The Longest Debate

A legislative history of the 1964 Civil Rights Act

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The Congressional Journey Begins

CONGRESS, the 535-headed creature, whose strongest instinct was self-preservation, sprawled lazily on Capitol Hill, blinking in the morning sun and nervously eying the package that had been sent up from the White House—John F. Kennedy's civil rights bill.

In his accompanying message to Congress, the president said,

> The legal remedies I have proposed are the embodiment of this nation's basic posture of common sense and common justice. They involve every American's right to vote, to go to school, to get a job and to be served in a public place without arbitrary discrimination—rights which most Americans take for granted. In short, enactment of "The Civil Rights Act of 1963" at this session of Congress is imperative.

The Kennedy bill had eight provisions:

> Title I enforced the constitutional right to vote in federal elections.
>
> Title II prohibited discrimination in public accommodations, including all places of lodging, eating, and amusement and other retail or service establishments.
>
> Title III desegregated public education and authorized assistance for solving problems of school segregation and racial imbalance.
>
> Title IV established a Community Relations Service to assist individuals and communities involved in racial disputes.
>
> Title V extended the Civil Rights Commission for four years.

Title VI prevented discrimination in federally assisted programs.

Title VII permitted the president to establish a Commission on Equal Employment Opportunity to deal with those firms having government contracts.

It was, for some, a most reasonable bill. A bill that promised to fulfill the promise. And yet, for most, a feared and hated bill. A ticking time bomb of a bill with a fuse long enough to stretch to the next election day and obliterate anyone unlucky enough to have touched it. A bill to be avoided at all costs. A most unreasonable bill.

THE HISTORIC MEETING IN PIQUA

Congressman William McCulloch, senior Republican on the House Judiciary Committee, went home to Piqua, in west central Ohio. His Fourth Congressional District was primarily a farming area, with seven counties, eight towns, 65 villages, and 356,994 people; largely middle-class, conservative, and white, much like its congressman. William Moore McCulloch was born on a farm and learned his ABCs in a one-room schoolhouse before going on to higher education, finally earning his law degree at Ohio State University. He was proud of his humble beginnings. While he could hold his own in any intellectual Washington conversation, McCulloch liked to shed his coat at county fairs (revealing his red suspenders) and carry on a good barnyard talk as well. By background and temperament, then, he should have been a conventional midwestern

Republican—cautious and tightfisted. On some issues he was; a strong proponent of limited government and fiscal integrity, he routinely opposed most big spending programs. In addition, the 62-year-old attorney was one of the few members of Congress who never used all his office allowance and who, year after year, returned the unspent money to the U.S. Treasury.

And yet, Bill McCulloch was more than he seemed. As a young man, he had practiced law for a time in Jacksonville, Florida, where he saw for himself that segregation was not only cruel but unconstitutional. That memory stayed with him when he returned north to establish a law practice in Piqua and serve in the Ohio legislature. When World War II came along, McCulloch was 40 years old, well past the age for going into battle; nevertheless, he resigned as Speaker of the Ohio House of Representatives and enlisted in the U.S. Army, serving almost 2 years in Europe. Elected to Congress after the war, he was appointed to the prestigious Judiciary Committee and, because of the seniority system, moved up gradually until he became its ranking member (most senior in the party out of power).

Bill McCulloch enjoyed wide popularity and respect at home, regularly winning reelection by a comfortable margin of 65 to 70 percent. And when the civil rights issues of the fifties arose, there was no reason for him to get involved. The black population in his district was an almost unseen 2.7 percent; there were no votes to be won in championing their cause. However, McCulloch considered himself a constitutional lawyer and felt that the Bill of Rights was meant for all the people, not just the white and the rich. So without fanfare, indeed so quietly that most of his constituents were only dimly aware of it, he played an important role in the passage of President Eisenhower's 1957 and 1960 civil rights bills.

To the citizens of Ohio's Fourth District, the civil rights dilemma was of little concern. Like most Americans, they would probably say, if they thought long and hard, that they wanted to live in a racially fair society. But it was not something they thought about, not long, hard, or at all. Other things were more important, like getting the crops harvested or making their businesses successful or finding the money to send their children to college. Quite frankly, they were glad to leave the difficult and unfamiliar problems of the country to Bill McCulloch. So when trouble came that spring to Birmingham, Alabama, they saw it on their television screens, but it was far away and did not touch their lives. Or so they thought.

