

Chapter 28 - Transition: The 88th Congress

The 88th Congress began with a Republican revolt, transitioned from cautious to aggressive presidential leadership, and ended with the beginnings of the Great Society.

As the 1958 electoral disaster had prompted the replacement of the Republican minority leader in the House, the failure of the Party to perform better in the 1962 midterms led to the ousting of Charles Hoeven of Iowa, the Chair of the Republican Conference by Gerald Ford of Michigan. Hoeven was the oldest and least active of the Republican leadership and vulnerable to a shot across the bow by younger members of the Conference, who sought a more “modernized” image for the Party to counteract that of the young Democratic Pres. John Kennedy. In part, this was also a response to Minority Leader Charles Halleck’s explicit alliance with Southern Democrats in the face of rising agitation by black Southerners for equal rights. Ford, whose “prime qualification was that he had few enemies in the House,” was twenty years the junior of Hoeven and became the third-ranking Republican in the House.¹

The assassination of Kennedy in November 1963 brought to the presidency the always forceful Vice Pres. Lyndon Johnson. While Kennedy was boosted by the Democratic showing in the midterms, his personal victory in 1960 over Republican Richard Nixon had been extremely narrow, and he lacked the depth and vigor of Johnson’s experience within Congress. The achievements of Kennedy’s presidency thus far disappointed many, but “the passionate admiration, intensified by his death, that many felt for John Kennedy,” appeared to boost both the late President’s agenda and that of his successor, who would speak to historian Doris Kearns Goodwin of Kennedy’s being a “martyr.”²

Criticisms of the indolence of Congress, while not new, were common toward the end of the first session of the 88th Congress. Columnist Walter Lippmann wrote in October 1963, “This Congress has gone further than any other within memory to replace debate and decision by delay and stultification.” *Life* magazine, in an editorial in December, judged the 88th Congress to be “lethargic” and “feebly led” and doubted that even Lyndon Johnson could miraculously “bring Congress to life.”³

As if to prove its failures, the first session dragged on. In order to pass HR 9499, the foreign aid appropriation, the House convened on Christmas Eve 1963, with 347 grumpy members present and voting. The Senate concurred on December 30, mustering 70 of the 100. But the second session was a sea change. The always dissatisfied Americans for Democratic Action reported, “the accomplishments of the 88th Congress, second session, were prodigious.” It praised the Equal Opportunity Act of 1964, “a tax cut, food stamp legislation to provide extra food for low-income families, an increase in the benefits under the National Defense Education Act, Federal aid for mass transit..., and outstanding improvements in housing....” “Foreign aid survived for the first time in several years without major cutting, and the International Development Association received increased funds.” The *piece de resistance*, however, was the Civil Rights Act of 1964. If one might think that this list represents the emergence of a unified and aggressively-led Democratic Party, that person would be only partially correct.⁴

¹ Remini, 398. Scheele (1995). *CQWR*, February 8, 1963, 149-53.

² Kearns, 173, 178.

³ Lippmann quoted in Lyndon Johnson, 34. *Life*, December 13, 1963.

⁴ *ADA World* (October 1964).

The twenty-one members of the Class of '46 continued to labor within their substantive fields. Thor Tollefson of Washington ranked on Merchant Marine and Fisheries. He introduced 16 bills that were sent to that committee; only one made it out of committee, passing the House but failing in the Senate. A judiciary bill he introduced was enacted that forbade Federal district courts from civil actions over pensions.⁵

William McCulloch of Ohio remained ranking on Judiciary as well as Small Business. One of the four Judiciary bills he introduced, although not enacted, had a significant effect, as we shall see. Less impactful but nevertheless newsworthy was a flip-flop by McCulloch within the Judiciary Committee. A push by partisans of Teamsters President Jimmy Hoffa to investigate Attorney General Robert Kennedy's pursuance of charges against Hoffa was originally opposed by McCulloch, reportedly the only Republican reluctant to take a swipe at the brother of the Democratic President. Robert Kennedy's efforts on equal rights seems to have also prompted Southern Democrats on the Committee to support Hoffa. Then, McCulloch moved to do just that, without naming Robert Kennedy. Protesting too much, McCulloch was reported as saying, "I have given this long study and sincerely believe I am acting ethically and morally on this issue." The motion was approved by the Judiciary Committee but went nowhere.⁶

