

The Obscure Heroes behind Congress's Great Moment

How Midwestern Republicans, not just an arm-twisting LBJ, helped pass the Civil Rights Act of 1964 BY DAVID J. GARROW

BOOKS

On Tuesday July 2, 1963, Assistant Attorney General Burke Marshall caught an early morning flight to Dayton, Ohio. Six days before, Marshall's boss, Attorney General Robert F. Kennedy, had appeared before a House Judiciary Subcommittee to present the newly introduced civil-rights bill that his brother, President John F. Kennedy, had committed himself to enacting during a powerful nationwide television address on June 11.

The Kennedy brothers' outspoken attachment to advancing racial equality was entirely newfound. For the first two years of the Kennedy administration, civil-rights activists had been repeatedly disappointed by the brothers' unwillingness to live up to the promises John Kennedy had voiced during the 1960 presidential campaign. Only the horrific violence visited upon interracial groups of "Freedom Riders" in May 1961, as they sought desegregation of interstate bus stations, and white racists' attacks upon federal officers during the October 1962 desegregation of the University of Mississippi, had forced the Kennedys to take decisive yet short-lived action to support racial change.

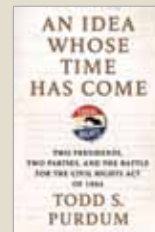
In May 1963, civil-rights demonstrators in Birmingham, Alabama—or, more precisely, city Public Safety Commissioner Eugene "Bull" Connor's use of high-pressure fire hoses and snarling police dogs against them—put Southern segregationist violence on the nation's front pages and evening news broadcasts day after day as never before. Until then, neither Kennedy brother had shown any serious interest in putting forward significant civil-rights legislation, but within the space of a few weeks first Robert and then John changed his thinking, and the president's June 11 televised speech conveyed the depth of that change to civil-rights supporters and opponents alike.

After Marshall landed in Dayton on July 2, a young man drove him 30 minutes north to the small town of Piqua, where his father-in-law kept a law office. The father-in-law was U.S. Representative William McCulloch, a 61-year-old conservative Republican who for 15 years had held a safe seat and had risen to be the ranking minority member on the House Judiciary Committee. Marshall and the administration's other leading civil-rights strategist, Deputy Attorney General Nicholas Katzenbach, appreciated that any chance of passing the Kennedy civil-rights bill depended upon two Republicans: McCulloch and Senate Minority Leader Everett Dirksen of Illinois. That understanding was what had led Marshall to Piqua. McCulloch was a veteran of Congress's passage of two largely innocuous civil-rights bills in 1957 and 1960, when stronger House measures had been watered down in order to achieve Senate passage and win supposed Democratic victories. Those painful experiences led him to voice two simple demands. McCulloch would support the administration's muscular bill so long as Marshall promised that what the House approved would not again be traded away in the Senate and that if the bill did become a law, the Kennedy brothers—with the next presidential election just 16 months away—would give Republicans equal credit. Marshall readily agreed, the two men shook hands, and Marshall headed back to Washington.

The most important day trip in American history, as Marshall's excursion might be called, set the stage for a presidential signing ceremony that took place 365 days later: On July 2, 1964, John Kennedy's successor, Lyndon B. Johnson, signed the Civil Rights Act of 1964 into law. The bill's most famous provision, Title II, mandated



Rep. William McCulloch



AN IDEA WHOSE TIME HAS COME: TWO PRESIDENTS, TWO PARTIES, AND THE BATTLE FOR THE CIVIL RIGHTS ACT OF 1964

BY TODD S. PURDUM

Henry Holt



THE BILL OF THE CENTURY: THE EPIC BATTLE FOR THE CIVIL RIGHTS ACT

BY CLAY RISEN

Bloomsbury Press

the immediate desegregation of all public accommodations, including restaurants, motels, and stores. Two other provisions, Titles VI and VII, would within several years' time force the desegregation of Southern public schools and the integration of industrial workforces across the South.