On July 2, while the good people of Piqua were hanging the bunting on Main Street for their annual Fourth of July parade, Assistant Attorney General Burke Marshall slipped into town. In his briefcase was President Kennedy's civil rights bill.

The president's men had discovered, the day after Congress went home, serious trouble with H.R. 7152. In the Senate a secret poll taken by Robert (Bobby) Baker, secretary of the Senate majority, showed it would be impossible to get the necessary 51 votes to pass the bill; only 47 senators expressed support. And in the House the Republican votes that they had counted on were suddenly disappearing. The GOP liberals were furious with Robert Kennedy. The GOP conservatives, on the other hand, were delighted that the Democrats were in hot water and saw no reason why they should come to the rescue. The administration needed an influential moderate Republican to throw his support behind H.R. 7152 and to bring the two factions of his party along behind him. The logical person was Bill McCulloch; he commanded respect in both camps.

Deputy Attorney General Nicholas de B. Katzenbach had sent a memo to Robert Kennedy on June 28 in which he suggested that McCulloch "be sounded out before he is committed to a position publicly, and we should get to work on him immediately." Katzenbach wrote that Burke Marshall was the ideal man to contact him because Marshall's "familiarity with the bill should make him useful in discussions with McCulloch." The assistant attorney general, a brilliant negotiator, had been sent to Birmingham in May to work out a truce between Martin Luther King and the retail merchants. He successfully reached an agreement by meeting daily, first with white merchants, then with black leaders, and finally in the middle of the night with Dr. King, repeating this sequence each day until consensus was reached. He was just the man to persuade McCulloch.

Burke Marshall took a morning plane to Dayton and was met at the airport by the congressman's son-in-law, David Carver, a University of Michigan graduate student. The young man explained that McCulloch was busy speaking to the Piqua Rotarians; Carver would take Marshall to the country club for lunch and then to his father-in-law's office. The student did not tell Marshall that earlier in the day the congressman had observed with a little sly smile, "It won't hurt Marshall to cool his heels for awhile."

Bill McCulloch was not vindictive but he was proud. Balancing President Kennedy's need for Republican support against Bobby Kennedy's thoughtlessness, the congressman could not resist col-

lecting a little satisfaction. If a Washington bigwig was kept waiting while a small-town lawyer tended to his constituents, well, that might be all right, too.

So Burke Marshall took a gratuitous tour of the prosperous Miami Valley while the earnest young man tried to engage the solemn lawyer from Justice in meaningful conversation. It was not easy. After a leisurely lunch they drove into Piqua (the name came from religious words of ancient Mound Builders and meant "he is risen from the ashes"), a quiet town of fine turn-of-the-century homes on a bend in the Miami River. Unfortunately, they were still too early for the meeting, so they killed time in a hardware store, where the man from Washington bought some nails for repairs around his house. Finally, stuffing the nails into his briefcase, Marshall shook hands with Carver, entered the lobby of the Piqua National Bank Building, and climbed the stairs to the second floor.

The congressman's office was a pleasant place overlooking the town square. The room belonged to a man of refined but spartan tastes; wood paneling, well-worn law books, comfortable leather chairs, and wall plaques that honored him for one reason or another. But it was also the room of a man practical enough to have painted on his window pane, in large letters, the name of his law firm—McCulloch, Felger, Fite, and Gutmann. Outside, they were seen easily from a distance. Inside, read backwards, they not only dominated the room but managed to make a visitor feel slightly dizzy.

McCulloch seemed as disarmingly provincial as his office. A courtly man of average height whose thinning red hair was now mostly gray, he welcomed his important guest to Piqua with a firm handshake and a few well-chosen words in a voice midwestern flat and nasal. As he seated himself behind his desk, one could glimpse the workaday red suspenders and the plain yellow pencils that he always carried in his shirt pocket.

But the hazel eyes behind the horn-rimmed glasses were canny; the nose and chin were Celtic sharp as befitted a man of Scottish ancestry; the mouth under the trim mustache always seemed on the verge of a smile. His was a face that, even in repose, looked secretly amused. It would have been a mistake for Burke Marshall to underestimate either the man or his surroundings.

