

CHAPTER 8

THE PRESIDENT: TAKING COMMAND AND CONTROL

Clark Schooler and his two house mates, Greg Netherton and Carl Brimmer, had just attended a learning session for the Capitol Fellows at the Department of Agriculture on 14th Street in Washington, D.C. The Capitol Fellows often gathered together to be briefed on the policies and activities of the various departments and agencies of the U.S. Government. The three young men walked out of the building together. It was well after the noon hour, and getting a good lunch was the foremost thought on all three minds.

As usual, it was Greg Netherton, Clark's house mate from the Southern state of Louisiana, who had a good suggestion to make. "Let's walk up 14th street, cross the Mall, and head into downtown," Greg said with his usual enthusiasm for all things Washington. "We can find a nice place to eat lunch on Pennsylvania Avenue."

It was a cool but sunny and pleasant late fall day, so the three young men agreed to make the walk. Clark marveled at the beauty of the scene as they hiked up 14th Street across the Mall. To Clark's left, he could see the gleaming white marble of the Washington Monument and the Lincoln Memorial. To the right, his gaze encountered the equally beautiful white marble of the Capitol building.

As the three young men approached Constitution Avenue and the National Museum of Science and Technology, they noticed a taxicab parked on 14th Street with a small group of men gathered around it. Taxicabs were always in demand in Washington, particularly at lunchtime, so it was unusual to see a taxi parked and not out on the street making money.

Greg Netherton, ever friendly and inquisitive, called over to one of the men gathered around the taxicab. Greg yelled: "What's going on?"

One of the men, probably the cab driver, yelled back: "President

Kennedy has been shot at in Dallas!”

The three young men raced over to the taxicab. The cab driver had a portable radio which he had placed on the roof of his cab. The cabby had turned up the volume on the radio so that everyone nearby could hear the news reports coming in from Texas.

There was not much detailed news. There was just a series of isolated and seemingly unrelated facts. “President Kennedy was riding in his open-top limousine through downtown Dallas.” “Crowds of people cheered and waved to the president from the sidewalk as his limousine drove through the city.” “The shots were fired just as the presidential car was driving down a hill before going under a railroad bridge.” “First Lady Jacqueline Kennedy was riding in the limousine with the president, as was Texas Governor John Connally and Mrs. Connally.” “After the shots were fired, the presidential limousine raced to the accident room at nearby Parkland Hospital in Dallas.”

The three young men milled around on the sidewalk next to the taxicab. They really did not know how to react to this jarring news, mainly because there were so few definite facts. Once again, it was Greg Netherton who came up with a good idea of what to do next. “Let’s go up and stand outside the White House,” Greg said. “Whatever happens, there should be plenty of action up there.”

Clark Schooler, Greg Netherton, and Carl Brimmer took off for the White House as fast as they could go. That was not overly fast, because all three were dressed in full length winter overcoats on top of their suit coats and neckties. Clark later thought it must have been funny to see three young men running as quickly as they could through downtown Washington with such heavy clothing on.

Soon the three of them were running alongside the tall iron fence surrounding the White House grounds. Without anyone saying to do so, the three young men stopped at the West Gate opposite the front of the White House.

The West Gate was an opening in the iron fence that permitted vehicular access to the circular driveway that led to the main entrance to the White House. That was the entrance with the large covered porch held up by towering white pillars. The West Gate also permitted vehicular access to the West Wing of the White House, which contained the president’s Oval Office and the nearby Cabinet Room.

As with all White House gates, there was a small guard house. Clark, Greg, and Carl were not the only persons in Washington who had thought to gather outside the White House as this particular moment in American history. About 10 to 15 people were standing on the sidewalk next to the guard house. The uniformed White House guard on duty had turned up the

volume on his Secret Service two-way radio so that everyone could hear what was going on.

As Clark stood on the sidewalk outside the West Gate and listened to the Secret Service radio, it suddenly dawned on him that he was hearing the actual communications of Secret Service agents in Dallas. Most of the messages were incomprehensible or insignificant, dealing with minor issues such as where to park the presidential limousine outside Parkland Hospital. But, periodically, there were reports about President Kennedy.

Apparently the president had been seriously injured. Clark heard that he was being wheeled into an operating room at the hospital. In the meantime, Vice-President Lyndon Johnson and his wife, Lady Bird Johnson, had been placed in a small, private waiting room at the hospital. In another small, private waiting room nearby was the president's wife, Jacqueline Kennedy.

The Secret Service radio buzzed along in this manner for about 15 minutes. Clark and his friends picked up what stray bits of information they could. One Secret Service agent back at the scene of the shooting reported that the shots had been fired from an upper floor of the Texas School Book Depository Building, a multi-story structure in which text books for public schools in Texas were stored. In another message, an agent referred to the fact that Mrs. Kennedy's dress was bloodstained. Another communique mentioned that Texas Governor John Connally, who was riding in the open car with President Kennedy, also had been wounded and was undergoing examination at Parkland Hospital.

By this time it was nearing two o'clock in the afternoon. But all thoughts of hunger and lunch had been shoved aside. The three young men continued their wait outside the West Gate of the White House. In his mind, Clark contrasted the mood with that from three weeks earlier. On that late October night, he had actually been inside the White House sitting in the presence of President Kennedy. Clark had been witness to the young and glamorous president negotiating a compromise civil rights bill with Democratic and Republican congressional leaders. That night, Clark's mood had been upbeat and optimistic. But now, on a sunny afternoon in late November, Clark's feelings standing outside the White House were ones of worry and fear.

