The Longest Debate

A legislative history of the 1964 Civil Rights Act

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Introduction

A Dutch ship, sailing into the Chesapeake Bay in 1619, dropped anchor at Jamestown, Virginia, and, according to the journal of tobacco farmer John Rolfe, husband of Pocahontas, sold us twenty negars.

Thus came the black people, bound in chains, to the American colonies. Their new owners found them so profitable, especially in working the southern tobacco and cotton plantations, that soon the slave trade was a thriving industry. By 1776 there were nearly 500,000 slaves out of a total population of almost 2,500,000. Ironically, that year the Declaration of Independence proclaimed proudly to the world,

We hold these truths to be self-evident, that all men are created equal....

Except some. For the second Continental Congress had removed Thomas Jefferson's impassioned attack on slavery.

He [King George III] has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian King of Great Britain. Determined to keep open a market where Men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce.

Only a handful of delegates, from both North and South, had argued against this censure of the slave trade, but it was enough. Unity among the 13 colonies was of prime importance for a successful rebellion. So Congress agreed to wait until after the Revolutionary War. If they were not all caught and hanged as traitors, if they won their freedom and a new nation was formed, then they could do something about slavery. But after the war, when the
United States Constitution was being written, not one word mentioned the immorality of people owning people. Instead, the document merely stated how slaves should be counted in determining the number of congressmen a state should have. The southern states wanted to count them all, even though they would not be allowed to vote. The northern states objected. Finally they compromised:

a slave would be considered "three-fifths" of a person.

And so began 74 years of congressional compromise over the painful question of the black people in America and what to do about them, despite the growing clamor of abolitionists. It took the Civil War, in which more than 600,000 lives were lost, to resolve the problem. Amid the fighting, on January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, which stated simply:

All persons held as slaves...shall be...forever free.

Their full rights as citizens were guaranteed when the postwar Congress passed, and the states ratified, the 14th Amendment to the Constitution:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

Noble words. But after the assassination of President Lincoln, the country was without a strong, compassionate leader, one who might have found a way to ease the approximately 4,000,000 former slaves into the mainstream of American life. Instead, a vindictive Congress set up a Reconstruction program designed to humiliate the white people of the South. Their fear of black domination hardened into a bitter obsession, and when they regained their political and economic strength, they retaliated. New chains were clamped on the former slaves, chains of discrimination, padlocked into place by the United States Supreme Court with its 1896 decision (Plessy v. Ferguson) that there should be

...separate but equal facilities for white and Negro....

This decision pertained only to transportation within a state but was widely interpreted as applying to schools, trains, barbe-
shops, theaters, restaurants, hotels, and churches throughout the South. And segregation, in fact, meant separate and unequal, designed to keep blacks ignorant and poor by denying them the legal and economic rights guaranteed other citizens. The hopelessness of their lives was told by black poet Paul Laurence Dunbar.

A crust of bread and a corner to sleep in,  
A minute to smile and an hour to weep in,  
A pint of joy to a peck of trouble,  
And never a laugh but the moans come double.

The arrival of the twentieth century brought an explosion of inventions and an accompanying migration of blacks northward to find work in the factories. But they soon discovered that the North, which had sacrificed so many lives to free them, was not a place where they could work side by side or live next door to whites. Only menial jobs and the ghetto were open to them. And in desperation, W. E. B. DuBois, the first black to earn his Ph.D. at Harvard, shouted in print,

We will not be satisfied to take one jot or tittle less than our full manhood rights. We claim for ourselves every single right that belongs to a free born American, political, civil and social; and until we get these rights we will never cease to protest and assail the ears of America.

But those ears were deaf to their cries. Most people were concerned about their own problems, not those of others. Most whites were not touched by discrimination, nor had they witnessed the more bestial forms of racism—the brutal beatings by law enforcement officers and the mob lynchings. Most whites, born into an environment that tolerated the segregation of blacks in both North and South, accepted the status quo as neither illegal nor immoral. And, too, most whites feared the complexities of a black and white society. So most turned the other way. And as America grew and prospered, America’s ignored problem grew and festered. Until, finally, the bleak years of the Great Depression produced one voice of hope:

The only thing we have to fear is fear itself.

Franklin Delano Roosevelt, persistently prodded by his humanitarian wife, Eleanor, was the first president since Lincoln to stretch out his hand to help the black people rise. Blacks benefited economically from the New Deal programs, and they benefited socially too. The Roosevelts had blacks as guests in the White House, which jolted a nation inured to the notion that they should be there
only if they were carrying silver trays. But good intentions were no match for the realities of politics. In 1934, FDR explained why he could not push an antilynching bill then languishing in Congress:

Southerners, by reason of seniority rule in Congress, are chairmen or occupy strategic places on most of the Senate and House Committees. If I come out for the antilynching bill now, they will block every bill I ask Congress to pass to keep America from collapsing. I just can’t take the risk.

In 1941, threatened with a march by blacks on Washington, Roosevelt was forced to create the Fair Employment Practice Committee (FEPC) to prevent job discrimination in war industries. But never once during his 12 years in office did he dare confront the Congress with civil rights legislation. Finally, World War II exposed the hypocrisy of expecting blacks to accept oppression at home when they were fighting against oppression in Hitler’s Germany. Race riots erupted in Detroit and Chicago. And in 1944 Gunnar Myrdal, the Swedish sociologist who wrote the massive study An American Dilemma, The Negro Problem and Modern Democracy, foretold the turmoil of the coming decades when he said:

To get publicity is of the highest strategic importance to the Negro people.

After World War II, President Harry S Truman desegregated the armed forces by executive action and, in 1948, tried to get civil rights legislation through Congress, declaring:

If we wish to inspire the peoples of the world whose freedom is in jeopardy, if we wish to restore hope to those who have already lost their civil liberties, if we wish to fulfill the promise that is ours, we must correct the remaining imperfections in our practice of democracy.