THE UNDEVIATINGLY bipartisan path through that pivotal year had been sealed in Piqua. Marshall and Katzenbach knew that McCulloch, along with House Minority Leader Charles Halleck of Indiana, another conservative Republican, would be more crucial allies than aging Judiciary Committee chair Emanuel Celler of Brooklyn or the distant House speaker, John McCormack of Massachusetts. Onlookers unaware of the Marshall-McCulloch pact, including *The New York Times'* congressional correspondent and the Senate Democrats' top staffer, opined that there was virtually no chance of Congress passing a powerful desegregation bill. Even after the March on Washington occurred on August 28, 1963, with a quarter-million upbeat participants and nary a hitch, conventional wisdom continued to dismiss the bill's chances.

Most narratives of the bill's progress move next to the immediate aftermath of John Kennedy's assassination on November 22, 1963, but Clay Risen's valuable history of the law's passage, *The Bill of the Century: The Epic Battle for the Civil Rights Act*, draws

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attention to two conferences in support of the bill that the National Council of Churches (NCC) convened in Lincoln, Nebraska, and Des Moines, Iowa, in early September 1963. Many accounts of 1960s congressional politics cite both NAACP lobbyist Clarence Mitchell and Leadership Council for Civil Rights and United Auto Workers attorney Joseph L. Rauh, an irrepressible liberal, as significant behind-the-scenes players, but both Risen's book and Todd Purdum's *An Idea Whose Time Has Come: Two Presidents, Two Parties, and the Battle for the Civil Rights Act of 1964* rightly credit the NCC and other affiliated religious activists as being far and away the most important voices calling upon members of Congress to act.

Their importance was rooted in the political fact that conservative Midwestern and Great Plains Republicans would be decisive to the bill's fate in the House and even more so in the Senate. With a significant proportion of congressional Democrats hailing from Southern states whose racially discriminatory voter-registration practices meant that elected officials answered to almost entirely white electorates, majority coalitions to support the bill would require dozens of Republicans. That reality led Marshall and Katzenbach to oppose civil-rights proponents' efforts to strengthen the bill in Celler's committee beyond what could pass on the House floor and in the Senate. When President Johnson used his initial speech to a joint session of Congress to declare that "no memorial oration or eulogy could more eloquently honor President Kennedy's memory than the earliest passage of the civil-rights bill for which he fought so long," the measure's national prominence was further elevated, and within weeks crucial Republican support fell into place in the House.

On February 10, 1964, with William McCulloch as the floor general, the House of Representatives passed the bill by a vote of 290 to 130. More instructive than the overwhelming margin, however, was the composition of the majority: 138 Republicans backed the bill along with 152 Democrats; only 34 Republicans joined 96

Democrats in voting against it.

From there the measure moved to the Senate, where Katzenbach and Marshall's closest ally, liberal Minnesota Democrat Hubert Humphrey, shared their appreciation that the key was Republican Minority Leader Dirksen. Humphrey also understood that civil-rights lobbyists Mitchell and Rauh had to be kept at arm's length and that the most influential outside pressure would come from the church groups and clergy members, especially those from the home states of conservative Republicans.

Everett McKinley Dirksen was a vain, florid, and hard-drinking politician, but above all he was a politician aware of how history would judge him, and even before John Kennedy's death he had intimated to Katzenbach that in the end, the bill would receive his backing. Many Senate aides were unable to imagine how the 67 votes necessary to shut down the segregationist senators' inevitable filibuster could be obtained, but on April 21 Dirksen privately told Humphrey that, with some changes, the bill had his support. Intensive private negotiations between Dirksen, Katzenbach, and various aides took place in early May, and on May 26 Dirksen introduced the revamped bill, whose modest changes reflected Dirksen's ego rather than substantive alterations.