Clark was jarred out of his thoughts by the crisp voice of an agent speaking on the Secret Service radio. "Shortly after 1 P.M. Central Time," the voice said with definiteness, "President John F. Kennedy was pronounced dead by physicians at Parkland Hospital. The cause of death was a gunshot wound to the brain." There was a brief pause, as if to let the gravity of that message sink in deeply. Then the voice said matter-of-factly:

“All units proceed to the protection of President Lyndon Baines Johnson.”

Unable to believe what he had just heard, Clark turned to the uniformed White House guard in the guard house at the West Gate and asked: “Does that mean he’s dead?”

“That’s the Secret Service two-way radio,” the White House guard replied in a kind but firm manner. “President Kennedy is definitely dead and gone.”³⁵

It later occurred to Clark that he and Greg Netherton and Carl Brimmer must have been among the first human beings on the entire planet Earth to learn of President Kennedy’s assassination. He later read, in the countless newspaper accounts of that fateful day, that President Kennedy’s staff had waited to inform Mrs. Kennedy and Vice-President Johnson of the death before releasing the news to the press and public. The Kennedy staff also delayed the news that Texas Governor John Connally had been seriously wounded but was going to recover. These courtesies to Jacqueline Kennedy and Lyndon Johnson had taken some time. Only afterward did a White House staff member go and tell the frantic group of reporters gathered at the hospital that the president was dead.

That meant that Clark and his two house mates, standing in front of the White House in Washington, D.C., had learned of the assassination well ahead of the working press and the general public. Clark figured that probably only a hundred people or so were able to hear the Secret Service two-way radio network that first carried the grim news. And he and his two friends had been among those one hundred or so persons. The point was only of passing interest, however. Within the next two hours, the news was spread by underground television cables and trans-oceanic radio to the far corners of the world.

Clark and Greg and Carl remained on the sidewalk outside the West Gate of the White House listening to the Secret Service radio. By piecing various scattered reports together, they learned that President Johnson and Mrs. Johnson were flying back to Washington on Air Force One. On the plane with them was President Kennedy’s widow, Jacqueline Kennedy, and the casket containing the deceased president’s body. Before the airplane took off for the nation’s capital, a Texas judge came aboard and Lyndon Johnson was sworn in as president of the United States.

Upon hearing the news of the swearing in, Clark marveled at the efficacy of the United States Constitution and the enduring wisdom of its authors. The Founders had created the vice-presidency so that, if the president should die in office, power would be transferred in a swift and orderly manner to a constitutionally-designated successor. There was no lengthy period of transition during which the nation was leaderless and in a possible

state of turmoil. As the Constitution commanded him to do, Lyndon Baines Johnson took the oath of office and promptly grabbed the reins of national government that had just fallen from the hands of the slain John F. Kennedy.

The show at the West Gate of the White House was far from over. In fact, it was just beginning. The uniformed guard told the three young men that the National Security Council, the president's top foreign policy and defense advisers, had been called to a meeting at the White House. In addition, the bipartisan leaders of Congress had been summoned to the president's official home. Both groups were to meet with President Johnson as soon as Air Force One had returned him to Washington and a U.S. Marines helicopter had brought him to the White House.

Clark and Greg and Carl watched with a mixture of fascination, awe, and respect as the black and grey limousines, bearing the top leaders of the United States of America, drove through the West Gate of the White House and unloaded their influential cargo at the main entrance. It became a game among the three young men to see who could say the name of the important person, or persons, as each limousine went by. In some instances, none of the three could recognize and identify the important personage. Greg Netherton scored extra points in the game, although no one was keeping score, because of his ability to recognize important Southern political and governmental leaders as they rode in their limousines through the West Gate.

A big moment was when Hubert H. Humphrey, the assistant majority leader in the United States Senate, arrived by limousine at the White House. Humphrey was a Democrat from Minnesota. During the 1960 presidential primaries, Humphrey had been John F. Kennedy's principal competitor for the Democratic nomination for president. Many observers believed that John Kennedy had nailed down the nomination when he defeated Humphrey in both the Wisconsin and West Virginia presidential primaries.

Because he had been a candidate for the Democratic nomination for president in 1960, Humphrey had one of the best known faces in American politics. The three young men said his name simultaneously the minute his face came into view in the back seat of his official limousine.

Clark was somewhat overwhelmed by the irony of the situation. Kennedy had defeated Humphrey in the 1960 Democratic presidential nomination sweepstakes. But now it was reality that the victory had led indirectly to John F. Kennedy losing his life.

A long afternoon and evening began to end for the three young men when the guard at the West Gate told them that President Johnson's helicopter was on its way in from the airport. It was routine, for security reasons, for Air Force One to take off and land at nearby Andrews Air Force Base.

Using a military air base instead of a public airport, such as Washington National, kept the president and his traveling party away from the crowds of people and the huge numbers of airplanes using the public airport. The guard said the new president's helicopter had just left Andrews Air Force Base and was beginning to make its way over the modest homes and crowded streets of southeast Washington.

That tip gave Clark and Greg and Carl just enough time to walk around the White House and take up an observatory position on 15th Street Northwest. They could easily see the rear of the White House, with its distinctive circular back porch, as well as the large grassy area where the helicopter would land. They soon heard the choppy whirling sounds of the helicopter's rotor blades as the big metal bird approached the White House and prepared to come down. There was the customary flurry of light and noise and draft from the helicopter blades as the craft settled softly onto the back lawn at the White House.

The three young men were too far away to be able to identify the various persons getting out of the helicopter and hurrying into the White House. But they knew that one of them was the new president, Lyndon Baines Johnson, a Democrat from Texas. On President Johnson's shoulders now rested the major responsibility for governing the United States. In President Johnson's hands, Clark suddenly realized, now rested the fate of the late President Kennedy's civil rights bill.

