

CHAPTER 7

PRESIDENT AND CONGRESS: AT NIGHT AT THE WHITE HOUSE

Exactly as he had promised, Evan Harris put Clark Schooler in touch with a group of Capitol Hill staffers who were working in support of President Kennedy's civil rights bill. The group met once a week, usually on Thursday afternoons at 4 o'clock. The meeting place moved around Capitol Hill, but most of the time the meeting was held in a conference room in the Old Senate Office Building.

From time to time some of the more important persons working on behalf of civil rights would come to the meeting and give a briefing on their particular job or responsibility. Sometimes even a senator or a representative, or a key personage in the Kennedy administration, would stop by to speak and, not-so-coincidentally, lobby for their particular part of the civil rights cause.

The first meeting Clark attended was held in early October of 1963. The conference room had a large table in the center with a number of chairs around it. The outer rim of the room, however, was completely lined with chairs. The chairs extended around all four walls. As a result, when necessary, the room could comfortably contain a large number of persons.

Important visitors gave their talks and briefings while sitting at the conference table. Most of the staffers, Clark Schooler included, sat on the chairs lining the walls. Very few formal lectures or lengthy talks were ever presented at these meetings. The style was that of a conversation or a chat, with the civil rights staffers frequently interrupting the guest speakers with questions and comments.

On the day Clark first attended one of these meetings, the guest speaker was Francis Charles O'Brien, a deputy assistant something-or-other at the Department of Justice. Clark could never quite remember his exact job title.

Known to everyone as Frank O'Brien, he was a relatively young lawyer, in his 30s or 40s, from Massachusetts. As one would expect of an Irish-American lawyer from Massachusetts, O'Brien had a thick New England accent.

Frank O'Brien had been given his civil rights assignment by Attorney General Robert Kennedy, the member of President Kennedy's cabinet who headed the Justice Department. O'Brien's specific job was to watch over and become expert in the exact language of the Kennedy civil rights bill as it made its way through the House and the Senate.

"President Kennedy's civil rights bill was introduced in the House of Representatives on June 20, 1963," O'Brien began. "It was introduced by Emanuel Celler, the chairperson of the House Judiciary Committee. The House clerk gave the bill the number H.R. 7152."

Thanks to his graduate studies, Clark already knew that "H.R. 7152" stood for "House of Representatives 7152." The bill took the initials "H.R." because it had been first introduced in the House of Representatives. If it has been first introduced in the Senate, the bill would have been numbered "S. 7152," for "Senate 7152."

"When H.R. 7152 arrived in the Judiciary Committee," Frank O'Brien went on, "Chairperson Celler assigned the bill to Subcommittee No. 5. Emanuel Celler chaired that subcommittee as well as the full committee. For years, Celler had been carefully constructing Subcommittee No. 5 to be strongly favorable to civil rights. In fact . . ."

Someone in the room interrupted Frank O'Brien with a question: "I thought Subcommittee No. 5 was the anti-trust subcommittee, not the civil rights subcommittee. How could Celler send a civil rights bill to an anti-trust subcommittee?"

"Committee chairs such as Emanuel Celler are all-powerful," Frank O'Brien replied, "and everyone knows it. Nobody bothered to complain when he assigned the civil rights bill to the anti-trust subcommittee."

"And Celler had a good reason for doing that," O'Brien said. "Whenever a Democratic vacancy occurred on Subcommittee No. 5, Celler filled it with a liberal supporter of civil rights. There are no senior Southerners on the subcommittee. The subcommittee consists of Celler, five other Northern liberals, and a Texan."

A murmur of surprise and discomfort rippled through the conference room at the mention of the word "Texan." After all, Texas was a Southern state that had seceded from the Union during the Civil War. Frank O'Brien quieted the group by pointing out that this particular Texan was "favorable to civil rights"

"As you know all too well," O'Brien continued, "the Senate version of President Kennedy's civil rights bill met an early death last August at the

hands of Senator Eastland, the chair of the Senate Judiciary Committee. Well, the water's all running in a different direction in Subcommittee No. 5. It would be hard to imagine a more favorable forum for a civil rights bill."

The committee system is not neutral. This concept from graduate school played across Clark Schooler's brain. A committee chairperson can shape both the committee hearings and the committee bill writing session, the mark-up of the bill, to favor the committee chairperson's point of view.

It was true, Clark remembered, that committee hearings often looked like a court trial. Witnesses before the committee raised their right hand and swore on the Bible to tell the truth. Committee members questioned those witnesses with the same gusto that aggressive prosecuting attorneys displayed when cross-examining court defendants. But there was no "judge" at a committee hearing to guarantee that both sides of an issue were presented equally and fairly. Committee chairs used committee hearings to build a strong case either for or against the bill under consideration, depending on the political goals of the particular committee chair.