Olin Teague of Texas continued to chair Veterans' Affairs and to introduce many bills in that area – 98 in the 88th House, a fall-off from 118 in the 87th. Twenty-five of them made it out of his committee – little surprise – and 24 passed the House. Sixteen became law, and one other passed both Houses but failed of conference. HR 8009 provided nursing care for veterans and was enacted by voice vote over Kennedy Administration objections.⁷

Omar Burleson, also of the Lone Star State, continued his rather thankless task of chairing House Administration. Resolutions remained his forte, enacting five. HJRes 245, limiting funds for overseas travel by representatives and staff, passed the House but not the Senate. A 387-2 roll call vote demonstrated to the public the parsimony of Congress. On the other hand, the Resolution imposed no limits on individual junkets and required no documentation of expenses and no audit. Within this context, reporter Jack Anderson published an article in *Parade* magazine entitled "Congressmen Who Cheat," that recounted incidents, including in overseas travel, by eleven congressmen. Burleson's resolution had preceded this March 24, 1963, article on February 7; perhaps the Chair had inklings. Anderson was called to testify before House Administration but dismissed by Burleson after refusing to name a congressman who was one of his sources and thus before his offer to name "more than a dozen" cheating congressmen was taken up. The Resolution was adopted on May 7, with congratulations from none other than H.R. Gross (R-IA), called "tight-fisted" in his *The New York Times* obituary, "a nitpicker and a pest" by *Time*, and "a nuisance to his colleagues" by staffer Eric Redman. On May 2, John Blatnik of Minnesota was one of five senators and eleven representatives to voluntarily disclose his personal finances as a result of the matter.⁸

Abraham Multer of New York was accused by Anderson of using his influence to help applicants for savings and loan and bank charters. Anderson also reminded readers of Drew Pearson's reporting in 1961 on Multer's involvement in a Bahamas bank. Then, the Brooklyn Representative was pulled into the Bobby Baker scandal. Robert Baker was Lyndon Johnson's secretary as Majority Leader of the Senate and

⁵ Public Law 88-519.

⁶ Drew Pearson, July 14, September 13 & 27, 1964. *CQWR*, September 24, 1964, 2253. Sheridan, 377-8.

⁷ *CQWR*, September 20, 1963, 1631.

⁸ *CQWR*, May 7, 1963, 7881; May 10, 1963, 706, 714; May 17, 1963, 766; June 7, 1963, 902. *Hearings ... in Connection With the Parade Magazine Article Entitled "Congressmen Who Cheat."* *The New York Times*, September 24, 1987. *Time*, June 15, 1962. Redman, 244.

remained in that office after Johnson became Vice President. When *The Washington Post, Times-Herald* printed a story on September 12, 1963, about Baker using his influence to harm or to facilitate vending machine companies' placing their business with defense contractors, it initiated a flood of informal and formal investigations by senators and the press about Baker and the association of Johnson with his secretary's unofficial activities. A *Post* story on October 6 brought up the name of Don Reynolds, a Maryland insurance agent, who had become enmeshed in Baker's activities. In 1958 and 1959 Reynolds and others attempted to establish Mortgage Guaranty Insurance Corporation and enlisted Multer, who bought stock in the company, which never actually would begin operation. Multer's wife, Bertha, also owned stock in Baker's vending machine company. This entanglement by the Representative was just one of many, mostly by senators, in Baker's operations, and while some of Baker's operations were shown to be illegal, and Baker served time for them, the effect on office-holders was embarrassment, not indictment, at least not immediately.⁹

Walter Riehlman of New York advanced to ranking on Government Operations with the retirement of Clare Hoffman of Michigan. He then stepped down from ranking on the Subcommittee on Military Operations. Riehlman introduced two Government Operations bills but also four Ways and Means bills, none of which were enacted.

Joe Evins of Tennessee moved up to Chair of Small Business, Wright Patman of Texas moving down to the number two slot on taking the Chair of Banking and Currency. Evins introduced six resolutions, which were enacted, dealing with Small Business. The Special Committee still had no authority to initiate legislation. Over time, Evins' primary legislative concern was Veterans' Affairs, but he had vacated that for Appropriations. He still introduced three Veterans' Affairs bills in the 88th House, but none of his bill introductions were enacted.