Marshall, however, was inclined to do neither. Bill McCulloch's reputation for integrity, as well as his thoughtful philosophy on civil rights, was well known to the Justice Department. In introducing

his bill on January 31, McCulloch had declared on the floor of the House that it was:

> A comprehensive bill which seeks to advance the cause of civil rights in the United States. At the same time, however, it is a bill keyed to moderation. And the reason for moderation is obvious. We members of the Republican Party are honestly desirous of proposing legislation which stands a chance of enactment. Anyone, of course, can introduce grandiose legislative schemes. But reaching for the sky, rather than aiming for the possible, is a form of showmanship we don't wish to engage in. Reality is what we live by and accomplishment is what we seek. For only in compromise, moderation, and understanding are we able to fashion our society into a cohesive and durable structure.

"The possible" was exactly what Burke Marshall aimed to find in Ohio. Actually, McCulloch's and the president's bills were not that different. But Marshall had to persuade the congressman to support H.R. 7152 and to meet privately with Justice officials to work out a compromise that everybody could accept. McCulloch was not hard to convince. And so, in the privacy that the small town of Piqua offered, the two men fashioned the strategy whereby McCulloch could put his own stamp on the president's measure and try to get the GOP liberals and conservatives to go along.

But McCulloch had his price. If he managed to shepherd a strong bill out of the House of Representatives, he wanted two ironclad agreements: (1) The administration would not allow the Senate to gut the measure, as it did in 1957 when Lyndon B. Johnson was the Senate majority leader. McCulloch insisted on having sole power to approve any change that the administration might accept in the Senate. (2) President Kennedy would publicly give the Republicans equal credit for passing the bill. These were tough terms. The plowboy could play hardball as well as any city slicker. Later in the day, when he bid goodbye to the assistant attorney general, there was more than a hint of a smile hovering around McCulloch's mouth. It had been a good day for the small-town lawyer.

REPAIRING THE DAMAGE - OCTOBER 1963

Kennedy had no taste for the romance of a lost cause. As tough as any politician who ever paced the floor on election night, the president did not intend to lose either the civil rights bill or the next year's election. Quickly taking stock of the situation, he summoned the principals to the White House.

Early on the evening of October 23, a caravan of limousines rolled up to the diplomatic entrance, out of sight of the ever-present reporters working the west wing. Vice President Lyndon Johnson, House Speaker John McCormack, Majority Leader Carl Albert (D-Okla.), Minority Leader Charles Halleck, Minority Whip Les Arends (R-Ill.), Emanuel Celler, and William McCulloch gathered in the Cabinet Room and waited for the president. The attorney general and his ubiquitous aides, Nick Katzenbach and Burke Marshall, were nearby in case they were needed.

Like the parent of a child who had gone astray, John F. Kennedy strode irritatedly into the room. For the first time since he introduced his civil rights bill in June, the president took personal control of the legislation. Kennedy had never stayed in the House or Senate long enough to become chairman of a committee. The quintessential young-man-in-a-hurry, he had always been running for higher office, a fact that rankled many of the older congressmen and senators and might have contributed to his difficulties getting his programs through Congress. He had never been one of the good old boys of Capitol Hill.

But as a nuts-and-bolts, vote-counting politician, Kennedy had no peer. During the two-hour meeting he did much of the talking, citing the need for legislation that, unlike the subcommittee bill, would not run the risk of being defeated on the House floor or hung up by a Senate filibuster. Most important, he was anxious to get a compromise bill written and passed by the end of the year to avoid considering the controversial measure during 1964 when he would be running for reelection. "Let's get this bill," he urged, "agree on what we can agree on, and let's send it to the floor."

The Cabinet Room was a jumble of voices as the men argued back and forth about how the subcommittee bill could be trimmed. Then came the slow and deliberate midwestern tones of Bill

McCulloch. "Certainly I can't vote for the bill that came out of subcommittee," he said, adding in his wry, deliberate way that if he had a little time, "all the king's horses and all the king's men could put humpty-dumpty together again."

At these cryptic words the room quieted. The president and the others listened as the calm and logical congressman made a pitch for some Republican input into H.R. 7152. "When it comes to compromise," he reflected, "you know if the only compromise is between this abhorrent subcommittee bill and the administration bill, there hasn't been anything upon which we have a chance to compromise, that is, the minority. There may be some things, too, that we might want to compromise."