A number of civil rights bills, embodying the proposals contained in his speech, were introduced into Congress, but only one, pertaining to the rights of Americans of Japanese origins, passed. And in the meantime, the voices from the ghetto got louder. Writer Ralph Ellison cried out in Invisible Man:

I can hear you say, “What a horrible, irresponsible bastard!” And you’re right. I leap to agree with you. I am one of the most irresponsible beings that ever lived. Irresponsibility is part of my invisibility; any way you face it, it is a denial. But to whom can I be responsible, and why should I be, when you refuse to see me?

Dwight D. Eisenhower, the former supreme commander of the
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Allied Expeditionary Force, was added to the list of presidents who faced the problem of getting civil rights legislation through a Congress dominated by southern committee chairmen. Fumed Eisenhower,

I can't understand how eighteen southern Senators can bamboozle the entire Senate!

It was as if fear had frozen two-thirds of the United States government. Presidents feared the Congress, Congress feared its constituents, and the government itself was an iceberg of inaction. Then into the cold stepped the Judiciary. Free from fear of voter retribution and wielding the Constitution like an icpick, the United States Supreme Court chipped away at discrimination. In 1954, led by Chief Justice Earl Warren, the Court unanimously (including three southern justices) outlawed segregation in public schools in the case of Brown v. the Board of Education of Topeka. In overruling the earlier “separate but equal” decision, the Supreme Court split open the frozen wall of segregation and made sure it stayed open with its decision the next year that schools desegregate

...with all deliberate speed.

And so, as revolutions spring from hope rather than despair, six months later a single word was the opening cry of the long delayed rebellion of black America. It was a calm, undramatic, almost whispered word:

No.

That word was uttered late one day in December 1955 by a black woman. On an overcrowded bus in Montgomery, Alabama, Rosa Parks refused to get up and give her seat to a white man. The reason was simple. She had been working all day. Her feet were tired and so was she. Tired as all her people were. Tired of standing while white folks sat, of working for a pittance of white folks’ pay, of being called “coon” and “nigger.” Tired of waiting and hoping and praying for a first-class world that would never come. Tired.

And so Mrs. Parks was jailed. It was lucky she was a woman. It would have been much worse for a man. That was how things were handled in the South when Negroes got uppity. But this time things were different. This time the Negroes decided to fight back. Rebellion was not new to the black people. Generations ago they had rebelled in the African forts, aboard the slave ships, and on
the great plantations. But those rebellions had failed because they used the tool of their masters—violence. And their masters knew this tool better than they ever could.

This time a new style of leader stepped forward, a young minister named Martin Luther King, Jr., who offered them a new tool—nonviolence. From the pulpit he cried,

Love must be our regulating ideal. If you will protest courageously and yet with dignity and Christian love, when the history books are written in future generations, the historians will have to pause and say, "There lived a great people—a black people—who injected new meaning and dignity into the veins of civilization."

Then, like India's Mahatma Gandhi, Dr. King led his people on a peaceful march. For 382 days almost 50,000 Montgomery blacks walked quietly to work, refusing to ride the segregated buses. And they discovered they could move mountains. The Supreme Court ruled that Alabama's "separate but equal" transportation policy was unconstitutional. Eight months later, reacting to public indignation throughout the country, Congress passed the first civil rights bill in 82 years, the Civil Rights Act of 1957. Three years later, reacting to publicity over lunch counter sit-ins by black students throughout the South, Congress again responded, this time by passing the Civil Rights Act of 1960. And while both were relatively innocuous laws, they raised hopes that a new day was dawning. Nineteen sixty was a presidential election year, and a dynamic young senator from Massachusetts, John F. Kennedy, was campaigning vigorously. Kennedy criticized Eisenhower's civil rights stance as largely passive and spoke eloquently of what blacks should expect of their next president.

He must exert the great moral and educational force of his office to help bring about equal access to public facilities—from churches to lunch counters—and to support the right of every American to stand up for his rights—even if that means sitting down for them. If the President does not himself wage the struggle for equal rights—if he stands above the battle—then the battle will inevitably be lost.

John Kennedy won the presidency, but by a mere 118,500 votes, the closest presidential race of the century. His opponent, Richard Nixon, actually got 51 percent of the white vote, but Kennedy offset this by taking 68 percent of the black vote. Black leaders were elated. Their people had provided the margin of victory for a man
committed to their cause. Now they expected a strong civil rights bill to eliminate discrimination in schools, jobs, housing, and public places. But even before he took office, it was evident this was not to be. John Kennedy, after savoring the joy of his victory, faced some disagreeable facts.

The new Congress was now more conservative than before; his Democratic party had lost 2 seats in the Senate and 21 seats in the House. Congress would continue to be controlled by a coalition of southern Democrats and conservative Republicans who not only would reject any civil rights proposals but might, in retaliation, torpedo his other New Frontier programs. In addition, the once solid Democratic South was no longer solid. Kennedy carried only 6 of the 11 southern states and might lose them all in 1964 if he proposed civil rights legislation. So now he had a choice. If he fulfilled the campaign promises he made to the black people, he would surely lose both the battle with Congress and any bid for reelection. It was morality against math. It was yearning to lead against yearning to win. Winning won. Nevertheless, his inauguration speech rang with eloquent optimism.

Let the word go forth from this time and place, to friend and foe alike, that the torch has passed to a new generation of Americans, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage, and unwilling to witness or permit the slow undoing of those human rights to which this nation has always been committed.

Blacks could not be blamed for wondering bitterly how Kennedy could talk about human rights for everyone else in the world but not for them. The new president tried to appease them by appointing blacks to high government posts, hoping that by his second term he would have the freedom to act. But token appointments would no longer satisfy the hopes that Kennedy himself had helped to raise. Other voices, too, were critical of his caution. The Reverend Theodore Hesburgh, president of Notre Dame University and a member of the Civil Rights Commission, said in the commission's 1961 annual report:

Americans might well wonder how we can legitimately combat communism when we practice so widely its central folly: utter disregard for the God-given spiritual rights, freedom and dignity of every human person.