Lyndon Johnson took up the responsibilities of the American presidency with a determined attitude and a skilled hand at making government work. His first task was to restore calm and rebuild the confidence of the American people. The new president began the process of restabilizing the national psyche on the evening of the day President Kennedy was assassinated. When Air Force One returned from Dallas and landed at Andrews Air Force Base, Lyndon Johnson walked off the airplane and, standing before a battery of television cameras and microphones, made his first statement, as president, to the American people.

"This is a sad time for all people," President Johnson said. "We have suffered a loss that cannot be weighed. For me, it is a deep personal tragedy. I know that the world shares the sorrow that Mrs. Kennedy and her family bear. I will do my best. That is all I can do. I ask for your help. And I ask for God's help."³⁶

President Johnson felt a particular need to reach out to African-Americans and African-American political leaders. In the weeks immediately following the assassination, Johnson invited all of the major black civil rights leaders to come and visit with him in the Oval Office at the White House. Each visit concluded with Lyndon Johnson and the particular civil

rights leader appearing before the television cameras. The two would report to the nation on their meeting. They would comment on the high level of concern for civil rights that would characterize the forthcoming Johnson presidency.

Thus Clark and his two house mates looked at their television and saw Lyndon Johnson meeting with Roy Wilkins, the national president of the NAACP. Another White House visitor was Whitney Young, Jr., executive director of the National Urban League. Then it was Clarence Mitchell, Jr., the top Washington lobbyist for the NAACP, walking out of the Oval Office with Lyndon Johnson's arm around his shoulder. The major purpose of these meetings was to show black Americans, and white Americans as well, that Lyndon Johnson was not going to be a segregation-tolerating white man from Texas. Lyndon Johnson was going to be a president who fully supported the integrationist civil rights policies of the Kennedy Administration.

Perhaps no president was better prepared to push a civil right bill through Congress than Lyndon Johnson. Before agreeing to run as John F. Kennedy's ticket-mate for vice-president, Johnson had been the Senate majority leader, the most important political leader in the United States Senate. It was Johnson's job, as majority leader, to round up the votes to get major bills passed by the Senate.

Lyndon Johnson had become famous for his persuasive powers as Senate majority leader. A tall man, with a clearly-discernable Texas accent, Johnson made it a point to know every member of the Senate and what their political desires and political problems were. He believed strongly, and said frequently, that thinking human beings could adjust their goals to the needs of others and work out compromise solutions. One of Lyndon Johnson's favorite phrases, stated with almost biblical sincerity, was: "Come, let us reason together."

Clark Schooler, similar to most Americans, had one enduring picture in his mind of Lyndon Johnson at work as an accomplished legislative leader. This enduring portrait of Johnson was often repeated in the press and in personal conversations about the man.

The enduring picture was that of a hapless senator, not Lyndon Johnson, who had become the latest target of the legendary "Johnson treatment." The senator had his back to a wall of the Capitol building. Lyndon Johnson was standing in front of the senator, close up, with his arms extended straight out on both sides of the senator's head. The palms of Lyndon Johnson's hands were pressed against the wall, his forearms creating a trap around the senator's head and shoulders from which the senator could not easily escape.

The poor senator was going to have to listen to what Lyndon Johnson

had to say. And the senator might not be able to slip away from Lyndon's forceful physical and mental presence until he had agreed to support Majority Leader Johnson's latest legislative endeavor.

There was a strong contrast between President Johnson and President John F. Kennedy in terms of working with Congress. Although John Kennedy served in the Senate prior to his election as president in 1960, Kennedy was never a Senate leader, as Johnson was. And John Kennedy was not particularly famous for turning out legislation. Lyndon Johnson, on the other hand, came to the presidency with one of the most distinguished legislative records ever compiled by a Senate majority leader.

Another statement about Lyndon Johnson that Clark Schooler heard and read all the time was: "Lyndon knows Capitol Hill so well he knows where all the bodies are buried." The expression meant that Lyndon Johnson knew who the powerful people were on Capitol Hill and what kind of arguments would move them to support particular bills. Lyndon Johnson knew about past legislative victories, and he knew who had benefitted from those victories. He also knew about past legislative defeats, and he knew who had suffered because of those defeats. And it was all information that could be used to make Lyndon Johnson, who had just ascended to the presidency, a more effective presidential leader of Congress.

Five days after President Kennedy was assassinated, the new president, Lyndon Johnson, was scheduled to give a speech to a joint session of the House of Representatives and the Senate. The joint session was held in the House chamber, which was designed to accommodate a larger number of persons than the Senate chamber.

The president came down the aisle of the House, quietly greeting his many political friends gathered for this auspicious occasion. Lyndon Johnson climbed the stairs to the speaker's rostrum. He looked around the House chamber. He seemed to be drawing consolation and strength from the people gathered before him.

There was a moment of quiet. Then the next sound was the voice of President Lyndon Johnson:

"All I have, I would have given gladly, not to be standing here today."

That comment set the tone for the remainder of the speech. The new president lavished unending praise on the life and accomplishments of John Fitzgerald Kennedy, his slain predecessor. President Johnson reminded Congress, and the American people, that President Kennedy had proposed many adventurous governmental ideas and bold legislative programs with the words: "Let us begin." Johnson pledged to work with Congress to complete the job of enacting those adventurous ideas and bold programs into law. Johnson's new words were: "Let us continue."