"What is it we can do with the various sections?" asked the president. "Let's go through them very quickly and see how far apart we are."

"I don't think we are too far apart," answered McCulloch.

Kennedy was delighted; that was exactly what he wanted to hear. Enthusiastically, he led a lengthy discussion of the bills and McCulloch's suggestions for compromise. Impatient for immediate action, he suggested, "Why don't we agree on this procedure? If we can get Nick, Manny, and Congressman McCulloch together in the morning, say about 9:00 or 9:30, let them come to an agreement."

McCulloch objected. "This preliminary work can't be done in an hour or two. I've got to have a little time for maneuvering and some help. I'm just a country guy who has to muddle along."

John Kennedy laughed heartily. He loved the political comraderie usually associated with smoke-filled backrooms.

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Bill McCulloch at this point was conducting a lone crusade, for most of the principals were out of town. Charlie Halleck had gone hunting in Minnesota and then home to Indiana. John Lindsay was in Richmond, Virginia, for a family wedding. Manny Celler had returned to his Brooklyn law office. And Arch Moore was back in West Virginia. But McCulloch had the telephone numbers where these and other key people could be reached.

Early on Saturday morning Bob Kimball found the Ohio congressman already in his office. That in itself was not unusual. A firm believer in the American work ethic, McCulloch worked from dawn to dusk and usually spent a good part of every weekend at his desk. Most of the time he worked on legislation, but occasionally he could be seen licking labels and sending infant information to new mothers in his district. He believed he should never ask anything of his staff that he would not do himself. This morning he exuded optimism because he had talked with Lindsay on the phone, and the Manhattan congressman had agreed to come to the Hill on Sunday afternoon.

John Lindsay, the handsome, tall, 42-year-old congressman from New York City was in his third term in Congress. A leader of the young Republican liberals, he was often irritated with the conservative leadership he found in the House of Representatives. But he liked Bill McCulloch and agreed with him that if they could work out their differences, it might just be possible to rescue H.R.

7152. Both had followers on the Judiciary Committee who shared their philosophies and probably could be persuaded to support the compromise.

That Sunday afternoon, McCulloch and Lindsay, along with aides Copenhaver and Kimball, went through the bill title by title. In some instances Bill McCulloch accepted the younger man's stronger views. But in other areas Lindsay deferred to his ranking member, feeling that McCulloch had gone quite far, especially in supporting a strong public accommodations section. And throughout, Kimball played devil's advocate, voicing arguments that were sure to be raised by the civil rights people like Joseph Rauh and Clarence Mitchell. When the gap between the Ohioan and the New Yorker was finally closed, the next step was to join with the administration and finish forging the new product. But secrecy was essential in order not to trip the alarm and send the Democratic liberals, the civil rights leaders, and the Southerners out with their shotguns. McCulloch called Katzenbach and they set up a clandestine meeting for the next morning at the Congressional Hotel.

After leaving Bill McCulloch's office, an exultant Lindsay remarked to Kimball, "I'm so proud that Bill has come so far. I can't desert him now. He has made a tremendous step toward a stronger bill."

The herculean efforts of McCulloch and Lindsay to resuscitate the president's bill, however, received a jolt the next morning. Republicans, both liberal and conservative, were disparaged in two of the nation's greatest newspapers. By a bit of bad timing, John Kennedy's campaign to get major journalists to write in support of his original bill climaxed and, unfortunately, resulted in some overkill.

In the *Washington Post,* Joseph Alsop wrote, "The vital civil rights bill is directly imperiled by the sorriest display to date of the endemic disease of American liberalism, which is the Liberals' fatal fondness of empty, competitive posturing."

But even more damaging to the delicate thread of bipartisanship that stretched between the White House and Charles Halleck was the *New York Times* article by Anthony Lewis.

> The key figure in the civil rights picture remains the House minority leader, Charles Halleck of Indiana. But as of tonight [October 27] no one seems to know what, if any bill he would agree to support. President Kennedy, who took a personal hand

> in the fight last week by calling legislators to two White House meetings, may have another meeting with Committee Democrats tomorrow. But the real problem is still getting agreement with the Republicans. Mr. Halleck has been home duck-hunting this weekend. But the ranking GOP member of the Judiciary Committee, William M. McCulloch of Ohio, has been at work on the problem and has talked with administration representatives.

