

## CHAPTER 6

### *"VULTURES" IN THE GALLERIES; "MIRACLES" ON THE FLOOR*

Lyndon Johnson continued to take every conceivable opportunity to increase the public awareness of civil rights. The president repeatedly linked the bipartisan civil rights bill to Abraham Lincoln and the fact that the nation had recently celebrated, in July 1963, the 100th anniversary of the Emancipation Proclamation. In response to a reporter's question about the civil rights bill at a White House press conference, Johnson said:

I hope it is acted upon in the House before the members leave to attend Lincoln Day birthday meetings throughout the nation, because it would be a great tribute to President Lincoln to have that bill finally acted upon in the House before we go out to celebrate his birthday."<sup>1</sup>

At that same press conference, again in response to a reporter's question, Johnson gave what looked like a "go ahead" for some sort of women's rights amendment to be added to the bipartisan civil rights bill. The transcript of the question and answer read like this:

REPORTER: Mr. President, Thursday in the [House] Rules Committee an amendment was offered to include women in the ban on discrimination in the

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civil rights bill. . . . That was defeated by one vote and will be brought up again on the floor of the House.

In the Democratic platform it says -- and if I may read you just a few words -- "We support legislation which will guarantee to women equality of rights under the law."

Would you support an amendment to include women in the civil rights bill?

PRESIDENT JOHNSON: I supported that platform and embraced that platform, and stated that view in 43 states in the Union. I realize there has been discrimination in the employment of women, and I am doing my best to do something about it. I am hopeful that in the next month we will have made substantial advances in that field.<sup>2</sup>

Although the president did not say specifically that he wanted a women's rights amendment added to the civil rights bill, his answer clarified that he was a supporter of the principle of equal rights for women, particularly where equal employment opportunity was concerned. He thus left the option open for the civil rights bill to be amended to ban discrimination on the basis of sex.

#### STRENGTHENING AMENDMENTS?

The Leadership Conference on Civil Rights faced a tactical problem as the bipartisan civil rights bill moved to the House floor -- whether to seek strengthening amendments. Up to this point the Leadership Conference's guiding strategy had been that the best defense is a good offense, and there were plenty of strengthening amendments for which to press. The "Mrs. Murphy" loophole could be removed from the public accommodations section. Part III could be amended to permit the attorney general to initiate, not just

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intervene in, civil rights suits. The EEOC provision could be strengthened by permitting administrative rather than judicial enforcement of fair labor practices.

At the time the Leadership Conference was considering strengthening amendments, however, there were increasing numbers of news reports and editorial speculations that the bill was going to be dramatically weakened on the House floor, and that EEOC might be amended out of the bill entirely. At a White House meeting on 21 January 1964 President Johnson personally informed Clarence Mitchell, Jr., and Joseph Rauh, Jr., that he opposed any change in the bill, either making it stronger or making it weaker. Rauh described the effect of this meeting with President Johnson on Leadership Conference strategy:

Recognizing the unlikelihood of strengthening amendments and the danger in adopting a different strategy on the House floor from that of the administration, the Leadership Conference modified its position to one of opposition to all weakening amendments and reserving decision on strengthening amendments."<sup>3</sup>

THE HOUSE DEBATE

General debate on the civil rights bill began on 31 January 1964 and provided the customary opportunities for "flowery" opening remarks. Emanuel Celler offered the following opinion about the prospective enactment of the civil rights bill:

[It] will shine in our history. . . . It will bring happiness to 20 million of our people. . . . Civil rights must no longer be merely a beautiful conversation of sweet phrases and pretty sentiments. Civil rights must be the woof and the warp of the life of the nation.<sup>4</sup>

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William McCulloch quickly joined Celler in giving his views on the need for the bill:

Not force or fear, . . . but the belief in the inherent equality of man induces me to support this legislation. . . . No one would suggest that the Negro receives equality of treatment and opportunity in many fields of activity today. . . . Hundreds of thousands of citizens are denied the basic right to vote. Thousands of school districts remain segregated. Decent hotel and eating accommodations frequently lie hundreds of miles apart for the Negro traveler. . . . These and many more such conditions point the way toward the need for additional legislation."

McCulloch went on to answer what he believed would be the main Southern charge against the civil rights bill -- that it went too far in terms of interfering in the daily lives of the people. "This bill is comprehensive in scope," he pointed out, "yet moderate in application. It is hedged about with effective administrative and legal safeguards."

Clarence Brown, the senior Republican on the House Rules Committee, called on his fellow representatives to avoid bitterness and acrimony as they debated the bill. He appealed to House members to "conduct this debate on so high a plane that we can at least say to our children and grandchildren, we participated in one of the great debates of modern American history and we did it as statesmen and not as quarreling individuals."

Exactly as Celler and McCulloch were doing, the Southerners used the same arguments that had been practiced and perfected during the hearings before the House Rules Committee. Rules Committee Chairman Howard Smith once again pointed out that the bill reported out by the House Judiciary Committee had been written at the Kennedy White House and was not the bill that had been debated and

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amended by Judiciary Subcommittee No. 5. He said:

The only hearings that were ever held on this bill were held, over the protest of a great many people, before the Committee on Rules. Apparently, nobody who favored this bill wanted the people to know what was in it, . . . [or what it] proposed to do for 90 percent of the people of this country whose liberties are being infringed upon. . . . What we are considering now is a . . . monstrosity of unknown origin and unknown parentage . . . .