Finally, in the spring of 1963, Martin Luther King, as
term. Nevertheless, he had sworn to defend the Constitution. On June 11 Kennedy went on television to give what many considered his greatest speech in the two and a half years he had been in office.

We are confronted primarily with a moral issue. It is as old as the Scriptures and it is as clear as the American Constitution. The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated....

One hundred years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free. They are not yet freed from the bonds of injustice. They are not yet freed from social and economic oppression. And this Nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free.

Now the time has come for this Nation to fulfill its promise. The events in Birmingham and elsewhere have so increased the cries for equality that no city or state or legislative body can prudently choose to ignore them.

We face, therefore, a moral crisis as a country and as a people. It cannot be met by repressive police action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. It is a time to act in Congress, in your state and local legislative body and, above all, in all of our daily lives.

Next week I shall ask the Congress of the United States to act, to make a commitment it has not fully made in this century to the proposition that race has no place in American life or law.

Eight days later John F. Kennedy sent up to the Capitol a long overdue bill that would try to correct the wrongs of almost 350 years.


Eight

The Bill Becomes Law

MANNY CELLER, the "Brooklyn street urchin," and Bill McCulloch, the "Ohio plowboy," were waiting when H.R. 7152 returned to the House.

Shortly after the opening quorum call on Monday, June 22, a clerk of the Senate strode down the maroon-carpeted center aisle of the House of Representatives, paused in the well, and bowed ceremoniously to Speaker John McCormack. "A message from the Senate," he proclaimed in trumpet tones.

The message was that the civil rights bill was back home after its hazardous trip to the other side of the Capitol, not too much the worse for its four-month stay. Indeed, some pundits held that since the upper chamber had emphasized the role the states should play in implementing the bill, it was actually improved. And while Manny Celler and Bill McCulloch would not agree totally with that opinion and could have nitpicked at the revised version, they gave it their immediate approval. In a joint press release, issued the previous Friday, they stated their reasons:

Not all the amendments are to our liking. However, we believe that none of the amendments do serious violence to the purpose of the bill. We are of a mind that a conference could fatally delay enactment of this measure. We believe that the House membership will take the same position.

Avoiding a conference between the two chambers had been a Celler-McCulloch strategy all along. Since the Senate's negotiators
would be members of James Eastland's Judiciary Committee, in whose jurisdiction H.R. 7152 technically lay, prospects for any agreement among the conferees would be dim. If, in fact, a conference report should finally emerge, it would probably be subjected to another long Senate filibuster. This was one reason why Bill McCulloch insisted that the Justice Department honor its pledge not to allow the Senate to weaken the bill. Furthermore, by June 22, time was growing short. Faced with two national conventions, the Republicans' in San Francisco on July 13 and the Democrats' in Atlantic City on August 24, the traditional Independence Day and Labor Day recesses, and an early October adjournment for electioneering, the 88th Congress had only 10 more work weeks in which to complete its business.

House acceptance of the Senate bill, however, was not without its own problems because normal procedure called for it to go back to the Rules Committee, where it would face another bout with Chairman Howard "Judge" Smith. In a June 18 memo to President Johnson, Larry O'Brien listed the difficulties: "We must assume that Howard Smith will delay as long as possible on granting a rule [for floor consideration of House concurrence], and that he can parade witnesses through for several weeks unless we move to cut him off." He could be cut off in two ways.

The bill could be brought to the floor under "suspension of the rules." Using this procedure, the Speaker would refer H.R. 7152 to the Judiciary Committee and Celler would bring it directly to the floor, bypassing the Rules Committee. Suspension of the rules was designed as a timesaver to permit rapid consideration of the many noncontroversial bills favorably reported by standing committees. But to keep committee chairmen from abusing it by putting "sleepers" (controversial bills brought to the floor quietly and with little advance notice) on the suspension calendar, the shortcut contained some qualifications: only 40 minutes of debate were allowed, no amendments were permitted, and a two-thirds majority was required for passage.

McCulloch originally leaned toward suspension of the rules. However, since it was permitted only on the first and third Mondays of each month, they would have to wait until July 6 to use it. Charlie Halleck, meanwhile, was impatient to adjourn by July 4 so that the Republicans would have time to prepare for their July 13 convention. In addition, McCulloch and Celler were not absolutely sure they would get the two-thirds vote on the resolution. That left only the second option open.
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They could force a hearing of the Rules Committee. Under House rules, any three members of the committee could file a request for a meeting. If the chairman failed to heed this request within seven calendar days, including three legislative days, eight members of the panel could write to the clerk of the House, calling for a meeting on a specific day. House rules required the chairman to comply.

Manny Celler and Bill McCulloch, remembering the Judge's ability to spring surprises, laid their plans carefully. On June 22, immediately after the Senate clerk announced the return of the bill, Celler arose and requested "unanimous consent to take from the Speaker's table the bill (H.R. 7152), with Senate amendment thereto, and agree to the Senate amendment."

"Is there objection to the request of the gentleman from New York?" Speaker John McCormack inquired.

"I object," called out William Colmer.

"Object," shouted John Bell Williams.

"Mr. Speaker, I object," chimed in James Haley (D-Fla.).

"Object," chorused Joe Waggoner (D-La.).

Anticipating the action of the Southerners, who all jumped to their feet in unison, Celler and McCulloch had prepared a resolution "to provide for the Concurrence of the House of Representatives to the Senate amendment to H.R. 7152," which Manny Celler dropped in the hopper, a wooden box attached to the lowest tier of the Speaker's dais. House Resolution 789 was immediately referred by Speaker McCormack to the Rules Committee, where, after waiting for the required three days, it would be up to the liberal members of Judge Smith's committee to force his hand.