"Chairperson Celler held hearings on the civil rights bill while it was before Subcommittee No. 5," Frank O'Brien said. "It was as though a heavenly choir of civil rights supporters had gathered to unstintingly sing the praises of the bill. The Reverend Walter E. Fauntroy spoke on behalf of Martin Luther King, Jr., and the Southern Christian Leadership Conference. George Meany, the president of the AFL-CIO, testified on behalf of the labor movement. They even trotted out old Norman Thomas to talk for the U.S. Socialist Party."

"By and large," O'Brien went on, "the various speakers were walking down the left side of the street. The National Council of Churches made a presentation, as did Americans for Democratic Action. Just about every lefty, liberal lobby group in the United States testified before Subcommittee No. 5."

"When the bomb blew up in Birmingham and killed the four black Sunday school girls," O'Brien said, "it was too much for Emanuel Celler and Subcommittee No. 5. Under heavy pressure from Clarence Mitchell and Joe Rauh from the Leadership Conference on Civil Rights, the subcommittee began to strengthen the civil rights bill. The subcommittee went into mark-up session and put everything in the bill the liberals wanted."

"The subcommittee members voted to give the attorney general the power to sue in all civil rights cases, not just school cases," O'Brien noted. "The subcommittee voted in an equal employment opportunity section that applied to all private industry, not just to private employers working on U.S. Government contracts. It soon became clear that Subcommittee No. 5 had gone out of control for civil rights."

At that moment an intense-looking young woman spoke up from one of the chairs along the wall of the room. She identified herself as an aide to Representative Arch Moore, a liberal Republican from West Virginia. "That's not true," the young woman said. "The subcommittee was not out of control. They had a good strategy, and they were sticking to it. In order to beat the filibuster in the Senate, this bill will be watered down with a series of compromises. The best way to minimize the damage from those Senate compromises is to pass as strong a bill as possible in the House of Representatives. Subcommittee No. 5 should be praised for passing out a liberal bill."²⁸

Frank O'Brien of the Department of Justice countered that argument quickly.

"I respectfully disagree," O'Brien said in a firm but not-unfriendly manner. "We're going to need the votes of moderate Republicans to pass this bill in the House of Representatives. Remember, all the Southern Democrats will vote against the bill in the House, and there are not enough liberal Democrats to produce a majority vote in the House. We need a moderate bill that will unite liberal Democrats with moderate Republicans, not drive those two groups apart. The Subcommittee No. 5 bill is much too liberal. It will drive the moderate Republicans right out of the civil rights coalition and into the arms of the Southerners."

Frank O'Brien's call for a moderate bill rather than an ultra-liberal bill was supported by an older man who identified himself as working for Representative William McCulloch, a Republican from western Ohio.

"It's called 'walking the plank,'" the older man said. "You liberal Democrats try to force moderate Republicans in the House to vote for a strong civil rights bill. Then the bill goes over to the Senate. The Southern Democrats in the Senate either filibuster the bill to death or water it down into uselessness. That leaves the moderate Republicans in the House in the position of having voted for a strong civil rights bill that didn't get enacted into law. Then the moderate Republicans get criticized by their moderate and conservative constituents for voting for a liberal civil rights bill. That's why we call it 'walking the plank.' The difficult vote, and all the criticism for it, will accomplish nothing, because the too-liberal civil rights bill is killed in the Senate."

"My boss is Representative William McCulloch," the older man went on. "He has always pressed for passing a moderate civil rights bill in the House of Representatives that, when the bill gets over to the Senate, will attract the moderate Republican votes required to cloture the filibuster and produce a civil rights bill."²⁹

Someone piped up: "That's giving in too early. If you start with a

compromised bill in the House, you'll end up with a twice compromised bill after its been through a Senate filibuster and all the moderating deals necessary to get a successful cloture vote in the Senate. The members of Subcommittee No. 5 were right to mark up as strong and liberal a bill as possible."

For the remainder of the meeting, the arguments flew back and forth over whether the House of Representatives should pass a liberal civil rights bill, as reported by Subcommittee No. 5, or a more moderate bill, as recommended by Representative William McCulloch.

Clark Schooler was shocked by the direction taken by the meeting. Supposedly all the congressional staff people at the meeting were strong supporters of civil rights. Despite that, there were strong differences of opinion over what was the best strategy to pass the bill. And the civil rights supporters, Clark observed, were split along both political party and ideological lines. Liberal Democrats and liberal Republicans wanted a very strong, very liberal bill. Moderate Democrats and moderate Republicans wanted a more compromised version of the bill.

One question was dominant in Clark Schooler's mind as the meeting broke up. How were the civil rights forces going to defeat the Southern Democrats and the Senate filibuster if the civil rights forces could not even agree among themselves on the correct legislative strategy?