Representative William Colmer of Mississippi attacked the great extent to which the funds cutoff provision of the bill would effect life in local communities throughout the nation. He urged House conservatives, "particularly some of my Republican brethren," to recognize this flaw in the bill:

Power would be given not only to the president and the attorney general, but more than that, given to every bureaucrat in the executive department to cut off all federal aid from your hometown, from your county, and from your state.

Later in the debate, Emanuel Celler responded to Colmer with a firm defense of the funds cutoff provision:

As a matter of simple justice, federal funds, to which taxpayers contribute, ought not to be expended to support or foster discriminatory practices. . . . The toll of the "separate but equal" principle begins at birth. In the segregated hospital, built with federal funds, the chances of survival of a Negro infant or of a Negro mother giving birth in the limited and

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inadequate facilities provided to their race, are significantly lower than for whites.<sup>5</sup>

When the Southern Democrats were not attacking the civil rights bill itself, they turned their attention to the bipartisan coalition supporting the bill. Representative Jamie L. Whitten of Mississippi noted:

It is unfortunate that we see an agreement between the Republican leadership over here and the Democratic leadership over there to pass through this House every last bad provision that is in this bill, of which there are hundreds."<sup>6</sup>

Edwin Willis of Louisiana used almost unchanged the material he had presented before the House Rules Committee. Those who had been present at the Rules Committee hearings heard a second time that the bill was "the most drastic and far-reaching proposal and grab for power ever to be reported out of a committee of the Congress."<sup>7</sup>

## THE COMMITTEE OF THE WHOLE

In accordance with normal practice in the House of Representatives, the bipartisan civil rights bill was first considered in the Committee of the Whole. This meant that the entire membership of the House sat as a committee to debate the bill and to amend it. Only two visible changes occur when the House meets as the Committee of the Whole. The mace (the medieval club, topped by an ornamental metal head, used since the Middle Ages to symbolize parliaments, universities, and city governments) is taken down from its mounting, and the speaker of the house is replaced as presiding officer by a member of his choosing.

In the early 1960s approximately 90 percent of the business of

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the House of Representatives was conducted in the Committee of the Whole. One reason for this was that there was a very lenient quorum rule. Instead of a majority of the House (218 members) constituting a quorum, only 100 members needed to be present at the Committee of the Whole. More importantly, however, there were no roll call votes. There were only teller votes where the representatives walked down the aisle past a teller to be counted for or against an amendment to the bill. When the Committee of the Whole finished its work, the House of Representatives itself reconvened and then merely decided whether to accept or reject the bill that the Committee of the Whole had produced.

It was frequently charged that the Committee of the Whole provided members of the House of Representatives with unusual opportunities for deception. Since there were no roll call votes in the Committee of the Whole, a member could vote anonymously for amendments that greatly weakened the bill under consideration. Then, when the House reconvened, the member could cast a recorded vote for the now weakened bill and pass himself or herself off to his or her constituents as a strong supporter of the legislation in question.

### THE DEMOCRATIC WHIP SYSTEM

When the House was meeting in the Committee of the Whole, some semblance of order was maintained by the Democratic and Republican party whip systems. Party whips and their assistants spread the word to party members on the floor about how the party leadership wanted them to vote. Whips and their assistants also noted which members were present for votes on key amendments and kept track of who voted for or against the party position. As the bipartisan civil rights bill was taken up in the Committee of the Whole, a serious problem developed with the normal party whip system. The Democratic whip in the House, Representative Hale Boggs of Louisiana, would have received quick retribution at the polls if he had taken any public actions in support of the bill. The

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result was that the regular Democratic whip system did not function during the debate on the bill. Once again, Southern Democratic power at a key point in the legislative process had to be evaded by the civil rights forces by extraordinary means.

## THE DEMOCRATIC STUDY GROUP

Civil rights supporters replaced the normal Democratic whip system with an ad hoc whip system manned by the Democratic Study Group, an informal organization of activist Democratic Representatives that had been formed for the purpose of pressing for liberal legislation. The Democratic Study Group (DSG) had been organized in September 1959 in an attempt to counter the awesome power of conservative Southern Democrats in the House of Representatives. It was the logical group to take over when the Southern dominated regular Democratic whip system failed to operate on behalf of the civil rights bill. Representative Frank Thompson of New Jersey and 20 other DSG members set up and operated the ad hoc whip system.