Wednesday being the third day, Dick Bolling and two committee colleagues filed a formal request for the Judge to hear House Resolution 789. Smith, aware that his committee might embarrass him by forcing him to hold hearings if he did not comply, reluctantly scheduled them to start on the last day possible, June 30, intending to draw out testimony for several days. Committee insurgents, however, secretly made their own plans to finish all work in one afternoon.

On the morning of June 30, the mutinous members moved quickly. Immediately after the chairman gavelled the meeting to order at 10:30 A.M., Ray Madden informed him that a majority of the committee wanted to wind up all testimony by 5:00 P.M. so they could go into closed session and report a rule to the floor that after-
noon. Smith, not deigning to comment on the threat but simply peering impassively over his glasses at Madden, called Manny Celler as the first witness.

"The Senate," declared Celler, "has made changes in our handiwork. These changes are not lethal. They do not do serious violence to the bill. They may not be to my personal liking, but I think the country can live with them. As you know, gentlemen," he continued, "politics is the art of the possible.... Acceptance of the amendments is a reasonable price, I believe, to pay to avoid a conference of both houses, which might renew lengthy debate, open up old sores, again encourage bitter controversy, the wounding of sectional pride, and searing of personal sensibilities."

After Manny Celler completed a 30-minute explanation of the Senate changes, Judge Smith called, as the next witness, Bill McCulloch. The Ohioan, in order to save time, submitted his remarks for the record instead of reading them. But during the question period, Smith's smouldering hostility toward McCulloch flared out. "I understand you were one of the architects of the Senate bill," the Judge began innocently, alluding to the "King of the Hill" label that senators and the press had bestowed on the Piqua congressman.

"I had some consultation with some senators on the bill," conceded McCulloch carefully. "I had some conferences with some of the senators who had no little part in drafting the amendments and approving the amendments which have been so thoroughly described."

"I know one thing," observed Smith. "You were very firm about amendments."

"That is right."

"We had an amendment," the Judge lashed out with the anger that had been building since February, "that was agreed to by the Democrats, an amendment of mine that I was about to offer. The coalition between the Democratic leadership and the Republican leadership had it so that no amendment could be adopted without your agreement."

House bells, denoting a quorum call, sounded at that moment, interrupting Smith's public scolding. The Ohio country lawyer was spared the full wrath of the Virginia country lawyer, who had been waiting four months to avenge his honor.

When the Rules Committee returned at 1:30, the insurgents started carrying out their plan to end hearings that day. Ray Mad-
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den moved that they hear all witnesses until 5:00 and then go into executive session. Judge Smith pointed out that the committee could act on this motion only in closed session. Madden proposed that the committee do so; the motion carried, 6-4; and the room was cleared of all spectators. Behind closed doors the beleaguered chairman argued that ending open hearings that afternoon would deny members, including four from the Judiciary Committee, an opportunity to be heard. Madden countered that the bill had been before the Congress for so many months that additional testimony was unnecessary. The committee voted on Madden's motion and, overriding its chairman 7-4, agreed to end all testimony at 5:00 P.M.

Reopening the doors at 1:50, Rules Committee members finished questioning McCulloch. Next they heard the testimony of four southern members, Edwin Willis, William Cramer, Richard Poff, and William Dorn (D-S.C.), who all opposed H.R. 7152. Promptly at 5:00 P.M. they went into executive session.

In private, Bolling moved that H. Res. 789 be granted a rule, specifying one hour of floor debate, and that it be reported immediately to the House. The motion carried, 10-5. Voting aye were the five northern Democrats, Texas Democrat John Young, and four Republicans—Clarence Brown, Katherine St. George, John Anderson (Ill.), and Dave Martin. Voting nay were the four southern Democrats and H. Allen Smith (R-Calif.).

Emboldened by this success, the rebellious members proceeded to do what Smith always knew and feared they could do—they took the committee away from him. A coup was as rash a move as it was rarely attempted.

Dick Bolling, in a skit obviously rehearsed, moved that Ray Madden report the rule to the House, a responsibility traditionally reserved for the chairman. Bolling explained that a House rule provided that if the chairman was opposed to a bill, the right to offer the rule went to someone else on the committee who favored the measure. Then, as if on cue, Madden replied that he would be happy to handle the resolution.

Southern members of the committee protested vehemently. William Colmer said that he had been on the Rules Committee for more than 20 years and had never witnessed anything like this revolt. "If Martin Luther King were chairman of this committee and I was opposed to his position, I would do nothing to take the chair away from him and slap him in the face."

The victim of the overthrow, Judge Smith, shook his head sadly
and recalled that he had served on the committee for more than three decades. "I have never in all that experience...heard any member of this committee make the motion made by the gentleman from Missouri today."

Clarence Brown, the ranking Republican member, was torn between conflicting motives. While he wished to maintain his friendship and close working relationship with Smith, he also was under considerable pressure from his GOP colleagues to bring H. Res. 789 to the floor in time to let the House begin its recess before July 6. Brown, therefore, felt compelled to explain why, despite his fondness for the chairman, he would vote in support of Bolling's motion.

I don't like to vote for any motion that takes away from the chairman any of his prerogatives.... But he would probably use every parliamentary tactic to delay as long as he could final action by the House on this legislation.... We have a Party Convention scheduled for the thirteenth of July in San Francisco.... Any delay even in the next week would not only inconvenience us but would mean that many could not meet their commitments to the Party.

Brown then joined John Anderson and six Democrats in support of the Bolling motion, assigning Madden the responsibility for managing the resolution on the House floor. Opposed was the same quintet that had voted against the motion to approve the rule.