Clark made it a point after the meeting to go up and talk personally for a few minutes with Frank O'Brien of the U.S. Department of Justice. Clark did have some minor questions he wanted answered, but his real reason for initiating the conversation was to let Frank O'Brien know that Clark Schooler was working for Senator Kuchel and was a strong supporter of President Kennedy's civil rights bill. Clark extended the conversation as long as possible, which Frank O'Brien seemed more than willing to do, so that Clark's name and opinions would become familiar to Frank O'Brien.

Making an impression, and making certain people remember you, was an important technique that Clark had learned to use to increase his influence in Washington.

It was a happy day for the Leadership Conference on Civil Rights when Emanuel Celler called a press conference and released to the news media the text of the civil rights bill voted out by Subcommittee No. 5. The immediate result was a wave of quotes and commentary in the media either supporting or condemning the subcommittee report. Clarence Mitchell and Joseph Rauh immediately called for this strengthened civil rights bill to move forward "without dilution or delay."³⁰

But Representative William McCulloch of Ohio, the senior Republican on the House Judiciary Committee, expressed to the press his grave reserva-

tions about the work of Subcommittee No. 5. He said the new version of the bill was “too far-reaching.” McCulloch worried that applying equal employment opportunity to all of American industry “went too far.” Conservative members of Congress and conservative newspaper columnists lined up in support of McCulloch’s position. Some conservatives began calling the subcommittee bill “extreme.”³¹

As soon as the newly-strengthened civil rights bill was reported out by Subcommittee No. 5, it moved to the full Judiciary Committee of the House of Representatives. The political environment changed completely. Whereas Subcommittee No. 5 was packed with liberal Democrats, the full Judiciary Committee was somewhat evenly split three ways. There were conservative Southern Democrats, liberal Northern Democrats, and moderate Midwestern Republicans.

Clark Schooler, along with every other civil rights supporter in Washington, was jolted when the Southern Democrats on the full Judiciary Committee announced that they would vote for the Subcommittee No. 5 version of the bill. The Southerners were not stupid, Clark quickly learned. They knew that an overly-liberal civil rights bill might not even pass the House of Representatives, let alone survive a determined Southern filibuster in the Senate. The strong subcommittee bill was scaring away moderate supporters of civil rights at a mile-a-minute, both in the House and in the Senate.

The Southerners were applying, Clark came to realize, one of the oldest of legislative strategies. You strengthen a bill you oppose in order to defeat it. The Southern Democrats were strengthening the civil rights bill in the Judiciary Committee with the confident assumption that such a strong bill would have less of a chance of passing on the House floor.

Then Clark thought of another legendary political science cliché. “Politics makes strange bedfellows.” The liberal Democrats on the Judiciary Committee, some of them the strongest civil rights supporters in Congress, were happily joining hands with the Southern Democrats, all of whom strongly opposed civil rights, to pass out a ferociously liberal civil rights bill.

In mid-October of 1963, the attorney general of the United States, Robert Kennedy, requested that he be allowed to come up to Capitol Hill and meet in executive session with the members of the House Judiciary Committee. Executive session meant that the meeting would be closed to both the public and the news media. That meant that civil rights lobbyists such as Clarence Mitchell and Joe Rauh could not go to the meeting, sit in the audience, and put visual pressure on Robert Kennedy.

Visual pressure consisted of frowning hard and looking pained if the

attorney general tried to get the Judiciary Committee to report out a weakened civil rights bill. Such non-verbal messages would remind Robert Kennedy that he risked losing the favor and support of major civil rights groups if he tried to water down the legislative handiwork of Subcommittee No. 5.

But the meeting was closed, and that meant Mitchell and Rauh could not go to it. The morning that Attorney General Kennedy was testifying before the House Judiciary Committee, Clark Schooler's telephone rang. On the line was a woman who identified herself as a volunteer at the Leadership Conference on Civil Rights. Her voice sounded somewhat familiar to Clark, but he could not identify who it might be and thus did not think very much about it.

"Clarence Mitchell asked me to call you," the woman said. "He is convinced that Robert Kennedy is going to urge the Judiciary Committee to weaken the civil rights bill. Mr. Mitchell's going to hold a press conference in the hall outside the meeting room to criticize the actions of the attorney general. He would be very pleased if you would come to the press conference and provide audience support."

Evan Harris, Senator Kuchel's chief of staff, had told Clark to get out and get around on Capitol Hill. What better way to accomplish that purpose, Clark thought, than attending a Clarence Mitchell press conference on a civil rights bill? Then, thinking that his two house mates also would enjoy the show, Clark telephoned Carl Brimmer and Greg Netherton and invited them to meet him at the press conference. Both agreed to do so, even Greg Netherton, who was working for a Southern Democratic member of the House of Representatives.

The three young men met in front of the meeting room where the House Judiciary Committee was gathered behind closed doors with Attorney General Robert Kennedy. Clark was disappointed by the low level of activity. Only two television cameras had been set up for Clarence Mitchell's press conference. There were only four or five print reporters present. And only about twenty or so people had taken the necessary time off to provide Clarence Mitchell with an appreciative, supportive, and enthusiastic audience.