Charlie Halleck called Bill McCulloch early in the morning from Indiana. He had read the paper and was spouting earthy epithets at both Lewis and the administration, which he suspected of planting the story. McCulloch urged the minority leader to calm down, promising to get back to him later in the day after Halleck returned to Washington.

But when McCulloch joined Katzenbach, Marshall, Copenhaver, and Kimball at the Congressional Hotel, he, too, was furious. A patient man until provoked by what he considered ungentlemanly behavior, Bill McCulloch was scathing about the unfavorable press coverage given the Republicans that morning. Here they were risking their political lives on the president's ramparts to save his bill and, meanwhile, some of his friends were shooting them in the back. His anger vented, the congressman left the room and let the others get to work.

The four men swiftly and professionally fashioned a compromise bill, focusing more on principles than on specific language, which for each philosophical position had already been drafted. Most differences between the McCulloch-Lindsay "consensus" and the other two bills (original and subcommittee) were resolved in the direction of the McCulloch-Lindsay approach. On a few points, Katzenbach called Bobby Kennedy and the White House to get OKs. By lunchtime there were only a few details to work out, and those points were cleared in the afternoon by telephone between McCulloch and Katzenbach.

In turn, Bill McCulloch called Charles Halleck. Then, having received a green light from the minority leader and with Bob Kimball beside him to help, McCulloch spent the rest of the day on the phone with other committee Republicans; he guided, he explained, he entreated them to go along.

Bill McCulloch was next, testifying the next morning. Using his favorite phrase, McCulloch began his three-page statement by describing H.R. 7152 as "comprehensive in scope but moderate in application." He concluded by admitting that there were some last-minute changes in the bill, "which were not fully debated in the Judiciary Committee. But the committee did spend months and months taking testimony and amending language on the principle [sic] titles, either as they now stand or in a closely related fashion."

The Judge gave McCulloch one of his penetrating looks and then pointedly asked him to tell the committee who actually wrote the compromise bill. The Ohio country lawyer, recognizing the cat-and-mouse intent behind the Virginia country lawyer's question, hesitated only a moment. His carefully considered response was both accurate and yet, to Chairman Smith, not quite completely candid.

"I assisted in writing this bill, staff people on the Judiciary Committee participated in redrafting this bill, [and] duly constituted and appointed and confirmed people in the Department of Justice helped write the bill, the same general people who often help in writing difficult and technical bills which are considered by the Judiciary Committee," Bill McCulloch explained fastidiously.

Then Smith, his voice dripping with sarcasm, asked how the ranking minority member had managed to obtain a "whole minute" to explain the complex 56-page bill to the Judiciary Committee just prior to its breathless vote. "Because of my receding red hair," McCulloch lobbed back lightly, his whimsical smile hovering around the corners of his mouth. Then he grew serious. "Really, I said so much about every item on this bill for months and months, more time for explanation would have been unnecessary."

Later McCulloch followed Celler's lead of appealing to the conservative nature of most Rules Committee members. He stated that he had originally opposed the strong subcommittee bill "because Meader's amendment [Equal Employment], incorporating Griffin's language, was defeated. The Griffin language was incorporated in the redraft. It insured an employer his day in Federal court." Bill McCulloch was not above using a little psychology to bolster his position.

As the day's session ended, two liberal Democrats on the Rules Committee paid tribute to Republican McCulloch for his major contribution to the struggle for civil rights legislation. "Without his effort," said Richard Bolling, "it is, I think, absolutely sure that

there would be no bill before us." And Thomas P. O'Neill, Jr. (Mass.) joined in: "Without you, there would not have been a bill of this type before the committee."

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Bill McCulloch took the floor next. The day had special meaning for him since it was exactly one year before, on January 31, 1963, that he had introduced his own civil rights bill, parts of which were now incorporated into H.R. 7152. McCulloch's words carried none of Celler's flourishes. His speech was like himself—spare and forthright. Meticulous in his attention to the finer points of the law, he explained why a federal law was needed.