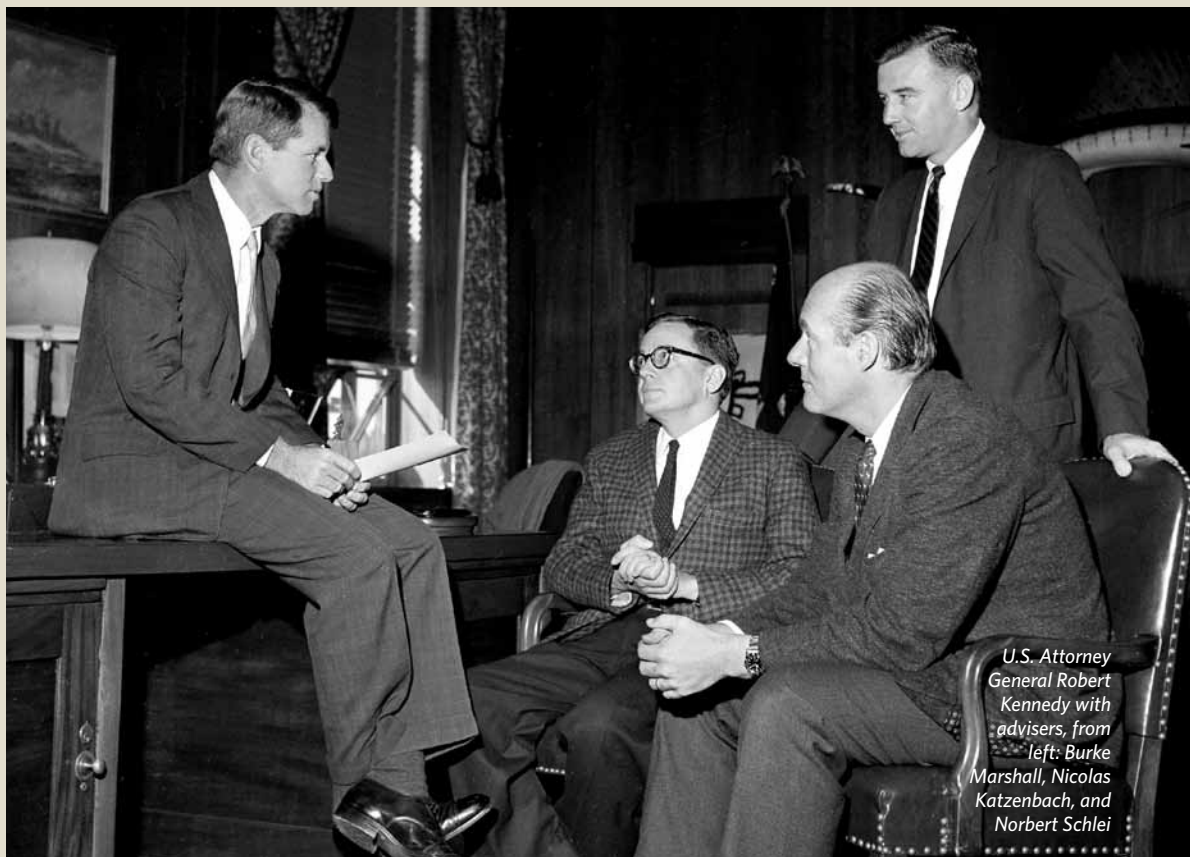
With the bill on the Senate floor, all eyes turned toward whether enough conservative Republicans, plus a handful of conservative Western Democrats, would vote to end debate on the bill, or for "cloture" in the Senate's unique parlance, thus effectively passing the bill. Nationally obscure senators like Iowa Republican Bourke Hickenlooper held the balance, and in case after case the religious groups' ardent support for racial equality proved decisive. When the penultimate vote for cloture was called on June 10—with CBS News correspondent Roger Mudd providing a nationally televised vote-by-vote tally from just outside the Capitol—proponents prevailed with four votes to spare, 71 to 29. Only six Republicans voted no, including the party's upcoming presidential nominee, Arizona's Barry Goldwater, whose opposition would

contribute heavily to his landslide November loss to Lyndon Johnson.