Clark did a double take when he saw the young black woman who was orchestrating the press conference for the Leadership Conference on Civil Rights. It suddenly dawned on Clark why he had somewhat recognized the voice of the woman who had called him to come to the press conference. Clark was looking at Vonda Belle Carter, the black woman student from Morgan State College in Baltimore who had been one of the leaders of the civil rights protest at the Montebello Theater.

As so often happens when providing audience support, there was some waiting to do before Clarence Mitchell arrived on the scene. During this period, Clark and his two house mates engaged Vonda Belle Carter in a brief conversation. Clark reminded Vonda Belle of where they had met before, and then Clark identified himself as working for Senator Kuchel. Vonda Belle acknowledged that she had recognized Clark's name when she called him that morning from the Leadership Conference offices, but admitted she had been too shy to remind Clark of where they had met before.

Clarence Mitchell appeared on the scene and the press conference was about to get started. Vonda Belle Carter grabbed Clark Schooler's arm and, in a whisper, asked if he and Greg Netherton and Carl Brimmer would go stand behind Clarence Mitchell during the press conference.

Clark looked at the group of people standing behind Clarence Mitchell and knew instantly what Vonda Belle was attempting to accomplish. There were only black people providing the human background for the press conference. If the three young white men would go and stand behind Clarence Mitchell, the human background would be racially integrated. That way, in the newspaper photographs and the television coverage, the people standing behind Clarence Mitchell would be both black and white.

Human background was considered very important when sending out visual images of important people into the mass media. Human background was much preferable to a blank wall or an outdoor landscape for a backdrop. The sea of human faces behind the person being interviewed gave the audience something to look at when the audience became tired of looking at the one talking head. Also, if the main person talking was middle-aged or elderly, putting more youthful and more attractive faces in the human background made the main speaker seem younger and more energetic.

Clark Schooler told Vonda Belle Carter that he and his friends would gladly provide human background for Clarence Mitchell. Clark and Greg and Carl sort of moseyed over and, separating themselves from each other, integrated themselves into the small crowd of people assembled behind Clarence Mitchell. The black people already there seemed to understand what was going on, made room for the three young white men, and even gave forth with murmured greetings such as "Hi" and "How are you doing?" The black people appeared pleased that some white people had shown up for this particular press conference.

As he took his place in the assembled multitude, Greg Netherton said to no one in particular: "Is this a good place for me to stand?"

A young black man looked up at Greg, smiled, and said brightly: "Yes. You're to stand there. And you're to stand there and look white."

There was general laughter all around to this glib remark.

Clarence Mitchell, Jr., was the very picture of a distinguished, successful, American black middle-aged male. But his press conference was highly confrontive and abrasive. Mitchell lambasted Robert Kennedy up one side and down the other for meeting with the Judiciary Committee in an attempt to weaken the civil rights bill.

“There is no reason for this kind of sellout,” Clarence Mitchell said in a loud and accusatory voice. “Robert Kennedy should be in there fighting for the subcommittee bill, not trying to weaken it.” Clarence Mitchell clenched his fist. He did not wave his fist in the air, but he raised it up in front of his chin, more to show how mad he was rather than look like he was ready to start a fight.

“Every person in that room,” Mitchell ranted and raved on, “is a white man. There’s not one black person in there to represent the interests of black Americans. But what those white men are doing will greatly affect the 10 percent of the population that is black. I don’t know if black people are being protected.”³²

Clark was struck by the obvious truth of what Clarence Mitchell was saying. Capitol Hill was essentially a whites-only world. And about one out of every four white persons you met on the Hill had a strong Southern accent. Clark knew there was one African-American in the House of Representatives. He was Adam Clayton Powell of New York. Perhaps there were others. But virtually all the senators and representatives, and their key aides and committee staffers, were white. Clarence Mitchell was absolutely right. The legislative fate of black America was almost totally in the hands of white Americans.

When the press conference was over, Greg Netherton said with a self-effacing smile: “Well, I guess I can’t ever go home again.” Vonda Belle Carter heard him say it. She turned and looked at Greg with a mystified and slightly angry expression on her face.

“Don’t worry,” Clark said to Vonda Belle. “It’s a joke. Greg comes from Louisiana. The home folks down South won’t appreciate Greg appearing on national television with a leading spokesman for the NAACP.”

Vonda Belle got the joke. Everyone parted smiling.

The next day’s newspapers were filled with what Robert Kennedy had said in the supposedly “closed session” of the House Judiciary Committee. Apparently almost every member of the Judiciary Committee had walked out of the meeting and then tried to get his or her name in the newspapers by telling the press every last word of Robert Kennedy’s testimony.