And President Johnson made the centerpiece of this new legislative initiative the civil rights bill then pending in the House of Representatives. He urged Congress to pass the bill as a “memorial” to President Kennedy. Johnson said:

“No 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. We have talked long enough in this country about equal rights. We have talked for one hundred years or more. It is time now to write the next chapter, and to write it in the books of law.”³⁷

The new president’s words received sustained applause from the immediate audience. In the days after it was given, the speech received high praise from the press corps and the commentators, almost all of whom had a pro-Northern bias. Clark Schooler, a loyal Republican, and Carl Brimmer, a dedicated Northern Democrat, both were swept away by the speech and became instant admirers of Lyndon Johnson. Greg Netherton, ever the rational Southerner, was not so easily swayed.

“I thought Lyndon Johnson was from Tex-us,” Greg Netherton complained after the three young men had watched the president’s speech on television. Greg pronounced it “Tex-us” in a weak attempt to sound like a native Texan with a heavy Texas-style Southern accent.

“Those people are not liberals down in Tex-us,” Greg Netherton grumbled. “They’ve lived racially segregated all their lives. They’re as biased against minorities as you can get. Who’d have ever thought Lyndon Johnson would go all-out for a civil rights bill? He used to be a Southerner. He should be torpedoing the civil rights bill, not pledging to pass it in John F. Kennedy’s memory.”

“Unlike most Southerners,” Carl Brimmer replied, “Lyndon Johnson has learned to do political addition. He added all the Northern whites who are liberals to all the Northern minority groups that believe in civil rights. That came out to be a much larger figure than the number of segregationist Southern whites.”

Carl Brimmer made the comment in a sarcastic tone but with a sardonic smile on his face. Greg Netherton took it in the factual but lighthearted spirit in which it was intended.

“It’s more like this,” Clark Schooler chimed into the conversation. “Lyndon Johnson’s already got solid support in the South. He’s one of their down-home boys no matter what bills he supports. But he badly needs to establish his credentials with Northern and Western white liberals, and Jewish voters, and black voters, and labor union members. I think he’s decided the best way to do that is go overboard for Kennedy’s civil rights bill.”

“What a hypocrite Johnson is,” Greg Netherton answered back. “From segregationist white Southerner to integrationist left-winger in one easy step. Why do we let him do that?”

“It was a bit more than one easy step,” Carl Brimmer said without answering Greg’s question. “It’s true that Lyndon Johnson was a typical segregationist Southerner when he was a representative and a senator from Texas, although not a very outspoken one. But when Lyndon Johnson became Senate majority leader in the 1950s, he became a great compromiser on civil rights. As majority leader, he pressed both the Northern senators and the Southern senators to search for common ground and at least take a few steps forward on civil rights. So Lyndon didn’t really become a flag-waving, minority-loving, Northern liberal all at once.”

“I think it’s time for me to acquaint you gentlemen with Clark Schooler’s First Law Of Changing Constituencies,” Clark Schooler said with mock professorial solemnity. “That law is: As politicians change their constituencies, politicians change their politics. The idea here is that, as a politician rises from serving a congressional district as a representative, to serving a whole state as a senator, and then serving the entire nation as president, that politician alters his political positions to match the changed character of each new constituency.”

That was quite an extended statement, even for Clark Schooler, and it left his two house mates silent. They both looked at Clark as if they expected to hear more, so Clark gave them more.

“Lyndon Johnson is a perfect example. He’s specimen number one of this particular law of political behavior,” Clark lectured. “When he was a U.S. representative from a segregationist part of Texas, you did not hear a word about racial integration from him. And that only changed slightly when he became a U.S. senator from the entire state of Texas. But when Lyndon Johnson became Senate majority leader, his constituency was suddenly the Senate of the United States, and he had to ‘represent’ both Northern and Southern points of view. That’s when a second Lyndon Johnson, the ‘great compromiser’ that Carl described earlier, first emerged.”

“Now an assassin’s bullets have made Lyndon Johnson the president of the United States,” Clark continued. “Now his constituency is the entire nation, and the part of that constituency that knows him the least and distrusts him the most is the Northern and Western liberals in the Democratic Party. What better way to win this doubting and wavering new constituency to his side than by giving all-out support to the civil rights bill?”

On a Thursday afternoon in mid-December of 1963, Clark Schooler attended his second meeting of the Capitol Hill staff members who were supporting the civil rights bill. Once again the guest speaker was Frank

O'Brien. He was the Justice Department lawyer specifically charged with shepherding the civil rights bill, now occasionally referred to as President Johnson's civil rights bill, through Congress.

"There's a big problem with President Johnson's 'memorial' to John F. Kennedy," Frank O'Brien began. "The civil rights bill is presently mired in the House Rules Committee. The committee chair, Howard Smith of Virginia, has a firm grip on the bill and doesn't look as if he's ever going to let go."

Someone raised their hand and asked a nuts-and-bolts question: "The civil rights bill was reported out favorably by the House Judiciary Committee shortly before President Kennedy was assassinated. Why didn't the bill just go directly to the House floor for a vote?"

"Because the House of Representatives has 435 members," Frank O'Brien replied. "That means debate is limited in the House. The people who make the rules under which bills are debated are the House Rules Committee. They decide the manner of the debate, how much time will be allotted for the debate, and all kinds of stuff like that."

Another hand went up followed by another question: "Is it true that the House Rules Committee can kill a bill by simply refusing to send it to the House floor?"

"That particular rumor is true," Frank O'Brien replied, "but that's something that doesn't happen very often. Most of the time the Rules Committee simply delays bills it doesn't like rather than killing them outright. If the Rules Committee can delay a bill long enough, though, that can have the effect of killing the bill. That's because there may not be enough time left in that particular Congress to get the bill passed in both the House and the Senate."