The incorrigible Judge Smith, partly out of pique and partly as a last-ditch effort to let the opponents of H.R. 7152 put all their fears and forebodings into the Congressional Record, tried one final delay tactic. Turning the gavel over to his second-in-command, William Colmer, Smith moved that floor debate be extended to four hours. His motion was defeated, 5–8. Undaunted, he requested three hours. This, too, was rejected, 6–7. His third effort, asking for two hours, was objected to by Tip O'Neill and regrettfully ruled out of order by Colmer. The Judge had gone down swinging.

The next day, on the House floor, the anger of the Southerners was expressed in a strident speech by Joe Waggoner. He complained that a "packed" Rules Committee "ran roughshod over the distinguished chairman." Waggoner called "unprecedented" the panel's action naming a member other than the chairman to handle a Rules Committee resolution on the floor, charging that the committee majority "allowed only a single day of gagged hearing, then railroaded the bill to this floor of the House with only one hour allowed to read and discuss more than 80 Senate amendments."
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The following day, July 2, exactly one year since Burke Marshall's hurried trip to Piqua, Ohio, to get Bill McCulloch's support for H.R. 7152, saw the final scene in the long civil rights drama. Shortly after the House convened, Speaker John McCormack recognized Ray Madden. "Mr. Speaker," Madden stated, "by direction of the Committee on Rules, I call up House Resolution 789 and ask for its immediate consideration."

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

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

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

Judge Smith's final monologue against H.R. 7152 was an impassioned bemoaning that "under the exercise of raw, brutal power of the majority of both the Democrats and the Republicans, the opponents of the civil rights bill on this side are given only 15 minutes to debate a bill that has never been before the Judiciary Committee of the House or before the House itself before today. But the
bell has tolled. In a few minutes you will vote on this monstrous instrument of oppression upon all of the American people.” As Smith yielded the floor the southern members applauded. And Emanuel Celler, reflecting the genteel traditions under which the House operated, stepped over to the last defender of the Old South and shook his hand.

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

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

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

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

The next speaker, Atlanta’s Democratic representative Charles Weltner, expressed the sentiments of the New South when he announced that after voting against the bill in February, he intended to support it now. “I will add my voice,” he said, “to those who seek reasoned and conciliatory adjustment to a new reality.”

Ray Madden then yielded the remaining six minutes to Emanuel Celler. The Brooklyn Democrat, using much the same language he employed during his Rules Committee appearance two days earlier,
assured the House that the Senate's amendments were not lethal and did no serious violence to the purpose of the bill and that "the country can live with them." He then outlined the substance of the changes made by the Senate. In concluding, Celler again drew from his bulky file of quotations. "I hope that we will have an overwhelming vote for this bill...so that it can be said the Congress hearkens unto the voice of Leviticus, 'proclaiming liberty throughout the land to all the inhabitants thereof.'"

Again the House rose in a standing ovation. The first man on his feet, leading the applause for Celler, was his chief rival Judge Smith. Then the House voted on House Resolution 789—to concur in Senate amendments to H.R. 7152. Celler's wish for an overwhelming vote was granted. Calling out aye were 153 Democrats and 136 Republicans; voting nay were 91 Democrats (88 from the South) and 35 Republicans; 20 members did not vote.

"Two hundred and eighty-nine to 126" announced Speaker John McCormack.

After McCormack had signed the official copy of H.R. 7152, it was carried ceremoniously to the Senate by a clerk of the House, who announced the word to the upper chamber. There the Senate's president pro tempore, Carl Hayden, put his signature on the document, and Thruston Morton, who was holding the floor at the time, yielded to Jacob Javits.

"Mr. President," cried the elated New Yorker, "we have just heard the historic announcement to the Senate that the House has passed finally the civil rights bill, the most momentous piece of legislation, in my judgment, which has come out of the Senate since the declaration of World War II."

Hubert Humphrey then took the floor to exclaim, "The act which has just been passed by the House...is not only one of the most important pieces of legislation of our time, but it has had amazing bipartisan support.... I salute the members of the House and the Senate. I believe we have performed a noble public service."

The bill was almost law; only one ceremony remained. At 6:00 that evening a large delegation of members from the House of Representatives and almost all the members of the Senate, except the Southerners, began arriving at the White House. Joining them in the gold and white East Room, where seven months earlier the body of John F. Kennedy had lain in state, were senior officials of the Justice Department and the nation's leading civil rights spokesmen including Martin Luther King, James Farmer, Roy
Wilkins, Whitney Young, A. Philip Randolph, Clarence Mitchell,
and Walter Fauntroy.

Three immense chandeliers cast a warm glow over the elegant
room, the largest in the executive mansion, traditionally the scene
of splendid and solemn events—balls and receptions, weddings and
funerals. Now it was ready for another historic moment. A desk
had been placed in the center of the room, and on it rested two
microphones, 72 pens, and the official red-bordered copy of H.R.
7152, which had been rushed to the White House from Capitol Hill
in the late afternoon.

This poor, pulled apart, and plucky H.R. 7152 had, against all
odds, not only survived but thrived. It was a better and stronger
bill than John Kennedy would ever have dared send up to Congress.

Over the time of one year and 13 days, the 535-headed can-
tankerous creature, Congress, had been brought to heel by a suc-
cession of whip-wielding masters: Bill McCulloch, Hubert Hum-
phrey, Manny Celler, Bobby Kennedy, Everett Dirksen, Clarence
Mitchell, Nick Katzenbach, Tommy Kuchel, Burke Marshall, Mike
Mansfield, Joe Rauh, Larry O'Brien, and countless others. But as
the principals walked into the room, all was not harmony. Jealousies
and rivalries continued; prerogatives and pride were flaunted. Some
had the gaunt look that lingers after a grueling campaign. Exalted
but drained, they all took seats facing the desk and waited for the
arrival of the president of the United States.