“What I want is a bill, not an issue,” the attorney general told the committee members. Robert Kennedy lambasted the liberals for trying to look good to their own liberal constituents in their home districts but for

doing nothing to actually advance the civil rights bill.³³

Kennedy suggested the Judiciary Committee drop the equal employment opportunity provisions from the bill completely. The attorney general said the employment provisions were too controversial. Those job-opportunity provisions, he argued, just might prevent the equal accommodations and the funds cut-off provisions from being enacted into law.

But Robert Kennedy's pleadings were to no avail. The liberal Democrats and the Southern Democrats on the Judiciary Committee stuck by their guns and prepared to vote out the Subcommittee No. 5 version of President Kennedy's civil rights bill.

Mike Palm's Restaurant was the nightly dining spot for Clark Schooler, Greg Netherton, and Carl Brimmer. Although there was a kitchen in their house on Sixth Street Southeast, none of the three young men liked to cook or, actually, knew how to cook a decent meal. They would eat breakfast at home, which was always dry cereal and cold milk. They would eat lunch in one of the restaurants or cafeterias located in the Capitol complex. But the favorite place to go for dinner, night in and night out, was Mike Palm's.

The restaurant was located in a small commercial area just to the east of the Capitol on Pennsylvania Avenue South East. There was a formal dining room upstairs and a more informal area, with red checked table cloths and a constantly-on television set, downstairs. The three young men preferred the downstairs area because of its more casual atmosphere and because they could watch political news and analysis programs on the TV set while eating.

The restaurant's owner also was its namesake. Mike Palm, who appeared to be in his early 60s, was present in his restaurant every night, greeting customers as they came in the door and often going from table to table and striking up brief conversations. He projected an atmosphere of warmth and generosity. Mike Palm was one of the things the three young men liked best about Mike Palm's restaurant.

Dinner could be late in the evening for Clark, Greg, and Carl. There was a lot of work to be done on Capitol Hill, and late hours at the office routinely postponed the evening meal. It was often 8 or 9 P.M. before the young men would finish eating dinner and then make the short, two-blocks or so walk back to their house on Sixth Street South East.

It was several days after Attorney General Robert Kennedy had held his executive session with the House Judiciary Committee. Clark and Greg and Carl were eating dinner in the downstairs dining room at Mike Palm's Restaurant when, suddenly, Frank O'Brien from the Justice Department was standing at their table. O'Brien had been eating upstairs and had recognized Clark when he came in the door of Mike Palm's with his two house mates

and headed for the downstairs dining area.

Clark introduced Frank O'Brien to Greg and Carl. After the usual pleasantries, O'Brien got down to business.

"Something big is going to pop tonight," O'Brien told Clark in a voice that Greg and Carl could easily hear. "President Kennedy has called a meeting at the White House on the civil rights bill. I'm about to head up there myself to staff the meeting for the Justice Department. The president told Emanuel Celler to be there to represent the liberal Democrats on the Judiciary Committee. President Kennedy also invited William McCulloch to come and speak for the moderate Republicans."

"But here's the really big news," O'Brien went on in an excited voice. "The president has also asked the House Republican leader, Charles Halleck of Indiana, to come to this little after-hours gathering. The word is that John Kennedy and Robert Kennedy are furious that the House Judiciary Committee is going to pass out such a liberal and far-reaching bill. The purpose of the late-hour meeting tonight is to stop the Subcommittee No. 5 version of the bill dead in its tracks."

"Now here's the reason I'm telling you this," Frank O'Brien said to Clark. "I need a Republican congressional aide to come along to staff the meeting for the Republicans. None of Halleck's or McCulloch's people can make it. When I saw you here having dinner, I thought I'd see if you could go to the White House in their place. Can you?"

"Let's see," Clark said sarcastically. "Do I want to go up to the White House and attend a meeting with President Kennedy?"

Clark then looked at Frank O'Brien and said enthusiastically: "You bet I do!"

The Cadillac limousine was the officially approved way for important personages in the United States Government to move from place to place in the city of Washington. In fact, one measure of big success in American politics was having access to a chauffeur-driven limousine. The president, of course, had a limousine, but so did all the major leaders of Congress. But the real measure of success in the early 1960s was to have one of those expensive new automobile telephones in your limo so that you could talk politics and cut deals while riding around town.

Most government limousines were shiny black, Clark had observed, but some of the newer ones were painted a dark metallic gray. It was an automobile color that almost exactly matched the dark gray-flannel suits that well-dressed businessmen and male college students were wearing. Clark always referred to that particular color of government limousine as "Big-Shot Gray."

Clark and Frank O'Brien rode from Capitol Hill to the White House

in the limousine of Charles Halleck, the top Republican in the House of Representatives, who was officially called the minority leader. Charles Halleck sat in the big back seat of the limo and worked on some papers and made some telephone calls. Frank O'Brien and Clark rode on jump seats that folded down out of the front seat of the limo.