The Leadership Conference on Civil Rights was particularly concerned about keeping control in the Committee of the Whole. According to Joseph Rauh, Jr., over 220 representatives had committed themselves to the bill "without dilution," but these commitments were of little value unless the representatives were on the floor and voting correctly.<sup>8</sup>

Clarence Mitchell, Jr., noted that, while the civil rights bill was being considered in the Committee of the Whole, the civil rights forces were worried about losing the votes on key amendments of both Republicans and liberal Democrats:

It is true on the basis of our assessments that the votes were there, but you can have the votes and still not



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win if you don't handle it correctly. I feel there were many times -- in fact I know there were many times when we could have lost on the House floor. . . . Now you see, actually there are those who say, "Well, in the House Judiciary Committee a compromise had been worked out," which is true, and that leading Republicans, Halleck and McCulloch and the rest of them were for it, but there were many times on that floor when even Halleck, in spite of his commitment, would vote for crippling amendments. . . . Now one of the things that was in jeopardy of course was the fair employment title. . . . The other was [the funds cut off]. And the trouble there was that many of the liberal Democrats were ready to sacrifice that. They were ready to sacrifice it because they felt it was better, or at least they said they felt it was better, to have government money going into things like education and public improvement, even if it is used for segregation, that to cut it off because this would mean you wouldn't have some of the things that this money permits. And we could easily have lost. . . ."9

Another problem when the House of Representatives was working as the Committee of the Whole was the fact that no writing or note taking was permitted in the House visitor galleries. Ushers would request anyone seen writing or note taking to either stop or else leave the gallery. If the Leadership Conference was going to keep track of the presence and the votes of the bill's supporters, it would all have to be done by memorization.

GALLERY WATCHERS-OFFICE VISITORS

The Leadership Conference worked out an elaborate system for keeping tabs on representatives supporting civil rights. As the

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visitor galleries opened before each session of the Committee of the Whole on the civil rights bill, numerous members of the various Leadership Conference organizations would enter and get good gallery seats. These activist organization members had been called to Washington specifically to monitor the civil rights debate in the House. Each one had a specific responsibility -- to watch a small number of representatives (4 or 5), observe their attendance, and memorize their votes on all proposed amendments. Under this system, suggested by Clarence Mitchell, Jr., of the NAACP, an effort was made to pair each "watcher" with a representative he knew personally, so that he could also call him off the floor to ask for support on important votes. Frequently, however, the gallery watchers had not previously met the representatives they were to cover.<sup>10</sup>

When a watcher saw that one of the representatives he was to watch was away from the floor too long, a telephone call would be placed to the Leadership Conference offices in the nearby Congressional Hotel. At the hotel, a master chart of office locations in the various House office buildings was maintained. The civil rights groups had sought out a friendly representative on each floor and arranged to have two of their members stationed at a telephone in his office. Whenever the absence from the floor of a pro-civil rights representative was reported, a telephone call would go to the civil rights workers on his office floor. Immediately, an "office visitor" would go to the office of the "truant" to urge him to be present in the House chamber.

The Leadership Conference made an extraordinary effort to fit the office visitor to the particular representative being visited. House members who had received labor union support in previous election campaigns were buttonholed by union officials. Labor lobbyists steered clear, however, of the offices of Republicans or Democrats they had opposed in past elections. In these instances the office visitor usually was from a church group or a civil rights organization. Due to the general lack of affinity between labor unions and the

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Republican party, most of the calling on Republicans was done by religious organizations.

Clarence Mitchell, Jr., gave the following description of the care with which the gallery watcher-office visitor system was operated:

We had brought into Washington from the NAACP persons from all of the key states. We had asked that these NAACP people [be] individuals who were active in politics in their own party, and who knew personally the congressman . . . they would talk with. We also tried to make certain that they would not be the victims of any kind of evasion. We pretty carefully schooled them in what to expect in the way of evasive answers. We had the very good fortune of getting in people who were really top-notch operators in the Republican Party. The reason I say it that way is, it's no secret that the majority of Negroes in this country are Democrats and most of the really skillful, intelligent Negroes are Democrats. So that often when you have a meeting of this kind in Washington, you get a lot of skilled Democratic operators, but no skilled Republican operators.<sup>11</sup>

Mitchell went on to describe the efforts of one of his Republican operators, and concluded that the civil rights forces were able to keep track of how Republicans were going to vote with "99 percent accuracy."

According to Joseph Rauh, Jr., this system of gallery watchers and office visitors began working very effectively. Full galleries let the representatives know that, though there was no record voting in the Committee of the Whole, there would be one in the minds of the watchers.<sup>12</sup> About halfway through the debate, some House members began to express resentment over the close control of representatives

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by congressional outsiders and the wholesale violation of the idea that voting in the Committee of the Whole would be anonymous.