At 6:45 P.M. the television lights were turned on as Lyndon
Johnson strode into the room, nodded to acknowledge the applause,
and sat down at the desk. In a slow, measured cadence, he delivered
a 1000-word address to the nation:

I am about to sign into law the Civil Rights Act of 1964. I want
to take this occasion to talk to you about what the law means
to every American. We believe that all men are created equal.
Yet many are denied equal treatment. We believe that all men
have certain unalienable rights. Yet many Americans do not
enjoy these rights. We believe that all men are entitled to the
blessings of liberty. Yet millions are being deprived of those
blessings—not because of their own failures, but because of
the color of their skin. . . . But it cannot continue. Our Con-
stitution, the foundation of our Republic, forbids it. Morality
forbids it. And the law I will sign tonight forbids it. Its pur-
pose is not to punish. Its purpose is not to divide, but to end
divisions—divisions which have lasted too long. Its purpose
is national, not regional. Its purpose is to promote a more
abiding commitment to freedom, a more constant pursuit of justice, and a deeper respect for human dignity. We will achieve these goals because most Americans are law-abiding citizens who want to do what is right.

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

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

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

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

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

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

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

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

John Fitzgerald Kennedy
Inaugural address
January 20, 1961
Conclusion

And so ended the nation’s longest debate, one that had nagged the country’s conscience since the First Congress met on March 4, 1789. There are several reasons why it took the legislative branch 175 years to make racial discrimination illegal by finally enforcing, through statute, that which had been guaranteed by the Constitution.

The first reason rests with the Constitution itself. Mindful of the arbitrary power wielded by King George III, delegates attending the 1787 constitutional convention in Philadelphia drafted a document that sought to prevent domination by any branch of government and to protect the interests of both large and small states. With its emphasis on prevention, this system of checks and balances placed a premium on governmental inaction.

Second, part of the fault lay in a Congress whose structure almost assured, from the outset, chronic philosophical indiscipline. Unlike most organizations, Congress operates without any external or internal accountability. Products and services offered by business firms face the test of the marketplace. Even the executive branch, in the person of the president, is accountable to the public for its actions: citizens have the opportunity to vote for or against the chief executive when he seeks reelection. Congress per se is not on the ballot. Instead, in any given election, individual voters can select only one percent of the Senate and less than one-fourth of one percent of the House of Representatives. Ironically, many of those seeking membership in these two bodies attempt to advance their cause by, in effect, “running against Congress.”
Like other enterprises, Congress possesses a leadership framework. But whereas subordinates in corporate America are accountable to their superiors, representatives and senators are responsible not to their leaders but to those back home who sent them to Congress. And while corporate executives can exact control over their employees through promise of reward or threat of punishment, congressional officials have no such authority. They can reward a few loyal members with choice committee spots or trips abroad. But the ultimate punishment, dismissal from Congress, can be exacted only by a member's constituents. And this is unlikely to happen because an independently minded congressman—impervious to the demands of the president and legislative leaders—is highly attractive to voters. In addition, the power to oust uncooperative committee chairmen or committee members lies not with the leaders but with the party members themselves, meeting in caucus. And party members are unlikely to take action against one of their own. Consequently, a maverick has little to fear in the way of internal reprisal. And if he stays in Congress long enough, he can expect to move up the committee ladder until ultimately he becomes its chairman and a power in his own right. This explains why, in 1963–64, 24 southern committee chairmen could be arrayed against the civil rights program endorsed by House and Senate leaders.

A third contribution to congressional inertia is the members' understandable instinct for survival. While motivation differs with individual legislators, all share one common goal—reelection. Elected initially because they were leaders of the people at home, most congressmen become followers of the people at home when they get to Washington. This metamorphosis is in keeping with the age-old formula for political success: keep the folks back home happy; don't get them mad; don't give them anything to shoot at. For incumbents, this involves a dual approach: whenever possible, avoid or oppose proposals that may offend a significant number of constituents (In 1964 this effectively muted the 52.4 percent of black Americans who lived in the South, where politicians dared not offend the white majority by appearing "soft on niggers."); do not take positions that require lengthy explanations to voters, who are notorious for their short attention spans ("The best vote," said a northern Democrat, "is the one you don't have to explain."). Throughout the years this collective antipathy toward controversy, aided by presidential recognition that to promote such legisla-
tion would be fruitless, has kept many politically embarrassing bills off the House and Senate calendars.

The interplay of these three factors favors the status quo, with major legislative action occurring only when there is a strong national consensus spurred by domestic or international crises, public fear, or citizen outrage. Several such examples happened during the previous three decades. Congress passed radical New Deal economic reforms in 1933 to combat widespread unemployment, bank failures, and farm foreclosures; the first peacetime draft in 1940 when World War II threatened; a Declaration of war less than 24 hours after the bombing of Pearl Harbor; the Charter of the United Nations and the Bretton Woods Arrangement Act (establishing the International Monetary Fund and the World Bank) in 1945 to create institutions to forestall future world wars and global depressions; $400 million in aid to Greece and Turkey in 1947, and the North Atlantic Treaty Organization in 1949, in response to cold war fears; and the massive National Defense Education Act in reaction to near hysteria over the Soviet Union's 1957 Sputnik launch.

In 1963–64, five forces, absent from previous civil rights movements, came together and spawned an outpouring of citizen support that resulted in what was hailed by many as one of the most important pieces of legislation ever enacted by Congress.

First, by 1963 blacks throughout America, as Martin Luther King explained, decided the time for effective civil rights legislation had finally arrived. They were disappointed with both political parties and, especially, with President Kennedy for not keeping his 1960 campaign promises. They felt that the 1954 Supreme Court desegregation decision, which had held out such great promise, had, instead, “been heeded with all due deliberate delay.” And finally, one hundred years had passed since the Emancipation Proclamation with no profound effect on their plight, while in the previous two decades more than 34 African nations “had risen from colonial bondage.” With Congress deaf to their pleas for equal justice, black Americans took their case to the streets.