Clark thoroughly enjoyed his ride in a big, dark, and official U.S. Government limousine. It was a feeling he had come to call "pseudo-big shot." He luxuriated in his newly-gained importance as the familiar sites of Washington went by out the limousine windows. The giant automobile glided quickly and smoothly up Pennsylvania Avenue. On the left side of the street they drove by the National Archives, where the original copies of the Declaration of Independence and the United States Constitution were stored and displayed. Then, still on the left, came the Department of Commerce, the Department of Justice, which was where Frank O'Brien worked, and the old Post Office. On the right side of Pennsylvania Avenue, they drove past such Washington landmarks as the National Theater and the historic Willard Hotel.

The House Republican leader's Cadillac limousine pulled up at the Diplomatic Entrance to the White House. "The president wants to keep the press from knowing about this meeting," Frank O'Brien explained to Clark. "The participants are to use the Diplomatic Entrance to the White House rather than the main entrance in front."

After exiting the limo, the three men made their way to the Oval Office, which is the president's office and small reception room. President Kennedy was already seated for the meeting, along with Emanuel Celler, chair of the House Judiciary Committee, and William McCulloch, the top Republican on the Judiciary Committee. Charles Halleck confidently joined the group by sitting down on one of the comfortable upholstered chairs close to the president. Frank O'Brien and Clark sat at the outer edge of the group on surprisingly comfortable wooden chairs with arm rests and padded seats.

Clark looked around. He was, indeed, in the Oval Office, the ultimate control center of the U.S. Government. There were the three glass windows, looking out toward the Washington Monument, with the president's giant wooden desk sitting in front of them. Clark particularly noted the television sets, turned off at the moment, that kept the president in immediate touch with what television news was saying about him and his administration.

Frank O'Brien took out two paper pads and handed one to Clark. "You and I are to take notes," O'Brien whispered to Clark. "The reason you are here is that I like to have both a Democratic and a Republican set of notes on a meeting as important as this one. That way, if any Republican political types question what I say happened, I can send them to you for the Republi-

can version of what happened.”

The White House meeting began with a comment from Emanuel Celler, chair of the House Judiciary Committee. The first thing Clark noticed about the meeting was that Emanuel Celler was called “Manny,” Charles Halleck was called “Charley,” and William McCulloch was called “Bill.” But President Kennedy always was addressed respectfully as “Mr. President.”

Clark’s notes on the meeting read like this:

CELLER: Mr. President. Can I say that the Judiciary Committee has been working on your civil rights bill since last May? We have a lot of effort invested in it. That’s why I think the Subcommittee No. 5 bill is the one that should move forward at this time. I think . . .

HALLECK: Well, wait a minute, Manny. As House Republican leader, I want a good, meaningful civil rights bill, just like you do. But there are Southerners on the committee who want to report out the worst possible bill. Manny, all the deep South guys are going to vote for your subcommittee bill in the Judiciary Committee. That’s how bad that bill is. It’s way too strong.

PRESIDENT KENNEDY (trying to referee between the two of them): That subcommittee bill is not what I want either, Charley. I’m willing to get the liberal Democrats on the subcommittee together and tell them I think they’re crazy to support such a liberal bill. I think I can pull enough of those liberals Democrats off the bill that, if you’ll deliver some Republican votes, we can put together a majority on the Judiciary Committee for a moderate bill.

HALLECK: I want to vote for a civil rights bill. I don’t think I could ever vote for the one Manny’s subcommittee dreamed up.

MCCULLOCH: As the ranking Republican on the Judiciary Committee, I’m interested in civil rights as a cause. I’m not interested in it as a political issue to gain an advantage over the Democrats. So when the subcommittee reported such a liberal version, it was like the roof fell in on our heads. The Democrats are playing partisan politics instead of really supporting civil rights.

PRESIDENT KENNEDY (still playing referee): Now I think, if we’ll all work together on this thing, there’s a chance for everybody to come out in pretty good shape.

HALLECK: We’ve got to pass a bill, Mr. President. I have struggled with my conscience. Clearly a black man and his family have a right to get something to eat and a place to sleep. In a department store, black people have a right to sit down and buy a sandwich and eat it at the table if they want to. If a black goes in and buys a pair of overalls, he should be able to buy and eat a sandwich, too.

CELLER: Now look, look. Forgive me for being the devil's advocate. It's one thing to get me and Bill McCulloch here to agree on a more moderate bill. It's quite another thing to get the liberal Democrats on the Judiciary Committee to vote for it. I can get some of the Democrats to go along with you, Mr. President. I try to whip my committee into line. But I can't get some of the others.

PRESIDENT KENNEDY: Manny! The liberal Democrats and the moderate Republicans are not very far apart. We can do this thing!