According to Clarence Mitchell, Jr., representatives supporting the civil rights bill eventually came to the Leadership Conference and asked them to drop the gallery watcher-office visitor system. "In return for our turning off the pressure," Mitchell said, "Frank Thompson and the Democratic Study Group made a firm commitment that they, alone, would see that supporters were present and voted right."<sup>13</sup>

Over the course of the ten day debate on the bill, therefore, attendance and voting in the Committee of the Whole were at unusually high levels. This was particularly true of East Coast representatives who lived close enough to Washington to go home to their districts every weekend. Known as Tuesday to Thursday congressmen," suddenly these representatives were present for Monday, Friday, and even Saturday sessions. As Joseph Rauh, Jr., put it: "When the Tuesday to Thursday eastern congressmen, even including Congressman Buckley of New York, answered present to a quorum call on a Saturday, old-timers began talking about miracles."<sup>14</sup>

A different view of Mitchell's gallery watcher-office visitor system came from a Southern Democrat, Representative James A. Haley of Florida. This "monstrous bill," Haley said, could not have passed without the "vultures" in the galleries.<sup>15</sup>

## JUSTICE DEPARTMENT ROLE

Similar to when the civil rights bill was before Subcommittee No. 5 and the House Judiciary Committee, the Justice Department was close by to analyze amendments and write new legal language when needed. Deputy Attorney General Nicholas Katzenbach and Burke Marshall, head of the Civil Rights Division at the Justice Department, were in the House gallery during the debate and served as key Johnson administration contacts with the representatives

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backing the bill on the floor. If a crisis arose over an amendment during the debate, a signal would be made from one of the bill's managers to Katzenbach and Marshall. The Justice Department leaders, often joined by Clarence Mitchell, Jr., and Joseph Rauh, Jr., would then come down for a strategy session off the floor. At times these strategy conferences were held in the office of the speaker of the house.<sup>16</sup>

Meetings, meetings, and more meetings were the order of the day as debate proceeded in the House. Each day before the House convened, a basic strategy session was held in the office of Democratic Study Group leader Frank Thompson of New Jersey. Lawrence O'Brien, the president's special assistant on congressional relations, often attended these strategy meetings, as did Mitchell and Rauh. Republican members of the House were specifically not included in these meetings, the liberal Democrats preferring to keep legislative strategy making completely under their control. Church group representatives also were not allowed at these meetings, but they were included in daily meetings earlier in the morning which were open to members of any group within the Leadership Conference on Civil Rights.

The Republican forces supporting the bill were led by William McCulloch of Ohio. As had been the case at the subcommittee and the committee level, McCulloch conferred mainly with Justice Department officials. According to Congressional Quarterly Weekly Report, his relationship with labor groups and civil rights groups backing the bill was "at arm's length." When the Leadership Conference needed to deal with the Republicans, they generally went to a dedicated liberal Republican like John Lindsay of New York rather than speak with McCulloch.<sup>17</sup>

McCulloch's most important function was to keep his close associate, House Republican Leader Charles Halleck, informed on what was happening to the bill on the House floor. Living up to the terms of the agreement struck at the Kennedy White House when the bipartisan version of the bill was first negotiated, Halleck gave his

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general support to McCulloch and the bill's backers. Halleck was present for very little of the debate, however, and participated in few of the teller votes.

Deputy Attorney General Nicholas Katzenbach later gave a possible explanation as to why House Republican Leader Charles Halleck absented himself from the civil rights bill debate and voting. Several times Representative Halleck had stated his firm opposition to the equal employment opportunity provisions of the civil rights bill, but somehow Katzenbach got the mistaken impression that Halleck was "on board" on the employment provisions, and Katzenbach "misled two presidents" (Kennedy and Johnson) by repeatedly assuring them that Halleck supported the bill with the equal employment opportunity provisions included. A year later Katzenbach looked at his notes and was shocked to find they said, "Halleck not on board on [employment] provision." Katzenbach concluded it was "a case of being lucky" that Halleck had continued to support the bill (albeit quietly) despite the fact that no one in either the Kennedy or the Johnson administrations had responded to his opposition to the employment opportunity section.<sup>18</sup>

## WEAKENING AMENDMENTS

With the Leadership Conference watching so carefully from the galleries and a bipartisan agreement to support the bill in effect on the floor, the 10 days of House debate on the civil rights bill consisted mainly of weakening Southern amendments being voted down by substantial majorities. Amendment after amendment was offered. If the amendment was a weakening one, Representative Celler or Representative McCulloch would speak against it. This usually was all that was required for the supporters of the bill to know to vote the amendment down.

Occasionally Southern Democratic amendments proposed to the bill were serious in nature and, as a result, received honest consideration by the civil rights forces in control on the House floor.

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Representative Willis of Louisiana introduced an amendment to the provision of the bill which would cutoff U.S. Government funds to state and local government programs that practice racial discrimination. The amendment required that a government agency report to the appropriate congressional committees the intent to cut off funds at least 30 days before such a cutoff was to take place. An exchange of comments between Emanuel Celler and William McCulloch served as a cue to rank and file supporters of the civil rights bill that the amendment had the approval of the bipartisan leadership:

MR. CELLER: Mr. Chairman, will the gentleman yield?

MR. WILLIS: I yield to the gentleman from New York.

MR. CELLER: The amendment is acceptable to myself and most members of the Committee on the Judiciary.

MR. MCCULLOCH: Mr. Chairman, will the gentleman yield?

MR. WILLIS: I yield to the gentleman from Ohio.

MR. MCCULLOCH: I am pleased to say that the amendment is an improving amendment to this title, and I hope it will be agreed to.