No one bothered to ask how long a "Congress" was. But Clark Schooler knew the answer to that question. A session of Congress is just one-year long. Two sessions, a first session and a second session, make up one "Congress," which is two-years long. A "Congress" lasts from one congressional election to another. But the important thing to remember, Clark reminded himself, was that all bills die at the end of each two-year Congress. If a bill does not pass in two years, in a particular Congress, it must start all over again at the beginning of the next Congress.

Frank O'Brien went on with his discourse: "The House Rules Committee has traditionally been dominated by Southern Democrats and conservative Republicans. Those two groups have been delighted to use the Rules Committee to delay bills favored by liberal Democrats, and often the lengthy delay results in a slow death for the bill."

"The Rules Committee chairperson is Howard Smith of Virginia,"

Frank O'Brien went on. "He's as conservative a Southern Democrat as you would ever want to find. And he's a crafty one, too. Chairperson Smith has a curious way of vanishing from Capitol Hill for considerable periods of time whenever a bill he doesn't like comes before the Rules Committee."

"Howard Smith owns a dairy farm back in his congressional district in Virginia," Frank O'Brien explained. "One time in 1957, just when a major bill supported by Democratic liberals was before the Rules Committee, Chairperson Smith disappeared from Washington and headed for his dairy farm. According to Smith, his dairy barn had burned down and he was needed at home. Then, in 1959, when another bill Smith disliked was before the House Rules Committee, Smith left for Virginia because, he said, his dairy cattle were sick and required his full attention."

This description of House Rules Committee reality provoked a lot of knowing smiles and even a few guffaws from the assembled congressional aides. But there was little genuine happiness in the laughter, because everyone knew that the pending civil rights bill was certain to get somewhat similar treatment from Howard Smith.

There was a noise outside the meeting room door and then a knock on the door. In walked Joseph Rauh, one of the principal lobbyists for the Leadership Conference on Civil Rights. Rauh apparently was working alone this particular day and did not have his usual partner, Clarence Mitchell, working with him.

In a gesture of respect from a somewhat younger man to an older one, Frank O'Brien introduced Joseph Rauh to the group and yielded the floor. Joseph Rauh immediately launched into a tirade against Chairperson Smith and the House Rules Committee.

"There's only one way we'll ever get the civil rights bill away from old Howard Smith," Rauh said with considerable fervor. "That's to blast the bill out of his and the Rules Committee's hands. The best way to do that is with a discharge petition."

"Emanuel Celler, the chair of the House Judiciary Committee, filed a discharge petition on HR 7152 on December 9, 1963," Rauh continued. "If a majority of the members of the House will sign that petition, the civil rights bill will move directly from the Rules Committee to the House floor. And there won't be one thing Howard Smith can do to stop it."

Someone interrupted with a question: "How many signatures are required to force a bill out of the Rules Committee with a discharge petition?"

"Just 218 signatures," Joseph Rauh replied. "That's a simple majority of the total House membership of 435. I'm proud to report that more than 100 representatives signed the discharge petition on the first day it was

available. If we can get the 218 signatures quickly enough, we can have the civil rights bill up for debate on the House floor before Christmas. If that happens, there will have been no delay because of the House Rules Committee.”³⁸

“Furthermore,” Rauh continued, “President Johnson is supporting the discharge petition. He’s being briefed every day on which members of the House have signed the petition. Johnson is making personal telephone calls to those representatives who are holdouts and are slow to sign. The president said at a meeting with the nation’s governors that he wants the civil rights bill passed in the House and over in the Senate by January 1, 1964.”³⁹

At this moment an older man sitting at the back of the room virtually shouted at Joseph Rauh: “My boss isn’t going to sign that discharge petition no matter who calls him.”

There was an embarrassing pause in the discussion. Every head in the room turned and looked at the man who had spoken so loudly and forcefully. Clark Schooler recognized him instantly as the top congressional aide to Representative William McCulloch of Ohio. McCulloch was the informal leader of the sizeable group of House Republicans who now were supporting the bipartisan civil rights bill.

“How many times are we going to have to tell you, Joe,” the man said crisply and coolly. “The House Republican leadership has agreed to support the civil rights bill and get it voted out of the Rules Committee without needing a discharge petition. If the Republicans on the Rules Committee side with the liberal Democrats, as they’ve promised to do, then the votes are there to use the regular procedures. There won’t be a need to resort to the high jinx of a discharge petition.”

Joseph Rauh fired back instantly: “If we wait for the Rules Committee to vote, it will be next summer before the bill gets to the House floor. You and your boss are not showing enough respect for all the tricks Howard Smith can pull to slow the bill down and possibly knock it out.”

Representative McCulloch’s aide was undeterred. “You’re not showing enough respect for the deal President Kennedy negotiated at the White House with the Republican House leadership,” the older man countered. “At that now famous ‘night meeting,’ which took place shortly before the president was killed, the Republican leaders agreed to support the bill. If Lyndon Johnson continues to support your foolhardy discharge petition, the Republicans are going to get their feelings hurt and begin thinking that Lyndon Johnson doesn’t trust their word of honor. If that happens, and the House Republicans stop supporting the president’s civil rights bill, the bill is dead for sure.”⁴⁰

Joseph Rauh and William McCulloch’s congressional aide were glaring

hard at each other. Frank O'Brien adroitly maneuvered the discussion in a more peaceful direction. "The latest word in the Justice Department," O'Brien said, "is that President Johnson is no longer pressing members of the House to sign the discharge petition. Furthermore, the top Democratic leaders in the House, such as House Speaker John W. McCormack, of Massachusetts, and House Democratic Leader Carl Albert, of Oklahoma, have not signed the petition. Similar to the House Republican leaders, the Democratic leaders want to uphold the agreement negotiated by President Kennedy. They want to get the bill out of the Rules Committee in the normal manner. That means by a majority vote of the committee."