> I believe in the effective separation of powers and in a workable federal system, whereby State authority is not

> needlessly usurped by a centralized government. But, I also believe that an obligation rests with the national government to see that the citizens of every state are treated equally without regard to their race or color or religion or national origin.

McCulloch then directed an answer to those members who had charged that H.R. 7152 was drafted out of fear.

> No people can gain lasting liberty and equality by riot and demonstrations. Legislation under such threat is basically not legislation at all. In the long run, behavior of this type will lead to a total undermining of society, where equality and civil rights will mean nothing.... Not force or fear, then, but belief in the inherent equality of man induces me to support this legislation.

The members of the House listening to Bill McCulloch represented 435 pieces of the American jigsaw puzzle. They came from Moline, Little Rock, Bangor, Austin, Atlanta, Duluth, Tucson, Yakima, and Providence, and from places in between, places where immigrants from Ireland, Poland, China, France, Greece, Russia, England, Germany, and elsewhere had come to carve out a better life for themselves on the abundant continent. Himself an Ohioan of Scottish descent, McCulloch was deeply aware of the diversity of the men and women of the Congress. "One of the examples of America's greatness," McCulloch had told a reporter, "is that people from radically different backgrounds can find a common ground on great issues."

As he stood alone at the microphone, this moment culminated seven long months of work in a quest to find that common ground. Meeting early in the mornings with Justice Department officials, he had constructed a bill that Republicans could accept. Then, after Emanuel Celler almost killed H.R. 7152 with overzealousness, McCulloch revived it, rewrote it with the help of John Lindsay, and helped Celler ram it through the Judiciary Committee. Finally, he began a series of early morning, midday, and late night meetings with Republicans to reconcile their many differences of opinion. Neither a booming orator nor a back-room arm twister, McCulloch preferred to coax and cajole, believing that persuasion was better than force.

"The Constitution doesn't say that whites alone shall have our basic rights," he told them quietly, "but that we all shall have them."

A modest man, Bill McCulloch was not a dramatic crusader for civil rights. He did not march at the head of a column with banners flying. He simply did what he considered to be the right thing. But it was this deep moral conviction of a conservative like themselves that persuaded fence-sitting Republicans to follow him. Liberals like John Lindsay and Manny Celler could not have done it.

Now the planted seeds of conviction had borne fruit. Everyone conceded that H.R. 7152 had enough votes to pass the House. But in what form? The Southerners, as in the past, were armed with a sheath of weakening amendments that could gut the measure if the backers of the bill lacked the discipline to stay on the floor and vote against them. McCulloch, a gentleman to his fingertips, would have to be a ruthless dictator on the floor; his partner, Emanuel Celler, was already a master of the role. It was the only way the two of them could get H.R. 7152 through the House unscathed.

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The seventh day of debate began at noon on Friday, February 7. Five titles remained.

"Title VI [Federally Assisted programs]" called the clerk.

Oren Harris (D-Ark.) offered an amendment that would drastically weaken the section and remove all provisions for judicial review. While Bill McCulloch was in the rest room, Majority Whip Hale Boggs rose to support the amendment. Returning to the floor, McCulloch heard about the whip's action and immediately became suspicious. Boggs was not only a Democratic leader but also a close friend of Lyndon Johnson. McCulloch feared another betrayal was in the offing, such as had occurred the previous day when the permanent life of the Civil Rights Commission was reduced to four years. This looked like a last-minute effort by the Democrats to avoid a party-splitting filibuster in the Senate by compromising with their southern wing. McCulloch had seen this tactic work before, when the Civil Rights Act of 1957 was weakened.

"Look!" McCulloch's wife, Mabel, whispered to Roy Wilkins, who was sitting next to her in the gallery. "Bill's face is red. He's mad!"

McCulloch grabbed the microphone. "If we pick up this old provision which does not provide for judicial review," he announced angrily, "I regret to say that my individual support of the legislation will come to an end."

Shocked silence filled the House. The bipartisan coalition, a tenuous thread at times, was about to break. McCulloch, flaming from the neck up, stared straight ahead, fed up with being repeatedly betrayed each time he thought that he and the Democrats had a firm agreement. His startled colleagues, including Emanuel Celler, gave Bill McCulloch a long look and decided he meant it. The Democrats knew they had to have McCulloch's help to get any bill at all. Reacting to his threat, the House crushed Harris's amendment by a standing vote, 80–206. Not one Republican voted against McCulloch. It was his finest hour.