Second, protest, which had been localized in the past, was widespread. Beginning with Birmingham, demonstrations quickly spread to 800 cities in all parts of the country by the end of 1963. This gave the issue of civil rights national, not just regional, visibility.

Third, the protesters’ cause was abetted by the excesses of those who opposed their demands. While demonstrations can call attention to grievances (much the same as temper tantrums), they do not
necessarily beget sympathy. Thus, in 1963, civil rights leaders ran the risk of antagonizing the country’s white majority. Because most protests were peaceful, this did not occur. Instead, the violence was perpetrated by civil rights opponents. As it happened, Bull Connor’s use of dogs and firehoses to subdue youngsters who turned the other cheek, the ambush of Medgar Evers, the bombing and murder of six Birmingham children—all came at critical times during congressional consideration of H.R. 7152.

Fourth, civil rights leaders successfully exploited these grisly incidents to attract support to their cause. For example, Andrew Young, field commander of the Birmingham operation, was very conscious of the media. “We saw this, frankly, as ‘educational TV,’” Young observed. “We had three minutes on the national news that is worth about $100,000 a minute. The demonstrations were designed to get a message across to the nation and to the world, so we knew pretty specifically what we were trying to do [each day].” Young’s tactics worked. The television clips of peaceful demonstrators being brutalized pricked the conscience of millions who, until then, had little, if any, contact with blacks and their problems. For these Americans, the issue suddenly developed moral dimensions.

Fifth, the decision of the Leadership Conference on Civil Rights to frame H.R. 7152 in moral terms and to activate religious leaders in states with small black populations was critical to the success of the bill, especially in the Senate. Although citizen concern produced a deluge of pro-civil rights communications during the summer and fall of 1963, public interest in any given issue usually wanes with time. The persistent flow of mail and personal visits from religious groups created pressures on central and western state senators that they had never felt before. And nothing is more difficult for a legislator to resist than a holy crusade led by clergy of all faiths and made up of a large body of articulate followers. Who could argue that it was moral to deprive black Americans of their constitutional rights or to assault them for demonstrating for equal justice? Thus, opponents of civil rights legislation were effectively silenced by being placed on the wrong side of what the American people generally perceived as a moral issue. It was this new public climate that ultimately enabled the president and Congress to act without fear of electoral retribution throughout most of the country.

An accidental beneficiary of the 1963 black revolt was another large group that had been subjected to gross job discrimination—
America’s female employees. Their coverage in H.R. 7152 did not come about through strenuous lobbying by women’s groups; it was the result of a deliberate ploy by foes of the bill to scuttle it. But once Judge Smith added the word “sex” to Title VII, he created a broad, new constituency that successfully worked for retention of the sex protection clause as well as for Senate passage of the measure.

When the white majority joined the nation’s black minority and women’s organizations in demanding an end to discrimination, the congressmen who gathered in the East Room on July 2 were provided the national consensus that enabled them to secure enactment of strong civil rights legislation. A syndicated Congressional Quarterly article appearing in the Milwaukee Journal on the morning that the Senate passed H.R. 7152 speculated that had Richard Russell been willing to compromise at an early stage of the debate, he could have gained considerable concessions from the leadership, especially before the time of Dirksen’s “conversion.” This was highly unlikely, as Russell himself admitted on several occasions. Politicians, in submitting their records to the electorate, certainly like to point to their accomplishments, but they also want to avoid any exposure to blame. By the time H.R. 7152 reached the Senate, it was politically untouchable; leaders of neither party could afford to be charged with complicity in weakening it.

Everett Dirksen, for example, who seemed to reverse himself on the more controversial provisions of the House-approved measure, was not reacting to a heaven-sent message; he was following a carefully staged scenario designed to respond to the forces that made a strong bill inevitable: public opinion, the intractability of Bill McCulloch, the need to eliminate civil rights as an issue in the 1964 presidential and congressional campaigns.

Robert Kennedy, to whom President Johnson had entrusted the responsibility for helping Mike Mansfield and Hubert Humphrey move H.R. 7152 through the Senate, had his and the Justice Department’s credibility to maintain—a solemn promise not to run out on Bill McCulloch by permitting the bill to be gutted in the Senate. Furthermore, Kennedy had a deep personal commitment to the House-approved bill. It was he who first saw its moral need and then convinced his doubting brother. To have agreed to emasculate the strongest civil rights bill in history, which John F. Kennedy had brought to life, would have denigrated the historical legacy of the nation’s 35th president.
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Finally, even before H.R. 7152 cleared the House, Lyndon Johnson made it clear, both publicly and privately, that he opposed weakening the bill in exchange for an early end to any southern filibuster. To have done otherwise would have raised doubts within the liberal community about his commitment to civil rights, and Johnson coveted this support. Further, it would have cast the president as the spoiler of John Kennedy's civil rights program (even though many, including Dick Russell, believed that Kennedy, concerned about losing the South in 1964, might have accepted a weaker bill had he lived). Johnson himself conceded that he had no other choice but to work for a strong bill. "I knew that if I didn't get out in front of this issue," he mused, "they [the liberals] would get me. They'd throw my background against me, they'd use it to prove that I was incapable of bringing unity to the land I have loved so much... I couldn't let that happen. I had to produce a civil rights bill that was even stronger than the one they'd have gotten if Kennedy had lived. Without this, I'd be dead before I could even begin."

Although giving ardent public support to the Civil Rights Act of 1964, Lyndon Johnson was forced to keep his "private dickering," as Newsweek noted, to a minimum. Throughout the lengthy Senate debate, even as late as his telephone call to Hubert Humphrey on the eve of the cloture vote, the president was not at all certain that cloture could be attained. Thus, as Bobby Kennedy explained, by remaining the detached field commander, Johnson was in position to fix blame on his corps leaders—the attorney general, Mansfield, and Humphrey—if they failed to achieve victory.