Evins advanced from fifteenth to thirteenth on Appropriations with a retirement and an abortive run for the Senate. Otto Passman remained at twelfth on Appropriations and chair of the Subcommittee on Foreign Operations, but his wings would be not so much clipped as amputated during the 88th Congress. Frank Karsten of Missouri moved from seventh to sixth on Ways and Means with the retirement of Classmate Burr Harrison of Virginia, and when Thomas O'Brien of Illinois died at the age of 85 on April 14, 1964, he took the fifth chair. Karsten introduced five Ways and Means bills, none enacted. Katherine St. George of New York was the other member of an exclusive committee, remaining second among Republicans on Rules. Her primary interest had been Post Office and Civil Service, where she managed to retain a seat but introduced only three such bills this congress. Against those, she introduced eleven Ways and Means bills. None were enacted.

The draw of Ways and Means was always strong for some Class members and a little more so for Republicans.¹⁰ This was particularly true in the 88th Congress. The six Republicans introduced 41 revenue bills, up from 27 in the 87th Congress. The fifteen Democrats introduced 67, down one from the 87th. Republicans introduced 3.417 Ways and Means bills per member-session, Democrats 2.233. Possibly, Pres. Kennedy's push for a tax cut led to the increased Republican interest, seeing a possibility of altering the details of the initiative, while Democrats were more constrained by the position of their Party's leader.

Carl Albert of Oklahoma remained the top dog of the Class, continuing as Majority Leader. He was the enactor of resolutions, thirty this congress. He had given up the seventh seat on the Agriculture

⁹ *CQWR*, May 17, 1963, 766; January 24, 1964, 155-6; February 7, 1964, 257, 259; July 10, 1964, 1463-4. Caro (2012), 278-318. *Lincoln Evening Journal and Nebraska State Journal*, March 19, 1964

¹⁰ From the 80th to the 88th Congress, Republican members of the Class had introduced 1.299 Ways & Means bills per member-session. Democrats had introduced 1.212.

Committee, which had seen the bulk of his bill introductions, and now took the eighteenth seat on the much newer Science and Astronautics Committee.

Of less direct significance to the flow of business in the House, but of signal importance to representatives was the selection by the Party leadership of Evins to Chair the Speaker's Committee on Personnel. Over time, many of the staff positions of the House had become more professionalized, but the patronage of the individual representative in filling staff positions remained an important perquisite, and Evins now occupied the most critical position. The path was cleared for Evins by the death of Francis Walter of Pennsylvania on May 31, 1963.

Evins' Personnel Committee consisted of three Democrats. Generally, the Committee acted as the leadership of both parties requested. Individual representatives hired their office staffs, and committee chairs and ranking minority members determined the employment of committee staffers. General staff, elevator operators, police, and so on, were often allocated to individual members by the speaker. The largest number of such jobs fell under the doorkeeper. In 1970, 227 of his 331 employees would still be hired under patronage. Even a professional office, such as the architect of the Capitol would have 158 patronage employees, all elevator operators, among its 1606 staff. The police force, once totally staffed through patronage had been gradually professionalized, largely as its numbers were expanded. Still, in 1970 there would remain about 280 patronage employees among its 617 staffers.¹¹

Members of the Class who moved up on committees included Democrat Watkins Abbitt of Virginia, advancing to seventh on Agriculture with Albert's departure. He introduced five Agriculture bills, none enacted. He also jumped from tenth to eighth on House Administration with a defeat for renomination and a departure for Appropriations.

Democrat Harold Donohue of Massachusetts went from tenth to ninth on Judiciary, given a defeat for reelection. When Francis Walter died, Donohue moved up to eighth. He introduced six Judiciary bills, none enacted.

Democrat Edward Garmatz of Maryland jumped one spot to second on Merchant Marine and Fisheries thanks to the denied renomination of Frank Boykin in the Alabama free-for-all. Garmatz put nine public Merchant Marine bills in the hopper, and one that provided that professional nurses would be staff officers in the Merchant Marine was enacted.