HALLECK: Mr. President. The liberal Democrats on the subcommittee loaded this bill up. They loaded it way beyond anything you asked and way beyond anything we ought to do. And then the feeling got around that the Republicans are supposed to be the goats. The Republicans are being forced to slit their political throats by being the bad guys who have to vote down the subcommittee bill and replace it with something more sensible.

PRESIDENT KENNEDY: Charley. What if we get a reasonable number of Democrats to support a moderate bill? We can't deliver all the Democrats, but we can deliver a reasonable number. Will you and the Republicans be prepared to go for that bill? Will you make it a bipartisan bill?

HALLECK: Reaching compromise between liberal Democrats and moderate Republicans is not going to be that easy. You said, very correctly, Mr. President, when this all began, that some people will think we've gone too far and others will think we have not gone far enough.

PRESIDENT KENNEDY (putting his hand on Halleck's shoulder in a joshing way): Come on, Charley, you're a very shrewd politician. You can deliver the votes for a compromise bill. Besides, we're better off if we get together. We can bear the heat for the compromise together.

HALLECK: Manny Celler's subcommittee blew this thing up in our faces. The whole purpose was to put the Republicans in the position of weakening the bill.

MCCULLOCH: Can I interrupt here, Charlie? The moderate Republicans were being taken for a ride, Mr. President. It's not fair to . . .

PRESIDENT KENNEDY: Don't worry about Manny Celler and the subcommittee bill. That's over with. (The president gives a murderous look at Emanuel Celler to convince him to abandon the subcommittee bill.)

HALLECK: I'm with you, Mr. President. I've gotten to the point where I want to vote for a civil rights bill. I've been saying that all up and down the Republican side of the aisle in the House of Representatives. If Manny Celler will get together with Bill McCulloch and negotiate in good faith, I'll support a bipartisan compromise. Like you, I don't really see a big problem here.

CELLER (forced to capitulate now that President Kennedy and House Republican Leader Halleck have reached an agreement to agree): Let me see. Do I have things clear in my mind? I'm to negotiate a compromise version of the bill with Representative McCulloch here. Then the Judiciary Committee majority is to vote down the Subcommittee No. 5 version. Then the committee is to replace it with the new bipartisan compromise McCulloch and I are going to agree on.

PRESIDENT KENNEDY (glad that the light has finally dawned): Right, Manny! You and Representative McCulloch should get together tomorrow morning, let's say at 9 or 9:30.

HALLECK (starting to leave the meeting): Mr. President, you and I both have some pretty tough people to convince to vote for this new compromise bill of ours. But, as president of the United States, you're in a much better position to work your guys over than I am to work mine over.³⁴

Clark stopped taking notes at that point in the conversation. House Republican Leader Halleck's parting remark produced a hearty round of laughter as the meeting broke up.

Charles Halleck's limousine took the House Republican leader directly home, then dropped off Frank O'Brien and Clark Schooler at their respective residences. Once again, Clark thoroughly enjoyed riding around Washington in a government limousine.

When Clark entered his home on Capitol Hill, he discovered his two house mates waiting to hear his tale of the night meeting at the White House. Clark read them his notes. When he finished, Clark blurted out:

"What ever happened to separation of powers?"

Clark asked the question in a loud voice. But he was asking it to himself as well as Greg and Carl. "The presidency and the Congress are supposed to be co-equal branches of government," Clark said in a wondering voice. "The theoretical model, found in every American Government text book, calls for the president and the Congress to exactly check and balance each other."

"But look what happened," Clark said with an air of criticism in his voice. "The president summoned top congressional leaders up to the White House like a king demanding an audience with his lowliest subjects. President Kennedy had both those guys, the Democratic chair of the House Judiciary Committee and the Republican House leader, on the carpet. The president was calling the tune. The House of Representatives leadership was forced to dance to the presidential jig."

Carl Brimmer gave a very practical response. "A telephone call from the White House is a telephone call from the White House," he opined.

“Everyone responds the same way when the president beckons. They are thrilled! Excited! And anxious to do the president’s bidding, because they associate it with the good of the country. President Kennedy has a big stake in this bill, and he’s not going to let Congress mess it up for him. Anyone would come out in the night if the president called them to the White House. The president is the biggest ‘Big Cheese’ there is.”

Clark protested: “But the civil rights bill is only in committee in the House of Representatives. It’s not as though the bill was being voted upon in the full House of Representatives. John F. Kennedy is sticking in his presidential nose at the very beginning of the process.”

Greg Netherton, from the state of Louisiana, made his comment on the events of the night. “There was not a white Southerner in there,” Greg said, skillfully satirizing Clarence Mitchell’s remarks at the press conference outside the House Judiciary Committee meeting with Robert Kennedy. “I don’t know that the white South was being protected.”

Clark Schooler and Carl Brimmer both looked at Greg Netherton and smiled. But Greg’s point was an apt one. President Kennedy had not invited even one Southern Democrat to his night meeting at the White House.

