem striking, the framework in which these coalitions were built may be the key to our modern political parties. Edwards's coalitions, as well as the ones which organized in opposition to him, are best seen as precursors to the definitive moment in the origins of the competitive two-party system in Louisiana. This definitive moment, as we shall see, became known as the Constitutional Convention of 1973, CC 73.

Edwards brought to Louisiana politics a new wave of innovation. Until 1971, only the political shrewdness of the Longs, spurred on by the appeal of their "share the wealth" programs, had been able to bring together these previously antagonistic voting blocs into a single, solid basis of support. Although Edwards was a far cry from being a populist, he retained the common man persona that made him appealing to the three key factions. This newly coalesced basis of support, composed of different, but now uniquely related, interests banded together to accomplish what was seen as a common goal. But Edwards, like most Louisiana politicians of the time, was to find that there was a larger, more politically intriguing battle occurring not just in the campaign trail, but also at the steps of the capitol. The politics of campaign

coalitions would soon transfer to the politics of interest group coalitions.

### III. INTEREST GROUP POLITICS

The pre-CC 73 Louisiana political framework, like most state governments, was dominated by competitive interests. From labor unions to manufacturing associations, special interests jockeyed for favorable recognition and status from the legislature. While this does not, at first glance, appear to be counter-intuitive, the degree to which these competing interests came to dominate the Louisiana political climate may be unrivaled.

Competition between interest groups in pre-CC 73 Louisiana politics constituted a unique scenario. Special interests, by nature, seek to secure the aims and objectives of the constituents they represent. Because Louisiana politics has become famous (or infamous) for its stories of back room deals and heavy handed payouts, as well as its shifty political climate, it is no surprise that interest groups sought a way to secure their aims apart from the whims and fancies of less than reliable state legislators. Special interests needed a way to permanently secure favorable tax statuses, budgets, and specific regulations from beyond the grasp of potentially unaccommodating legislators. If legislative statutes failed them, their alternative was the constitutional amendment.

By adding an amendment to the constitution to protect their respective objectives, special interests relieved themselves of the worrisome task of dealing with fickle state legislators. "From 1852 on, the constitution was increasingly viewed as a statutory bank vault within which the favored schemes, phobias, and interests of the prevailing elite could be secured 'beyond the reach of fickle legislatures and ungrateful governors' in the future."<sup>9</sup> To gain constitutional protection for their objectives, special interests had only to succeed in lobbying the Louisiana legislature and populace a single time.

The Louisiana Constitution of 1921 allowed amendments by voter approval after a two-thirds vote in each house of the legislature. This scenario created a new form of competition between competing interests who could gain protection for their respective aims. The manifestation of this new competition is seen by the fact that between 1921 and 1972 the Louisiana legislature approved eight hundred and two constitutional amendments, with the voters approving five hundred and thirty-six of them, making the 1921 Louisiana

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9. Mark T. Carleton, *The Louisiana Constitution of 1974*, in *Louisiana Politics: Festival in a Labyrinth* 15, 16 (James Bolner ed., 1982).

Constitution the longest in American history.<sup>10</sup> As might be expected, this once promising method of protection for special interest objectives led to a bigger, more serious political problem.

The sheer length and breath of such a document made it inaccessible to all but a few trained legal scholars and professionals. Aside from its physical and logistical limitations, however, the 1921 constitution had become a stifling bureaucratic inhibitor. The five hundred and thirty-six amendments that protected a diverse and expansive assortment of special interests also prevented the legislature from adapting, augmenting, or changing many existing governmental and administrative structures. As mentioned above, the Louisiana Constitution, by the time of the CC 73, had become a type of statutory bank, where enactments generally reserved for the domain of the legislature were transformed into constitutional amendments, thereby affording them constitutional protection. While this had the aforementioned positive consequence of removing the whimsical nature of "politics as usual" from the endeavors of special interests, it also had the unintended consequence of creating a constitution so full of amendments that the legislature was hampered in its efforts to effectively regulate, budget, and administer the government.

It was little surprise that the stifling limitations put on the legislature by the amendments to the 1921 constitution, as well as the directly related voter apathy toward the amending process, became one of the key incentives behind the push for CC 73. But how does all of this equate with the development of our competitive two-party system? The answer to this question lies in how the framing of CC 73 occurred. As we have seen, at least to some degree, it was the push of special interests to obtain constitutional protection that ultimately rendered the 1921 constitution impotent. The reaction to this was a constitutional convention shrouded in promises of fairness, brevity, and clarity. Part of the mantra for CC 73 had been to eliminate the barriers that were preventing the legislature from enacting whatever statutory laws were necessary to achieve both progress and reform. The barriers preventing this, as might be expected, were quickly identified as the constitutional amendments afforded to a bewildering array of special interests. To this end, the CC 73 was an effort to rid the beleaguered state of the dominating influences of special interests.