Joseph Rauh refused to be silenced. "They will be betraying the memory of John F. Kennedy, not honoring it," Rauh exploded. "Chairperson Smith will never move that civil rights bill unless there is a genuine threat of a discharge petition."

Clark Schooler detected a slight change in Joseph Rauh's position with that particular statement. Rauh was no longer insisting that the discharge petition was the only way to get the bill out of the Rules Committee. Rauh now was saying the "threat" of a discharge petition was what was required.

Clark was well aware that certain proposed actions have threat-value. Sometimes important and powerful players on Capitol Hill will take action, or not take action, in order to head off a threatened action by someone else.

Once again it was Frank O'Brien who stepped in with a soothing and quieting statement. "Chairperson Smith has publicly announced that he will hold Rules Committee hearings on the civil rights bill in January of 1964," O'Brien said. "The exact words that Howard Smith used were 'reasonably soon in January.' I think President Johnson is now ready to uphold conventional House procedures. He wants to let the Rules Committee meet and vote in January, just like Howard Smith says he's going to have the committee do."⁴¹

The meeting ended at that point. For the next month, Joseph Rauh continued to insist that the discharge petition was a necessary tool for getting the civil rights bill out of the Rules Committee. But an insufficient number of members of the House of Representatives were willing to sign the discharge petition. Suddenly it was Christmas of 1963 and New Years Day 1964, and the civil rights bill remained firmly in the grip of Chairperson Howard Smith of the House Rules Committee.

Clark Schooler found himself a little put-off by Joseph Rauh's outspoken insistence on using the discharge petition to blast the civil rights bill out of the House Rules Committee. And Clark's newly-discovered critical attitude toward Joseph Rauh upset Clark. Above everything else, Clark wanted to be personally all-out in support of Rauh and the Leadership

Conference on Civil Rights. But it was obvious to Clark that it would be better to vote the bill out of the Rules Committee under normal procedures than to use the unusual and highly-suspect instrument of the discharge petition.

Clark mentioned his now-ambivalent feelings about Joseph Rauh to Evan Harris, Senator Kuchel's Chief of Staff. Evan listened patiently to Clark's complaints, then gave an answer shaped by Evan Harris's long years of experience on Capitol Hill.

"I question whether the lobbyists for the Leadership Conference should be criticized for being so outspoken and vociferous in behalf of their cause," Evan Harris said. "Joseph Rauh might very well be praised for putting relentless pressure behind the discharge petition. Capitol Hill is a busy place. It can be easy to let things go, and sort of slide by, if someone isn't perpetually calling for action."

"Joe Rauh knows what he's doing," Evan Harris continued. "He's putting the screws to everybody involved with that discharge petition. And, make no mistake about it, the guy he's putting the screws to most directly and painfully with that petition is Lyndon Johnson. The president now knows he has to get the civil rights bill out of the Rules Committee or he's going to get all kinds of noisy and pointed criticism from Joe Rauh."

Evan Harris then gave Clark a smile. "You know," Evan concluded, "just because you like and admire Joe Rauh doesn't mean you have to agree with him on every issue."

The United States Constitution provides that the president "shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." On Wednesday, January 8, 1964, Lyndon Baines Johnson gave the first State of the Union address of his still new presidency.

"Let this session of Congress be known as the session that did more for civil rights than the last hundred sessions combined," Lyndon Johnson said to both the House and the Senate and the cameras of all three major television networks. "As far as the writ of federal law will run, we must abolish not some but all racial discrimination."⁴²

To Clark Schooler, this was an amazing, almost incredible, statement for a U.S. president to make. It was the first time in all of American history that a president had called for eliminating "all racial discrimination." And it was the first presidential request that discrimination be eliminated "as far as the writ of federal law will run."

One way or another, by hook or by crook, Clark Schooler succeeded in getting into a number of the House Rules Committee hearings on the civil rights bill. Some days the lines of people waiting to get into the hearings

were relatively short, and Clark could get in exactly like any other member of the general public. On other days, when the lines were long and every public seat in the hearing room was taken, Clark exercised his prerogative as a former journalist and pulled up a chair at the end of the press table.

Exactly as he had promised, Chairperson Howard Smith opened the Rules Committee hearings early in January of 1964. But starting the hearings was the only concession Howard Smith made to the civil rights forces. It soon became clear to Clark Schooler, and anyone else in Washington who was paying attention, that Chairperson Smith intended to have the hearings drag on for weeks and perhaps even months. Under Smith's skilled command, the House Rules Committee hearings were going to delay action on the civil rights bill almost as effectively as if no hearings were held at all.

A long list of Southern Democrats opposed to civil rights showed up at the Rules Committee hearings to testify against the bill. Leading the list was none other than Chairperson Howard Smith himself, who charged that the bill had been "railroaded" through the House Judiciary Committee by Judiciary Chair Emanuel Celler and his liberal supporters on the Judiciary Committee.