Three other elements combined to limit Lyndon Johnson's personal intercession to only three senators. The cloture issue, observed Charlie Ferris, "was of such high visibility and such maximum effort in the Senate and among outside groups that there were very few stones unturned. Everyone was being squeezed from every source and Lyndon Johnson was very aware of this..., that we were getting all of the milk out of the buffalos up there. So it was one of the few times where every stone was being turned and the White House was aware of this." For this reason, added Frank Valeo, "There was a tacit understanding that the president would 'lay off.' " For Johnson to have engaged in large-scale "arm-twisting" on a national issue that "surmounted all of these small things would have cheapened the process," said Valeo.

The fact that cloture, if it was to succeed, depended on wide
Republican support further prevented Johnson's direct intervention. Extensive face-to-face persuasion might have suggested to GOP senators that H.R. 7152 was a "Johnson" bill rather than a bipartisan measure. Instead, the objective, as the president told Hubert Humphrey, was to "get" Dirksen. After that, it was up to Dirksen to "get" the GOP votes.

Lyndon Johnson also wished to avoid affronting his former patron, Dick Russell. Much of the president's lobbying efforts, therefore, were conducted in the impersonal environment of the public arena, which would enable Russell and his fellow Southerners, who had constituted Johnson's base of support when he was in the Senate, to walk away from defeat with dignity. But Johnson's deep affection for Russell was not all; the president knew that he would need the Georgian's backing when the Senate began considering the antipoverty proposals, which mattered even more to Johnson than the civil rights bill. To unduly antagonize Russell at this point would prove counterproductive in the long run.

The Milwaukee Journal surmised in its June 19 article that had Senator Russell allowed more voting on amendments before cloture, several weakening ones might have carried. Even Hubert Humphrey could not understand why the anti-civil rights forces had permitted so few votes. "It seemed to me," reasoned the majority whip, "they lost their sense of direction and really had no plan other than what they used to have when filibusters succeeded." Both Humphrey and the newspaper correspondent, in their analyses, ignored the fact that a winning coach does not discard a previously successful strategy. In 1960 Dick Russell succeeded in weakening the Eisenhower civil rights bill after cloture had failed. Then he outdid himself in 1962 when, after two unsuccessful cloture attempts, the Senate leadership removed John Kennedy's literacy proposal from the calendar altogether. Thus, in 1964, as was true in 1960 and 1962, the magic number for Russell was 34, not 51. He hoped, therefore, that he could muster once again the necessary 12 or 13 nonsouthern votes to defeat cloture. But whether he could attract 30 members, in addition to his southern followers, to support weakening amendments before a cloture vote was highly speculative.

Richard Russell's doubts about his ability to achieve a majority on any given issue deepened on March 26, when he was decisively defeated on two procedural votes (despite Dirksen's support of the Morse motion), and again on May 6, when the amendment that had the greatest chance of success, Thruston Morton's jury trial
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proposal, twice failed to pass. Russell privately feared that further losses would result in the erosion of possible northern anticloture votes. Instead, he held out "in the hope that some development might extricate us from an all but impossible position." As the senator explained in a May 1, 1964, telegram to a constituent, W. H. McKenzie, "We have no intention of accepting a compromise. We are making an effort to delay a cloture petition past the Indiana and Maryland primaries." Russell hoped that the development he was seeking would come in the form of a backlash vote in support of George Wallace, who was running as a presidential candidate in the Indiana and Maryland Democratic primaries. Wallace, in fact, did unexpectedly well in both states, getting 29.9 percent of the vote in Indiana and 42 percent in Maryland. But the message never reached the Senate. Instead, civil rights supporters took heart in Charlie Halleck's 39,871-9,325 margin in Indiana's Republican primary ("I voted for the civil rights bill and I survived," boasted Halleck.) and J. Glenn Beall's two-to-one victory over James P. Gleason in Maryland's GOP primary. "Wallace won't affect the final vote on this bill," Everett Dirksen had commented. "On that you can stake the next two tea crops in China." In the final analysis, Russell failed because he did not anticipate the determination of the president and the Senate leadership to suspend all other business until the filibuster had run its course.

July 2, 1964, was a day of jubilation for those who had worked unceasingly during the previous 12 months. But H.R. 7152, admittedly, had its deficiencies. It was not all-inclusive in its protection of civil rights: blacks still could be barred from participating in certain state and local elections and could be refused service by small retail establishments; discrimination in the sale or rental of housing was not addressed. That future efforts would be made to close these loopholes was strongly suggested by the Leadership Conference, which, in the heading of its final newsletter, declared "Last MEMO—in this series, anyway."

The Civil Rights Act of 1964 was exactly what its title suggested: it guaranteed equal political, social, and economic rights to all Americans. But holding out the right to a better life for minorities does not guarantee attainment of that better life. Nor could the act erase three and one-half centuries of dehumanization. The effects of constant humiliation, substandard education, inadequate technical, professional, and managerial training could not be overcome by the stroke of the president's pen on a parchment handed
him by Congress. It would be unreasonable, therefore, to assume that black Americans, in a society whose economic rewards are derived from acquired skills, could achieve overnight the same standard of living as white Americans, who had a 350-year head start. To translate newly won rights into a better life would require time, national patience, a willingness by minorities to pursue the educational and training opportunities now open to them, and, most of all, constant vigilance by those charged with enforcing the law to ensure that these opportunities are maintained. In the meantime, compensatory programs, such as those proposed by Lyndon Johnson in his Great Society package, would have to be pursued to relieve the economic inequality fostered by centuries of discrimination.

The principal value of the Civil Rights Act of 1964, "the value above all others," said Roy Wilkins to delegates attending the NAACP's 55th annual convention, "is the recognition finally—by the Congress of the United States—that the Negro is a constitutional citizen." Without this fundamental right, the pursuit of happiness through political, social, and economic progress could not begin.