Special interests that enjoyed hard-fought constitutional safeguards were less than eager to relinquish such protection. From the point of the special interests, CC 73 was a renewed threat to the security they had come to enjoy. Although reluctant at first, most

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10. *Id.* at 17.



special interests came to view the CC 73 as an inevitability with which they now had to contend. With this realization, renewed competition between special interests for potential protection in the new document became the order of business.

The delegates to the CC 73 faced a daunting, if not impossible task. They had to contend, not only with the same lobbying pressure that had ultimately rendered the 1921 constitution ineffective, but also an electorate whose apathy had grown to an all-time high because of the dominance of these interests in Louisiana politics. It seems somewhat ironic that the heavily optimistic mind set of the CC 73 was underpinned by circumstances that made the possibility of its success highly questionable.

It is a great surprise to look back and see that the CC 73 did succeed, to some degree, in its effort to provide a new and workable document. The product of the CC 73 was noticeably briefer, and its coherence was unencumbered by a vast array of amendments. It was not, however, without fault. As might be expected, the constitution that came out of the CC 73 was unable to escape the influence of special interests. Even though part of the mantra of the CC 73 had been to remove the influence of special interests in the political arena, the CC 73 did escape the inevitable inclusion of constitutional provisions that were seemingly statute oriented. Moreover, the document that was produced by the CC 73 set the stage for a battle between competing special interests over hotly contested provisions. This battle would mark the coalescence of like minded interests into support or opposition for the new constitution. The recognition of both the shortcomings of the CC 73, as well as the ensuing political battle over constitutional adoption, most clearly signifies the emergence of our present competitive two-party system in Louisiana politics.

#### IV. GROUP COALITIONS AT THE CONVENTION

When Mark Carleton reflected back on the document produced by the CC 73, he noted that one of the most severely scrutinized areas of the constitution was the provision dealing with civil service.<sup>11</sup> Interestingly enough, it is the coalitions that formed both in support and opposition to this measure that would most clearly define our present day Democratic and Republican party. Partly in response to the political patronage made famous during the days of Huey Long, civil service was seen as a way of removing the influences of favoritism, nepotism, and kick-backs from the appointment of persons to government jobs. It was the aim of the civil service to

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11. *Id.* at 30-31.

institute a modicum of meritocracy to governmental employment and then to shelter those employees from the whims of both legislators and governors. While civil service was able to shelter governmental employees from the fickle nature of Louisiana politics, it suffered from a lack of innovation and efficiency. Strict employment regulations in the civil service code inhibited agency administrators by removing their ability to hire and fire employees as they saw fit. Reform minded conservatives in particular drew attention to this, noting the spread of the "dead-head" phenomena, and calling for governmental agencies run more in a business fashion.

Not surprisingly, opposition to civil service provisions in the constitution came from various organizations representing business interests. Among these were the various chambers of commerce, manufacturing associations, and the Republican state committee. Alternatively, support for the civil service structures came from various independent labor union organizations, the AFL-CIO, as well as most of the existing civil service employees. The civil service provision of the new constitution brought the labor-business debate to the forefront of political discussion. It would also prove to be the first issue that would polarize the core coalitions for both the modern Republican and Democratic parties.

#### V. PARTY POLITICS AFTER THE CONVENTION

The support for and against the civil service provision in the convention was mirrored in the vote on the entire constitution in 1974. Among the organizations supporting ratification were the NAACP, League of Women Voters, Louisiana AFL-CIO, Louisiana Education Association, and a number of local officials' organizations: the sheriffs', school boards', district attorneys', police jurors', municipal associations', and assessors'. Among the organizations opposed to ratification were the Louisiana Teachers' Association, Republican State Central Committee, Louisiana State Chamber of Commerce, Louisiana Manufacturers' Association, Public Service Commission, and, for what it was worth, the Ku Klux Klan.<sup>12</sup> Support for the constitution was found mostly in south Louisiana, among blacks, labor and urbanites. New Orleans was the home of the strongest support, and not surprisingly, the key to its passage.

The voter dynamics in this referendum to the constitution would begin to gel into the Democratic and Republican coalitions in the years to come. Prominent Louisiana historian, Louisiana State University Professor Mark Carleton, writing in 1975, noted that the most significant feature of this election is something that twenty years

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12. *Id.* at 38-39.

later would almost eerily parallel the results of the closest two-party statewide election in Louisiana history: "Indeed, the margin of victory in the New Orleans area alone, 103,371 votes, 'exceeded the statewide margin of passage (98,304) by 5,067 votes.'"<sup>13</sup> In 1996, when Democrat Mary Landrieu defeated Republican "Woody" Jenkins, her margin of victory (5,788 votes) was due, in large part, to the 100,000 vote margin she won in Orleans Parish.