Catastrophe averted, H.R. 7152 trudged on. The seventh day

of debate ended at 8:20 P.M. with the House, in 10 minutes, defeating the last seven amendments to Title VI and then rebuffing southern objections to meeting at the earlier hour of 11:00 the next morning.

"Title VII [Equal Employment]," stated the clerk, as the Saturday session started.

Emanuel Celler immediately introduced 10 amendments designed to bring the Title, borrowed from the Education and Labor Committee, into technical conformity with the rest of H.R. 7152. After each amendment was submitted, Bill McCulloch arose, stated it was acceptable to the minority, and urged its adoption.

After one such concurrence, Jamie Whitten (D-Miss.) remarked that in 22 years in Congress, "I have never seen as close a relationship—almost without any difference whatever—between the Democratic leadership and the Republican leadership—between the gentleman from New York and the gentleman from Ohio." McCulloch replied that he was "pleased to march up the aisle. . . with any patriotic American who is a member of this body in support of a moral issue."

McCULLOCH AND THE SENATE AMENDMENTS . . .

But another person had also played a role in scaling down Dirksen's 40 amendments. Two days earlier Bill McCulloch had walked over from the House wing of the Capitol and paid a courtesy call on the Senate minority leader. Wherever he went, including the campaign trail, McCulloch usually arrived without much fanfare. There was no large staff, no advance men distributing position papers, no flood of press releases. Bill McCulloch carried everything he needed in his head.

People would look up and there he was, a soft spoken average-looking gentleman, so unfailingly pleasant and considerate that one almost did not notice the fine mind and resolute will. It was only when one started talking with McCulloch, and saw past the twinkling eyes and the little smile under the reddish mustache, that one discovered the tough and stubborn man who lived within.

As the melodramatic Dirksen and the matter-of-fact McCulloch sat down to talk business it was quickly evident why the Ohioan had come to call. Dirksen had not checked with him before making public his amendments, and McCulloch could not possibly go along with two of his proposals. The first would remove the Equal Employment Opportunity Commission's authority to file suits. And the second would let the state preempt the federal government when both had similar employment discrimination statutes. Consistent with McCulloch's commitment to basic constitutional principles, he sought to maintain a balance of individual freedom, state responsibility, and federal action. Dirksen was subtly reminded that in the end his amendments would have to pass McCulloch's inspection.

The following day, July 2, exactly one year since Burke Marshall's hurried trip to Piqua, Ohio, to get Bill McCulloch's support for H.R. 7152, saw the final scene in the long civil rights drama. Shortly after the House convened, Speaker John McCormack recognized Ray Madden. "Mr. Speaker," Madden stated, "by direction of the Committee on Rules, I call up House Resolution 789 and ask for its immediate consideration."

The clerk then read the short resolution that called for House concurrence with Senate amendments to H.R. 7152. After a quorum call, Madden announced he would allocate 30 minutes of the one-hour debate to Clarence Brown and another 15 minutes to Howard Smith.

In opening the debate, Madden, anticipating criticism, defended the Rules Committee's swift consideration of H. Res. 789. "Our only task on Tuesday was to hear the testimony of Chairman Celler [and] the gentleman from Ohio [Mr. McCulloch], and [to hear] other members of the Judiciary Committee explain the changes made by the other body to our House bill." Madden emphasized that "the bill has been considered by both bodies a total of approximately 114 days. If unnecessary delays, stalling tactics, and filibuster were eliminated, this bill could have been disposed of in one-tenth of the time and also have given every member of both bodies ample opportunity to be heard." In explaining why the Rules Committee prohibited Smith from handling the resolution, Madden declared that "the majority of our members decided it was time to call a termination to the shenanigans and delays to which the progress of this legislation has been a victim."

Clarence Brown used only 90 seconds of his 30 minutes to explain his dislike "for this method of legislating," while granting that "it had been used before," Brown, referring to the great public demand for civil rights legislation, concluded that "voting on the issue today, instead of a few days from now, can in no way change the final result. For that reason, rather reluctantly perhaps, I am supporting this method of bringing this matter before the House today."