The signal had been given. The debate was over. Representative Willis's amendment passed with only 21 negative votes.<sup>19</sup>

The Committee of the Whole proceeded through the bill title by title. First the voting rights section was approved, then public accommodations, then desegregation of public facilities, and then school desegregation. The tone of the debate was noteworthy for its respectability, politeness, and moderation. In the opinion of Joseph

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Rauh, Jr., of the Leadership Conference on Civil Rights, only Howard Smith of Virginia overstepped the bounds of propriety. Commenting on the fact that a chiropodist (foot doctor) in a hotel would be covered by the public accommodations section, Smith stated: "If I were cutting corns I would want to know whose feet I would have to be monkeying around with. I would want to know whether they smelled good or bad."<sup>20</sup>

## THE BOGGS INCIDENT

Throughout the debate, there was only one incident that seriously threatened the bipartisan coalition backing the bill. On 7 February 1964 Representative Oren Harris, a Democrat from Arkansas, offered an amendment that would have seriously weakened the funds cutoff provision. The amendment would have given U.S. Government bureaucrats wide latitude in deciding whether or not to cutoff U.S. funds to specific agencies and programs practicing discrimination.

The liberal and moderate Republicans backing the bill became seriously alarmed when House Democratic Whip Hale Boggs rose to support the Harris amendment. Boggs, from New Orleans, Louisiana, was simultaneously a Southerner and, as Democratic whip, a key member of the House leadership. As Boggs began lavishing extensive praise on Harris's amendment to make the funds cutoff discretionary, wary House Republicans began to suspect a Democratic plot. No Republicans had been informed that Oren Harris would offer his weakening amendment or that Democratic Whip Boggs would support it.

The situation appeared particularly sinister because most of the House Republican leaders were off the floor in a strategy session when Boggs spoke on behalf of the Harris amendment. New York Republican John Lindsay was present, however, and he quickly rose to the attack. Lindsay charged the Harris amendment would "gut" the funds cutoff provision and thus was "the biggest mousetrap that has



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been offered since the debate on this bill began." Lindsay added: "I am appalled that this is being supported in the well of the House by the majority whip [Boggs]. . . . Does this mean there is a cave-in on this important title."<sup>21</sup>

Representative McCulloch returned hastily from the Republican leadership meeting and conferred hurriedly with Emanuel Celler. He then grabbed a microphone and announced that, if the Harris amendment passed, "my individual support of this legislation will come to an end."<sup>22</sup> Celler quickly joined McCulloch in opposing the amendment, and it was easily rejected on a teller vote.

Later in the day Hale Boggs denied that he had been speaking for anyone but himself when he gave his strong speech in support of the Harris amendment. The House Republicans continued to voice suspicions to the press, however. They publicly theorized that this public attempt by a member of the House Democratic leadership to "gut" a key provision "might have been the first in a possible series of maneuvers to weaken the bill so that it could escape an all-out Southern filibuster in the Senate."<sup>23</sup>

Whatever his intentions, Boggs had given McCulloch a golden opportunity to sternly repeat his now familiar main theme -- House Republicans would not be tricked into "walking the plank" by voting for highly controversial civil rights provisions in the House and then see these provisions "traded away" in a Northern Democratic-Southern Democratic deal in the Senate. If the Senate deleted controversial titles from the bill, McCulloch had made it crystal clear that he and other influential House Republicans would probably withdraw their support from the bill, thus jeopardizing final passage when it came back to the House for approval of Senate amendments.

#### EQUAL EMPLOYMENT OPPORTUNITY FOR WOMEN

The Southern Democrats opposed to civil rights mainly introduced two types of amendments during House consideration of

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the bill. One type of amendment, very straightforward in nature and intent, would eliminate provisions and thus substantially weaken the legislation. The second type of amendment was somewhat more subtle. At first glance, these amendments would appear to strengthen the bill by expanding its provisions. The real goal, however, was to so broaden the bill as to make effective enforcement impossible. In some cases these broadening amendments sought to destroy the bill by making it patently unconstitutional.

In line with the logic of this second type of Southern amendment, Representative John Dowdy of Texas had been offering a series of amendments which would have prohibited sex discrimination at every point where the bill prohibited race discrimination. Women's rights were not a particularly important issue in the early 1960s. The women's liberation movement would not occur in great strength until the early 1970s. Dowdy's strategy here was pure legislative politics. If he could get the word "sex" added everywhere the words "race, religion, and color" appeared, he might steal away from the bill the votes of those civil rights supporters who were opposed to equality of the sexes.

Dowdy's amendments were routinely defeated. Even those civil rights loyalists who supported women's rights saw through the subterfuge and urged their colleagues to not complicate the issue of racial discrimination with the separate and different issue of sex discrimination.