This was not simply an odd coincidence. The New Orleans electorate is a concentration of the strongest components of the modern Louisiana Democratic coalition. In the years that followed the convention, Louisiana witnessed regular run-offs between Democrats and Republican for major statewide offices. Electoral patterns of support for the Democratic and Republican candidates emerged systematically from the coalitions that surfaced in the convention. The two-party statewide run-offs for governor and United States Senate seats that followed the 1975 vote on the constitution were as follows: the 1979 gubernatorial race between Republican Dave Treen and Democrat Louis Lambert; the 1983 election for governor between Democrat Edwin Edwards and Republican Treen; the 1986 Senate race between Democrat John Breaux and Republican Henson Moore; the infamous 1991 gubernatorial race between Democrat Edwards and Republican David Duke; the 1995 and 1999 run-offs involving Republican Mike Foster and Democrats Cleo Fields and William Jefferson; and the aforementioned Senate race between Landrieu and Jenkins. The margins of victory varied widely. In the competitive races (Treen vs. Lambert, Breaux vs. Moore, Landrieu vs. Jenkins), the same groups, blacks, labor and urbanites voted Democratic while business, white rural voters and suburbanites voted Republican. Even in the landslides, many core parts of the two-parties' electoral coalitions supported their candidate.<sup>14</sup>

#### VI. THE LEGACY OF THE PRESENT TWO-PARTY POLITICS: CONCLUDING REMARKS

While present two-party politics in Louisiana is a result of a century of evolution, the coalition politics in play at the 1973 Constitutional Convention were the immediate predecessor to the

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13. *Id.* at 40.

14. See Parent, *supra* note 6; Wayne Parent & Huey Perry, *Louisiana: African Americans, Republicans, and Party Competition*, in *The New Politics of the Old South: An Introduction to Southern Politics* (Charles S. Bullock & Mark J. Rozell eds., 1998); Edward F. Renwick et al., *Louisiana, Still Sui Generis Like Huey*, in *Southern Politics in the 1990's* 280 (Alexander P. Lamis ed., 1999) for a more detailed discussion of the modern two-party coalitions.

emergence of a fully realized two-party system. The dynamics of this convention were telling. The Edwards coalition became the modern Democratic Party, and the opposition quickly evolved into the modern Republican Party. Clearly one result of the CC 73 and its aftermath was the coalescing of interest group support into a definitive two-party system.

In retrospect, what difference did it make? In one way, it clearly had a major impact. Today, Louisiana has two competitive parties composed of well-defined enduring coalitions. While some groups, like white working class Protestants (the classic so-called "Reagan Democrats") still vacillate between the two parties, the present two-party system is grounded firmly in the coalitions seen in the 1973 convention: blacks and organized labor are the core of the Democratic Party; various business groups form the core of the Republican Party. In this way, state party politics reflect national party politics consistently and in a way that is recognizable to the voters.

But, has competitive party politics changed the nature of politics *inside* Louisiana more than superficially? Earl and Merle Black in their classic work on Southern politics, *Politics and Society in the South* argue that the promise of a two-party system dramatically transforming southern politics might be overestimated. "They argue that southern politics can be expected to perpetuate much of the past even as a different future beckons."<sup>15</sup> They may have been justified in their skepticism. Interest groups in Louisiana seem to have survived not only the new constitution, but the new political order as well.

The two-party system in the legislature is clearly a secondary force: the Democratic controlled chambers of the legislature not only have Republicans as chairs of several major committees, but a Republican is President of the Senate and second in command in the House. Interest groups, on the other hand, have shown to be quite resilient through this quarter-century of political change. The practice of protecting salient interests from the yearly whims of the legislature is seen in the constitutional dedication of most of the state's revenues. The parties are well defined but clearly weak, while interest groups remain predominantly influential.

Immediately after the passage of the 1974 Constitution, Professor Mark Carleton, suggested that this constitution was much like its ten predecessors: dominated by the established political elite.<sup>16</sup> At first glance, one might conclude that he was misguided in his assessment. There are new players in this old political game. Before the convention, Louisiana politics was an exclusive club for a mostly-

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15. Earl Black & Merle Black, *Politics and Society in the South* 360 (1987).

16. Carleton, *supra* note 9, at 24-25.

white Democratic Party. The convention, however, was followed by two fundamentally important revolutions in Louisiana politics: the birth of the two-party system and the emergence of voting rights for the one-third of the state that is African-American. Indeed, Republicans and African-Americans are significant new elements of the Louisiana political system that followed directly from the convention.

To some degree, however, Carleton may well have been right. Did the convention, and the constitution that it produced, change Louisiana politics all that much? The elite power structure that Carleton described, a power structure dominated by long established interest groups who successfully protect their narrow aims, appears to have adapted well to all that occurred. Although part of the mantra of the CC 73 had been to remove the influence of special interests on Louisiana politics, it is the influence of these groups that continues to dominate the Louisiana political climate. It seems that the proverbial phrase "the more things change, the more they stay the same" may be appropriate in a final analysis of post-CC 73 Louisiana politics.