Judge Smith's final monologue against H.R. 7152 was an impassioned bemoaning that "under the exercise of raw, brutal power of the majority of both the Democrats and the Republicans, the opponents of the civil rights bill on this side are given only 15 minutes to debate a bill that has never been before the Judiciary Committee of the House or before the House itself before today. But the

bell has tolled. In a few minutes you will vote on this monstrous instrument of oppression upon all of the American people." As Smith yielded the floor the southern members applauded. And Emanuel Celler, reflecting the genteel traditions under which the House operated, stepped over to the last defender of the Old South and shook his hand.

Clarence Brown then yielded the balance of his time to William McCulloch, who, using his favorite characterization of the House bill, reminded his colleagues that it was "comprehensive in scope yet moderate in application, subject to effective judicial and administrative safeguards." He described the Senate measure as also "comprehensive in scope, with the individual states clothed with more authority and responsibility in the enforcement of the legislation than when it [the bill] left the House. In short, the bill comes back to the House tempered to and softened by the sober judgment of the members of the other body, yes, even by the wishes of the people."

"To my colleagues in the Congress," Bill McCulloch said in closing, "as well as to people everywhere who believe in equality under the law, who support the Constitution, and who love liberty not only for themselves but for others as well, the civil rights bill now before us for final consideration is in accordance with the best traditions of America."

"Mr. Speaker," John Lindsay spoke up, "I wish to express my appreciation to the distinguished gentleman from Ohio.... The country and the Congress owe him a debt of gratitude."

As Bill McCulloch sat quietly, the House rose in a rare standing ovation, a tribute to his leadership in helping steer H.R. 7152 through the treacherous crosscurrents of Congress. Acknowledging the appluase, McCulloch stated, "Mr. Speaker, I shall try to paraphrase a sentence of that great Englishman Sir Winston Churchill...: Never have so many of such ability worked so hard, and so effectively, for which so few received the credit."

THE SIGNING . . .

After finishing his remarks, the president reached for the first of the pens and, on the bottom of the last page of the bill, signed "Lyndon B. Johnson • approved, July 2, 1964 • Washington, D.C." Lady Bird Johnson came to his side and kissed him. He smiled and kissed her back. Then the guests swarmed around his desk offering congratulations. Johnson used the remaining 71 pens to sign additional copies of the bill, handing the pens as mementos to those who had worked so hard to pass the measure. When Hubert Humphrey, always thinking of history, asked the president for the manuscript from which he had read his remarks as a keepsake, they discovered that it had disappeared from the desk. Evidently another, faster-moving history buff was there that evening.

While the photographers took their customary bill-signing pictures, the men, both black and white, posed happily with the president. The smiles of the civil rights leaders, in particular, were ecstatic. The new law contained all the provisions they had wanted, but hardly dared hope for, on this date one year earlier, when the Leadership Conference on Civil Rights met in New York City to coordinate lobbying for the Kennedy bill.

After the signing ceremonies were over, the guests started drifting away. Climbing in his car to go home to dinner was the man of simple nobility and kindness who had played the pivotal role in passing H.R. 7152. While Bill McCulloch was optimistic about the possibility of lessening racial conflict—"turmoil is a sign of birth as well as decay"—he also believed that the problems between the races would not easily disappear.

The man from Piqua, Ohio, was just beginning to feel some of the criticism from back home. His house was picketed; he suffered uncomplimentary epithets; abuse came from quarters he least expected. He did not like to talk about it.

Although McCulloch recognized the problem—"How do you tear hatred and suspicion out of the heart of a man?"—he realized that "no statutory law can completely end discrimination. Intelligent work and vigilance by members of all races will be required for many years before discrimination completely disappears." On the House floor, a few hours before H.R. 7152 became law, Bill McCulloch

issued a cautionary note. "To create hope of immediate and complete success can only promote conflict and result in brooding despair," he warned.

The Civil Rights Act of 1964 was not the opening chord of the Hallelujah Chorus. It was not the answer to all prayers of all black people. It would not bring instant economic good times. It was not the end of fear and mistrust and hate between the races. It was only a beginning...

All this will not be finished in the first hundred days.
Nor will it be finished in the first thousand days,
nor in the lifetime of this Administration,
nor even perhaps in our lifetime on this planet.
But let us begin.

John Fitzgerald Kennedy
Inaugural address
January 20, 1961