On 8 February 1964 Representative Howard Smith of Virginia offered an amendment to prohibit discrimination in employment due to sex. The amendment was somewhat similar to the one which had failed by only one vote when the civil rights bill was before Smith's House Rules Committee. Chairman Smith even gave a high spirited speech in support of his amendment: "It is indisputable fact that all throughout industry women are discriminated against and that just generally speaking they do not get as high compensation for their work as do the majority sex." Smith also made a comment that suggested his feelings about both the bill and his amendment. "This

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bill is so imperfect, what harm will this little amendment do?"<sup>24</sup>

To Smith's amazement and the total surprise of Celler and McCulloch, Smith's amendment was suddenly receiving strong support from the female members of the House. Democrat Martha W. Griffiths of Michigan pointed out that black women would be protected under the employment provisions of the act but that white women would have no protection at all:

White women will be last at the hiring gate. . . . You are going . . . to have white men in one bracket, you are going to take colored men and colored women and give them equal employment rights, and down at the bottom of the list is going to be a white woman with no rights at all. . . . A vote against this amendment today by a white man is a vote against his wife, or his widow, or his daughter, or his sister.<sup>25</sup>

New York Republican Katharine St. George suggested that the amendment was "simply correcting something that goes back, frankly, to the dark ages. . . . The addition of that little, terrifying word 's-e-x' will not hurt this legislation in any way." Speaking directly to her male colleagues, Representative St. George noted: "We outlast you -- we outlive you -- we nag you to death. We are entitled to this little crumb of equality."<sup>26</sup>

Only one woman member of the House opposed the amendment. Edith Green, a Democrat from Oregon, was a staunch civil rights supporter who did not want to take any action that might jeopardize final passage of the bill. "At the risk of being called an Aunt Jane, if not an Uncle Tom," she said, "let us not add any amendment that would get in the way of our primary objective." She added: "I do not believe this is the time or the place for this amendment."<sup>27</sup>

Celler, McCulloch, and even John Lindsay of New York joined Representative Green in calling the women's employment

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rights amendment inopportune. They were unable to offer any substantive arguments against the amendment, however, and it was subsequently approved by a standing vote of 168 to 133. A woman in the gallery jumped to her feet and shouted: "We made it! We made it! God bless America!" She was promptly ejected from the gallery by the Capitol police.<sup>28</sup>

Celler and McCulloch took their defeat at the hands of Representative Smith and the women of the House of Representatives with good grace. Representative Celler even added a bit of levity, pointing out that it was a bit ludicrous that two men the age of himself and Representative Smith would be arguing about sex. Celler went on to note that at home he always had the last words: "Yes, dear."<sup>29</sup>

Several years after enactment of the Civil Rights Act of 1964, Representative Martha Griffiths, by then one of the leading women members of the House, told an interviewer she had originally intended to sponsor the equal employment for women amendment but held off when she learned of Howard Smith's intention to introduce it. Griffiths knew that if she let Smith introduce the amendment, he would bring about 100 Southern Democratic votes with him, votes that Griffiths needed to get the amendment passed since dedicated civil rights supporters like Celler, McCulloch, and Edith Green were opposing it. Because of all the sex related jokes and the surprise when the amendment passed, the event went down in congressional history as "Ladies Day in the House."<sup>30</sup>

#### EEOC

With the equal employment for women amendment safely approved, the Committee of the Whole moved on to final approval of the entire Equal Employment Opportunity section of the bill. This was the section that the editorial writers, political columnists, and pundits had been so certain would never survive in the House of Representatives. Little damage was done, however. The House did

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spontaneously approve an amendment denying atheists the right to protection under EEOC, but liberals immediately marked this anti-atheism amendment for removal when the bill got over to the Senate. When the debate and voting were finally over for the day, the EEOC, the one provision that had been so strongly supported by the Leadership Conference and organized labor, was in the bill.

COMMUNITY RELATIONS SERVICE

Shortly before the final House vote was taken on the civil rights bill, Democratic Representative Robert T. Ashmore of South Carolina offered an amendment creating a Community Relations Service to help mediate racial disputes in cities and towns throughout the United States. The idea for a U.S. Government agency to mediate between black protesters and local government officials had originated with Lyndon Johnson when he was vice-president.

Apparently the Birmingham demonstrations gave several persons the idea for a Community Relations Service similar to the one which Johnson had been proposing ever since the late 1950s. A memorandum from Vice-Presidential Assistant George E. Reedy to then Vice-President Lyndon Johnson on 7 June 1963 illustrated this point:

Ramsey Clark has . . . proposals. [One is a] community relations service similar to the one that you have proposed. The amazing part of this to me is that Ramsey, on the basis of one trip to Birmingham, returned thinking precisely along the same lines that you have been thinking for a number of years -- that conciliators could perform a world of good in this situation.<sup>31</sup>

Representative Ashmore's amendment establishing a Community Relations Service was greeted by the now familiar Celler

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and McCulloch statements of acceptance and passed without significant debate.