Forgetting that he was not in a classroom, Clark said in his most professorial voice:

“The president’s ability to lead Congress is more subtle, and more powerful, than it first appears. A wise president does not sit around the White House and simply wait to veto legislation after it is passed by Congress. Tonight, President John F. Kennedy directly shaped the pending civil rights bill, even though the bill is only at the committee level in the House of Representatives. These are presidential powers and activities which the Constitution does not mention. These are presidential powers and activities which our Founders never envisioned.”

It became known as the “night meeting” at the White House. The way the press covered the story, thanks to ample numbers of intentional leaks from the White House, President Kennedy had read the riot act to the House leaders. The president virtually ordered House Judiciary Committee Chair Emanuel Celler, a Democrat, to sit down with William McCulloch, the ranking Republican on the House Judiciary Committee, and work out a bill that both men could support. Then the Republican leader in the House, Charles Halleck, was told to deliver the votes for Celler’s and McCulloch’s mutually-agreed-upon bill when it came up on the House floor.

It took about five days of heavy bipartisan negotiating, but soon the night meeting at the White House bore the intended fruit. Celler and McCulloch did what President Kennedy told them to do and wrote a new, compromised version of the bill. House Republican Leader Halleck signed off

verbally on the new civil rights bill, even though the bill was still in committee.

The new bill gave the president much of what he demanded, but not all of it. Equal employment opportunity remained in the bill, even though the president wanted it dropped, but it survived in a weakened form that would be enforced by the courts rather than Labor Department administrators. As for Title Three, the attorney general was authorized only to join racial desegregation suits already filed by black citizens. The attorney general could not file such suits on his or her own volition.

At the end of October, Chairperson Emanuel Celler called the House Judiciary Committee into a final mark-up session. The liberal Democrats and the moderate Republicans on the committee were working solidly together. Thanks to the night meeting at the White House, the overly-liberal Subcommittee No. 5 version of the bill was voted into the trash can by a tally of 19 to 15. Then the bipartisan compromise bill, prepared at the behest of President Kennedy, was reported out by a vote of 23 to 11. Mainly only the Southern Democrats, now isolated and alone, voted against the new version of the bill.

Upon being passed by the House Judiciary Committee, H.R. 7152 went automatically to the Committee on Rules of the House of Representatives. The news media, well aware of the results of the night meeting at the White House, began referring to the legislation as the “bipartisan” civil rights bill.

Once at the House Rules Committee, the bill was lodged solidly in the hands of Rules Committee Chair Howard W. Smith of Virginia. Smith was well-known on Capitol Hill as an arch foe of racial desegregation and African-American civil rights.

In The Interim

The power of the U.S. president to influence the Congress has grown stronger since the 1960s. Presidents are expected to initiate an entire panoply of programs in Congress. In the early 2000s, there were calls for the president to recommend legislation that would “save” Social Security by preventing that program from running out of money at some future date. The president also was importuned to initiate legislation that would provide aid to senior citizens to help pay for expensive prescription drugs.

But there are occasions when presidents follow the lead of Congress rather than the other way around. That happened in 1996, when a Republican Congress passed a major welfare reform bill. The president at the time, William Clinton, a Democrat, signed the bill into law, despite the fact the bill required most welfare recipients to find a job or be forced off of welfare.

Up to that time, Democrats generally had opposed making people work when they were on welfare.

It is simple reality that the president and his administration are expected to play a major role in crafting and advancing major legislation in Congress. As a result, one of the most frequently asked questions on Capitol Hill is: "Does the president support or oppose this bill?"

28. For Representative Arch Moore's view, see Congressional Quarterly Weekly Report, October 25, 1963, p. 1863. Also see Congressional Quarterly Weekly Report, November 29, 1963, p. 2105.
29. For Representative William McCulloch's view, see Congressional Quarterly Weekly Report, October 11, 1963, p. 1749. Also see Nicholas Katzenbach, interview, November 11, 1968, p. 18, Oral History Collection, Lyndon Baines Johnson Library, University of Texas, Austin, Texas. Also see Theodore C. Sorensen, *Kennedy* (New York, NY: Harper and Row, 1965), p. 501.
30. Joseph L. Rauh, Jr., "The Role Of The Leadership Conference On Civil Rights In The Civil Rights Struggle Of 1963-1964," in Robert D. Loevy, ed., *The Civil Rights Act Of 1964*, p. 12.
31. Congressional Quarterly Weekly Report, October 11, 1963, p. 1749.
32. Congressional Quarterly Weekly Report, October 18, 1963, p. 1814.
33. Congressional Quarterly Weekly Report, October 18, 1963, p. 1814.
34. All quotes excerpted from a transcript of a White House meeting, October 23, 1963. See Jonathan Rosenberg and Zachary Karabell, *Kennedy, Johnson, And The Quest For Justice: The Civil Rights Tapes* (New York, NY: W. W. Norton, 2003), pp. 184-191.