"This nefarious bill is as full of booby traps as a dog is of fleas," Howard Smith charged. He particularly attacked the provisions of the bill that forced restaurants, snack bars, and movie theaters to serve people of any race, religion, or national origin. "The commerce clause of the United States Constitution," Smith argued with reasonable-sounding logic, "was never intended by the Founders to apply to small businesses such as neighborhood eating places and local movie theaters."⁴³

Representative Edwin E. Willis of Louisiana labeled the civil rights bill "the most drastic and far-reaching proposal and grab for power ever to be reported out of a committee of the Congress in the history of our republic." Representative Willis then joined Chairperson Smith in attacking the constitutionality of the bill. "The 14th Amendment was designed to restrict only state action," Representative Willis fumed. "This bill allows the U.S. Government to regulate areas of individual discrimination, not state discrimination, and that is a power never mentioned in the 14th Amendment."⁴⁴

But these Southern arguments were strenuously challenged. Judiciary Chair Emanuel Celler requested to speak and devoted his remarks to the necessity for immediate action on civil rights issues. Clark Schooler had developed something of a liking for Emanuel Celler. The man was aged, well past his sixties, but he was still active, almost brisk, and could testify before a congressional committee in an argumentative and feisty manner. Clark found himself intellectually grooving with Emanuel Celler.

"The campaign by black Americans for equal rights cannot be halted,"

Celler said, almost shaking with emotion. “You can no more stop it than you can stop the tide. Black people in the United States still wear some of the badges of slavery. It is small wonder that, for so many black persons, patience is at an end. I know this bill is painful medicine for the South to have to swallow. It means changing patterns of life that have existed for a century or more. I wish it could be otherwise, but it cannot. The die is cast. The movement cannot be stayed.”⁴⁵

Emanuel Celler was joined in speaking for the bill by Representative William McCulloch of Ohio, the ranking Republican on the House Judiciary Committee. McCulloch repeated his oft-stated position that House members should not be forced to cast unpopular votes to pass a strong civil rights bill and then see the bill watered down in the Senate to escape a filibuster. “I would never be a party to such a course of action,” McCulloch said. “My head is still bloody from casting strong votes for civil rights that were given away or bargained away in the Senate. I feel very strongly about this.”⁴⁶

On the day Emanuel Celler and William McCulloch were speaking at the House Rules Committee hearings, Clark Schooler was sitting at the press table. Next to Clark was Jim Senitall, the Washington correspondent for the Patriot Press who had been one of Clark’s journalistic mentors. Jim Senitall leaned over to Clark and whispered: “This is just like going to the movie theater and watching the previews of coming attractions.”

That was all Jim Senitall said to Clark, but it was all that he needed to say. It was suddenly clear to Clark that both the Southerners and the Northerners were using the Rules Committee hearings to test out and practice their various arguments for and against the bill. Later they would use perfected versions of these arguments when the civil rights bill was being debated on the floor of the House of Representatives. Just as the previews at the movie theater gave a quick look at a future film attraction, the hearings of the House Rules Committee gave a quick look at what the future House debate was going to be like.

Clark Schooler turned Jim Senitall’s casual and confidential whisper into one of Schooler’s Laws of Political Behavior: House Rules Committee hearings provide previews of upcoming debates in the House of Representatives.

Toward the end of January, Clark Schooler had become convinced that the hearings before the House Rules Committee would go on forever. As a result, Clark worried, the civil rights bill would never be reported to the House floor. But, just when Clark least suspected it would happen, Chairperson Howard Smith announced that the Rules Committee would vote out the civil rights bill on January 30, 1964. That would permit debate in the full House of Representatives to take place during early February.

When asked by the news media as to why he had agreed to release the civil rights bill from his strangling grasp, Smith simply scowled and made the sour comment: "I know the facts of life around here."⁴⁷

Although it was well-known that Smith opposed the civil rights bill with every fiber of his being, no one questioned that the representative from Virginia would move the bill out of the Rules Committee on the date promised. It was, Clark reminded himself, one of the best known rules of congressional behavior: Politicians often break promises to the press and the public, but they seldom if ever fail to keep pledges to each other.

The following afternoon there was a hastily-called meeting of the congressional aides supporting the civil rights bill. This ad hoc group on Capitol Hill was starting to take up a considerable amount of Clark Schooler's time, but Clark was finding it time unusually well spent. The meeting quickly turned into a lively debate over exactly why Chairperson Howard Smith had agreed to allow the civil rights bill to escape the House Rules Committee.

Joseph Rauh of the Leadership Conference on Civil Rights attended the meeting from beginning to end. "Chairperson Smith released the bill because he could feel the hot fire of the discharge petition breathing down his neck," Rauh said with his usual air of assuredness. "When most of the representatives went home for Christmas vacation and talked with their constituents, they found real support in their home districts for the civil rights bill. Additional signatures on the discharge petition were virtually certain. There soon would have been enough signers to discharge the bill from the Rules Committee and thereby embarrass the gee-willikers out of old Howard Smith."⁴⁸

But there was another view of why Howard Smith had agreed to release the bill. "From the very beginning," said Frank O'Brien of the Justice Department, "we've had bipartisan agreement on the Rules Committee. The liberal Democrats and the moderate Republicans on the committee have been ready to vote the bill out. It's all part of the compromise negotiated by President Kennedy at that now-famous night meeting at the White House."

"The committee majority has been patiently waiting," O'Brien continued, "for Howard Smith to have his big day in the sun. They've given Smith and his Confederate buddies plenty of time to make their tired old arguments against civil rights. But even Howard Smith now realizes his time is up. Smith knows that, if he doesn't move the bill out, the committee majority will rebel against his leadership and move it out for him."

That sounded like a pretty reasonable explanation to Clark Schooler, more plausible than Joseph Rauh's emphasis on the discharge petition. But just at that moment that wise older man, Representative McCulloch's

congressional aide, spoke up.