### FINAL PASSAGE IN THE HOUSE

On Monday night, 10 February 1964, the House of Representatives passed the civil rights bill by a vote of 290 to 130. The Leadership Conference on Civil Rights was elated with the results. Joseph Rauh, Jr., noted that "a bipartisan coalition [in the House] had succeeded in [passing] a far better bill than the one President Kennedy had sent to Congress eight months earlier."<sup>32</sup> From the Leadership Conference point of view, crippling amendment after crippling amendment had been defeated while only comparatively negligible amendments were adopted. Just as it was designed to do, the bipartisan agreement that President Kennedy had negotiated at the White House back in October of 1963 had carried the civil rights bill through both the House Rules Committee and the House of Representatives itself. Congressional Quarterly Weekly Report described the House bill as "the most sweeping civil rights measure to clear either house of Congress in the 20th Century."<sup>33</sup>

The Southern Democrats were disappointed by the large size of the final House vote in favor of the civil rights bill. Only 22 Republicans and 4 Democrats from outside the South joined the Southerners in voting against the bill. The South had not even been able to keep its own coalition completely together; 11 Southern Democrats, 4 of them from President Lyndon Johnson's home state of Texas, voted for the bill.<sup>34</sup>

### CONCLUSIONS

Is it possible for a lobby group to be overorganized in its efforts to get legislation enacted? One could almost say that was true of the Leadership Conference on Civil Rights as it worked to get the administration civil rights bill through the House of Representatives.

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Not content with the idea that a bipartisan agreement among the House leadership was all that was required to get the bill enacted, Joseph Rauh, Jr., and Clarence Mitchell, Jr., added their gallery watcher-office visitor technique.

This form of personal pressure proved so intense that it eventually had to be turned off, and the Southerners began using the heavy pressure of the civil rights lobby as an argument against the bill. The "most intensive, extensive, and effective lobby assembled in Washington in many years," a Southern senator later ruefully called it.<sup>35</sup> The Southern Democrats were particularly angered by the large number of church men and women who participated in the lobbying effort. There was much grumbling about the "cardinals, bishops, elders, stated clerks, common preachers, priests, and rabbis [who had] come to Washington to press for passage of the bill."<sup>36</sup>

In contrast, there were few lobbyists of any kind on the anti-civil rights side. Virtually no clergymen came to Washington to lobby against the bill, not even Southern fundamentalist preachers who often do lobby for conservative causes. There was only one official organization working against the bill, the Coordinating Committee for Fundamental American Freedoms, a group that was specifically created by the state government of Mississippi to oppose civil rights and was financed in large measure by the Mississippi state treasury. A national newspaper advertisement taken out by the Coordinating Committee for Fundamental American Freedoms was taken seriously enough by the Johnson administration that the Department of Justice issued a charge by charge refutation.<sup>37</sup>

One of the most interesting things that happened during House consideration of the civil rights bill was the way in which equal employment opportunity for women was added to the bill. Rather than introduce this amendment themselves, the women in the House of Representatives shrewdly decided to support the amendment once it was presented as a weakening amendment by Howard Smith. That probably was the greatest irony of all. Rules Committee Chairman Smith, a diehard conservative opponent of civil rights, went down in

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history as the author of the first major provision ever passed by Congress granting equal employment opportunity to women. It is fair to speculate that, if Smith had even remotely suspected that the women members of the House would take his amendment seriously and add it to the bill, he would not have introduced it.

Even after it was adopted, the members of the House of Representatives, men and women alike, did not appear to have realized the significance of what they had done. All the mighty protections in the bill, particularly the funds cutoff provision, could now be used against employers who discriminated against women job applicants. If finally enacted into law, the EEOC provision would provide equal employment opportunity protection to approximately 20 million American blacks, but with the women's amendment added it would provide equal employment opportunity protection to over 100 million American women. Katharine St. George had labeled it "this crumb of equality." As it turned out, the amendment was anything but a "crumb."

William McCulloch of Ohio and the House Republicans emerged from the House civil rights fight in unusually strong shape for a minority party. McCulloch repeated the point over and over again that all future Senate amendments would have to be cleared with his critical band of House Republicans if the bill was to make it back through the House for final passage. McCulloch's reasoning was that the Johnson administration could not take the political risk of having no civil rights bill at all be passed, therefore the Johnson people would take McCulloch's threat seriously and would use all the influence they could muster to prevent any major weakening of the bill in the Senate.<sup>38</sup>

The Republicans also made much of the fact that a higher percentage of Republicans than Democrats had voted for the bill at final passage. Everywhere they went, House Republicans would repeat the partisan statement: "80 percent of House Republicans voted for the civil rights bill, but only 60 percent of House Democrats supported it."<sup>39</sup>



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The news media gave much of the credit for getting the civil rights bill through the House to President Lyndon Johnson, although Time Magazine was careful to point out that "President Kennedy had already laid the groundwork for congressional action."<sup>40</sup> Burke Marshall, assistant attorney general for civil rights under President Kennedy and then under President Johnson, was emphatic in his recollection that the meetings at the White House between President Kennedy and the House Republicans had guaranteed passage of the bill:

I was sure. I had been sure even since October that it was going to go through the House, because I was just sure we had -- once we got it through in Judiciary Committee, and McCulloch and Ford and all those Republicans -- what's his name from [Indiana], Charlie Halleck -- all of these people were committed to it to President Kennedy, and I just didn't see that they could go back on it because he was dead. In fact, they'd be less apt to. And if the Republicans were that committed to it, I didn't see -- I was just sure it would go through the House as it came out of the [Judiciary] Committee, and it did.<sup>41</sup>