On July 2, 1964, with congressional proponents and civil-rights leaders in attendance, Johnson signed the act into law. Title II's prohibition of segregated facilities took immediate effect, and across the South compliance was widespread though not instantly unanimous. Several years later, when McCulloch's declining health forced him to announce his retirement from Congress, a most unlikely correspondent wrote to praise him for what she called "the shining gift of your nobility." Presidential widow Jacqueline Kennedy Onassis was never known for overt political involvement, yet she told McCulloch that "I know that you, more than anyone, were responsible for the civil rights legislation" that she, like the rest of the world, viewed as her late husband's most indelible legacy.

Risen accurately terms the 1964 act "the single most important piece of legislation passed in twentieth-century America," but the law's passage must be seen as a triumph of historically minded bipartisan cooperation as much as a landmark victory in the struggle for a nondiscriminatory world. As the 50th anniversary of the signing approaches, praise and recognition for McCulloch and Dirksen will be replete—as it should be too for Katzenbach, Marshall, Humphrey, and Halleck. But the most obvious comparison cannot be avoided: How, 50 years from now, will history judge House Speaker John Boehner and Senate Minority Leader Mitch McConnell, or for that matter House Minority Leader Nancy Pelosi and Senate Majority Leader Harry Reid? By the McCulloch-Dirksen standard, all four not only pale into insignificance but merit large, boldface stamps as "failures." McCulloch and Dirksen, with their eyes on the historical future, rose above partisan loyalties and parochial limitations to serve the national interest irrespective of short-term political considerations.

The most powerful lesson of these two remarkably similar books is how superior the quality of Washington political leadership was 50 years ago compared to today. Risen rightly calls the 1964 act "an example of what the country's legislative machinery was



U.S. Attorney General Robert Kennedy with advisers, from left: Burke Marshall, Nicolas Katzenbach, and Norbert Schlei

Jacqueline Kennedy Onassis told Congressman Bill McCulloch, "I know that you, more than anyone, were responsible for the civil rights legislation" that she viewed as her husband's legacy.

once capable of," and if every member of Congress, plus Barack Obama and various presidential staffers were required upon pain of imprisonment to read one or the other of these books, perhaps the looming light of history's judgment would dawn on even the dimmest of political bulbs.

Risen's and Purdum's accounts do not differ on the fundamental lessons we should draw from 1964's grand triumph. Risen correctly emphasizes that the conventional wisdom about the law's passage overstates Lyndon Johnson's direct involvement and the credit due him. "Johnson's contribution to the bill's success was largely symbolic," Risen writes, and "there is little evidence that he did much to sway many votes." Purdum disagrees, asserting that "Johnson did indeed help round up crucial votes for cloture" but that discord is modest in the extreme. Risen's is, by some margin, a more acute and energetic chronicle than Purdum's, yet Risen can intensely frustrate an attentive reader when

he repeatedly violates chronology in narrating some portions of the story: In 1963 he cites events that occurred on April 23, April 19, May 3, May 9, May 6, June 11, May 4, June 2, May 28, and May 7—in that order! He also misstates the first names, home states, or political leanings of at least five different members of Congress.

Yet both books present a challenge not to our historical memory but to today's national political leaders, and indeed one that directly echoes the pointed message of former Defense Secretary Robert M. Gates's powerful recent memoir, *Duty*: Are you, John Boehner, or you, Harry Reid, or you, Barack Obama, *personally* capable of rising above selfish, short-term, partisan calculations, as Bill McCulloch and Everett Dirksen so famously did, particularly if you stop and ponder how history, 50 years from now, will judge *your* time in office? That's the question that the bipartisan legacy of the 1964 Civil Rights Act poses to today's Washington. I'm not holding my breath. ■