“Let me tell you what really happened here,” the man said, sounding a great deal like Clark Schooler lecturing a classroom full of political science students. “The ranking Republican on the House Rules Committee is Representative Clarence Brown of Ohio. Although they belong to two different political parties, Democrat Howard Smith and Republican Clarence Brown are probably two of the closest friends on Capitol Hill. They’re both conservatives. And on most legislation, Smith and Brown are in general agreement on what the Rules Committee should do, and when it should do it.”

“This was one time,” the older man continued, “when Howard Smith and Clarence Brown were on different sides of an important issue. Brown simply reminded Smith that he had the moderate Republican votes and the liberal Democratic votes to override Smith anytime he wanted to do so. Brown made it clear that the Republican House leadership had promised President Kennedy to move the bill. In the end, Clarence Brown was going to have to support his Republican leaders rather than his longtime friend Howard Smith.”

“It was just this simple,” the older man concluded. “Clarence Brown personally asked Howard Smith, as an old friend, to end his obstructionism. It’s easy to deny your opponents on Capitol Hill. It’s very difficult to deny your friends. Smith gave in, not to the discharge petition or the committee majority, but to an old friend of his named Clarence Brown.”⁴⁹

The meeting room was absolutely quiet when the older man finished speaking. After a few seconds, someone asked some sort of technical question, and the discussion haltingly got going again. But the meeting broke up shortly thereafter. The older man had reemphasized a point that everyone present knew was true: Personal friendships can be powerful motivators in American life and politics.

It was, Clark Schooler later concluded in his own mind, an excellent example of what he called multi-factor analysis. There probably was no one specific reason that Chairperson Smith moved the civil rights bill out of the Rules Committee. Surely the discharge petition had some effect, even if it wasn’t the all-powerful factor that Joseph Rauh contended it was. And that now legendary bipartisan agreement was certainly a factor, because that had produced more than enough pro-civil rights votes on the Rules Committee to outvote the Southerners. And yet, what Representative McCulloch’s aide said about Smith’s and Brown’s friendship also was certainly true.

Most people, even great scholars, try to implement single-factor analysis, Clark thought. They want there to be just one reason why this or that happened, or why this or that fact is true. But life, particularly political life,

is more complicated than that. There often are many reasons, not just one reason, for why things turn out the way they do.

On January 30, 1964, exactly as he had promised, Chairperson Howard Smith called the House Rules Committee into session. By a vote of 11 to 4, the civil rights bill was reported out. Six Northern Democrats and five Republicans on the committee voted for the bill. Only the four Southern Democrats, including Howard Smith, voted against it.

The bipartisan agreement negotiated by President Kennedy at the night meeting at the White House had worked perfectly. The Kennedy civil rights bill, now the Kennedy-Johnson civil rights bill, had advanced to the floor of the U.S. House of Representatives.

In The Interim

A wave of reform which swept Congress in the 1970s greatly weakened the power of the chairperson of the House Rules Committee. In the early 2000s, the Rules Committee continues to review legislation and set the conditions under which bills are to be debated in the House of Representatives. But the committee and its chair no longer have the ability to tie up legislation completely, particularly if it is legislation that the speaker of the House wants advanced to the floor of the House.

In the 2000s, the House Rules Committee continues to provide previews of upcoming legislative debates on the floor of the House of Representatives. Both those "for" and those "against" the bill under discussion try out and perfect their arguments for future use in the House debate proper.

The discharge petition continues to be a viable part of House of Representatives procedure. But the discharge petition still is rarely used. The vast majority of bills in the House are voted up or down in committee, including the Rules Committee, and the results are accepted by winners and losers alike.

35. Recollection of the author.
36. Public Papers of the Presidents, Lyndon B. Johnson, 1963-64, vol. 1 (Washington, DC: U.S. Government Printing Office, 1965), p. 1.
37. Congressional Quarterly Weekly Report, November 29, 1963, p. 2089.
38. Joseph L. Rauh, Jr., interview by the author, August 15, 1983, Washington, D.C. See also Joseph L. Rauh, Jr., "The Role of the Leadership Conference on Civil Rights in the Civil Rights Struggle of 1963-964," in Robert D. Loevy, ed., *The Civil Rights Act of 1964*, p. 61.
39. Lyndon B. Johnson, "Off The Record Remarks To Governors," November 25, 1963, p. 4, Appointment File (Diary Back-up), Box 1, Lyndon Baines Johnson Library, Austin, Texas.
40. Congressional Quarterly Weekly Report, December 6, 1963, p. 2118. See also Congressional Quarterly Weekly Report, December 136, 1963, p. 2150.
41. Congressional Quarterly Weekly Report, December 6, 1963, p. 2118.
42. Congressional Quarterly Weekly Report, January 10, 1964, p. 48.
43. Congressional Quarterly Weekly Report, January 24, 1964, p. 157.
44. Congressional Quarterly Weekly Report, January 24, 1964, p. 157.
45. Congressional Quarterly Weekly Report, January 24, 1964, p. 157.
46. Congressional Quarterly Weekly Report, January 24, 1964, p. 157.
47. Joseph L. Rauh, Jr., "The Role of the Leadership Conference on Civil Rights in the Civil Rights Struggle of 1963-964," in Robert D. Loevy, ed., *The Civil Rights Act of 1964*, p. 61.
48. Joseph L. Rauh, Jr., "The Role of the Leadership Conference on Civil Rights in the Civil Rights Struggle of 1963-964," in Robert D. Loevy, ed., *The Civil Rights Act of 1964*, p. 61.

49. Daniel Berman, *A Bill Becomes A Law*, 2nd ed., p. 95.