President Johnson's heavy involvement in the day-to-day efforts to get the civil rights bill through the House of Representatives actually worried some of his close advisers at the White House. The president's aides, in fact, were warning him that he might be dissipating his considerable influence over Congress with too many phone calls and elbow squeezings. "We don't want him to be one of the boys," said one aide. "We only want to use these calls where they will have maximum impact."<sup>42</sup>

Ordinarily the hardworking lobbyists for the Leadership Conference on Civil Rights might have expected to have a moment of rest once the civil rights bill had been passed by the House. Both

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Clarence Mitchell, Jr., and Joseph Rauh, Jr., recalled, however, that there was no rest, especially with Lyndon Johnson so intimately involved in the day-to-day work on the legislation. The bill had just passed the House when a message came to Mitchell and Rauh to call the president. "What are you fellows doing about the Senate," the commander in chief had said to them over the telephone. "We've got it through the House, and now we've got the big job of getting it through the Senate!"<sup>43</sup>

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1. CQ Weekly Report, 7 February 1964, 281.
2. CQ Weekly Report, 7 February 1964, 281.
3. Rauh manuscript, 16.
4. This and subsequent quotes from the opening day debate are from CQ Weekly Report, 7 February 1964, 250.
5. CQ Weekly Report, 14 February 14 1964, 296.
6. CQ Weekly Report, 14 February 1964, 293.
7. CQ Weekly Report, 7 February 1964, 250.
8. Rauh manuscript, 17.
9. Clarence Mitchell, Jr., interview, 30 April 1969, Tape 1, 28, Oral History Collection, LBJ Library.
10. This description of the gallery watcher-office visitor system is taken from "How Supporters 'Got out the Vote' on Key Amendments," CQ Weekly Report, 21 February 1964, 365.
11. Clarence Mitchell, Jr., interview, 30 April 1969, Tape 2, 1-2, Oral History Collection, LBJ Library.
12. Rauh manuscript, 17.

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13. Clarence Mitchell, Jr., interview by the author, 17 August 1983.
14. Rauh manuscript, 18.
15. Congressional Record 110, Pt. 2 (7 February 1964) 2503. See also Sundquist, Politics and Policy, 266, and Rauh manuscript, 19-20.
16. CQ Weekly Report, 21 February 1964, 365.
17. CQ Weekly Report, 21 February 1964, 365-366.
18. Nicholas Katzenbach, interview, 12 November 1968, 19-20, Oral History Collection, LBJ Library.
19. Kane, The Senate Debate, 155-156.
20. Rauh manuscript, 18.
21. CQ Weekly Report, 14 February 1964, 293.
22. CQ Weekly Report, 14 February 1964, 293-294.
23. CQ Weekly Report, 14 February 1964, 293-294.
24. Congressional Record 110, Pt. 2 (8 February 1964) 2577. See also CQ Weekly Report, 14 February 1964, 296, and Time, 21 February 1964, 22.
25. Congressional Record 110, Pt. 2 (8 February 1964) 2578-2580. See also CQ Weekly Report, 14 February 1964, 296.

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26. Congressional Record 110, Pt. 2 (8 February 1964) 2581. See also CQ Weekly Report, 14 February 1964, 296, and Time, 21 February 1964, 22.
27. Congressional Record 110, Pt. 2 (8 February 1964) 2581. See also CQ Weekly Report, 14 February 1964, 296-297, and Time, 21 February 1964, 22.
28. Time, 21 February 1964, 22.
29. Congressional Record 110, Pt. 2 (8 February 1964) 2578. See also Kane, The Senate Debate, 56-57.
30. Jo Freeman, The Politics of Women's Liberation (New York: Longman, 1975), 53-54. See also Congressional Record 110, Pt. 2 (8 February 1964) 2581-2582.
31. Memorandum, George E. Reedy to the Vice-President, 7 June 1963, Office Files of George Reedy, Civil Rights 1963, WDT Box 434(22), Folder #1, LBJ Library. See also Ramsey Clark, interview, 21 March 1969, Tape 1, 14, and 11 February 1969, Tape 1, 11, Oral History Collection, LBJ Library.
32. Rauh manuscript, 19.
33. CQ Weekly Report, 14 February 1964, 293.
34. Sundquist, Politics and Policy, 266-267.
35. Senator Richard Russell of Georgia, Congressional Record 110, Pt. 4 (9 March 1964) 4743. See also Sundquist, Politics and Policy, 266.
36. Berman, A Bill Becomes A Law, 2nd ed., 114.

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37. Papers of Lee C. White, Box 1, Civil Rights Bill, 1963-1964, LBJ Library.
38. CQ Weekly Report, 14 February 1964, 294.
39. Personal recollection of the author.
40. Time, 14 February 1964, 13.
41. Burke Marshall, interview, 28 October 1968, 27, Oral History Collection, LBJ Library.
42. Time, 14 February 1964, 13.
43. Merle Miller, Lyndon (New York: G. P. Putnam's Sons, 1980), 367. See also Rauh manuscript, 19. See also Clarence Mitchell, Jr., interview, 30 April 1969, Tape 1, 30-31, Oral History Collection, LBJ Library.