Multer moved from fourth to third on Banking and Currency and eighth to sixth on District of Columbia. In the former, it was due to a retirement, in the latter a retirement and Classmate James Davis of Georgia being denied renomination. Of the 229 public bills Multer introduced in the 88th Congress, 61 went to Banking and Currency and 30 to District of Columbia. Judiciary also got 36 and Ways and Means 32. Multer as well introduced 40 private bills, one of which was enacted. None of his public bills were.

Riehlman, in addition to Government Operations, also served on Science and Astronautics and moved thereon from sixth to fifth with an unsuccessful try for the Senate.

John Bell Williams of Mississippi got a boost from seventh to fifth on District of Columbia from the same departures as Multer. He introduced one DC bill in the 88th, but his focus remained Interstate and Foreign Commerce, which saw 24 of his bills this congress, one of which was enacted. It changed the expiration dates of the members of the National Mediation Board, which seeks to address labor-management issues in railways and airlines.

Democrat Bryan Dorn of South Carolina started out the 88th Congress in the same seat on Veterans' Affairs but also took a new assignment on Public Works. Dorn got himself placed on the latter committee

¹¹ CQWR, April 10, 1970, 966.

and on its Subcommittee on Watershed Development to block a dam in his District. He introduced only one public bill destined for each of his two committees, but four for Ways and Means. None were enacted.¹²

Subcommittee assignments that changed were as follows: Paul Dague of Pennsylvania added the Subcommittee on Poultry to his previous Agriculture subcommittee and two special subcommittees on which he was the ranking member. He introduced one Agriculture bill, but three Ways & Means bills. Now in his ninth term he had yet to see a public bill enacted. Porter Hardy of Virginia made a name for himself by his investigations on the Government Operations Subcommittee on Foreign Operations and special subcommittees of the Armed Services Committee, but before the 88th Congress the Chair of the regular Armed Services Subcommittee on Special Investigations was Edward Hébert of Louisiana. Now Hardy headed both subcommittees. Hardy introduced seven Armed Services bills in the 88th and two were enacted, both of local interest. Multer retained his three chairships of subcommittees, but the designations changed in District of Columbia, where the subs were just numbered, and in Banking and Currency, where his previously numbered chair was now the Subcommittee on Bank Supervision and Insurance. The reverse was true for McCulloch, who went from ranking on the Judiciary Subcommittee on Antitrust to a numbered ranking.

Teague's numbered chair in Science and Astronautics changed to the Subcommittee on Manned Space Flight, and the President's statement to the United Nations General Assembly on September 20, 1963, in favor of a joint mission to the Moon with the Soviet Union hit the new Chair hard. Teague saw it threatening the funding of NASA's Moon mission if Cold Warrior's in the House baled. A motion to cut the NASA appropriation had gathered 177 mostly Republican and Southern Democratic votes on August 28. Former Pres. Dwight Eisenhower and a group of his creation, the Republican Citizens Committee, were publicly opposing the manned Moon missions. Teague drew a line with Kennedy, who said no more about a joint mission in his two remaining months other than to say the Soviets had not responded. On October 10, the House passed language restricting such cooperation.¹³

Robert Jones of Alabama retained his subcommittee chair in Public Works while adding chair of the Government Operations Subcommittee on Natural Resources and Power. His three Post Office introductions trumped his Public Works intros by one. He had no enactments. He was, however, the floor manager for an amendment to the National Cultural Center Act to extend the drive for funds, which passed the House 293-33. And Jones led the House to pass a resolution to rename the National Cultural Center the John F. Kennedy Center for the Performing Arts. The Center would open in 1971.¹⁴

Republican Ralph Harvey of Indiana continued in his Agriculture and Small Business seats, introducing one bill for the former. As was his habit, Ways and Means remained his primary focus with six new bills, as also was his destiny; none of his public bills were enacted. His noteworthy contribution to the 88th Congress was his opposition to HR 6518, the nation's first Clean Air Act, which was introduced by Kenneth Roberts (D-AL). He moved recommittal and lost on a standing vote and spoke against the conference report, which was approved with significant though not majority Republican support.¹⁵

Blatnik remained in his positions on Government Operations and Public Works, introducing four bills to the latter, one of which, a local bill, was enacted. Also enacted was HR 12033, a Commerce bill, allowing an extension of time in the prohibition of the use of additives, which had not been tested for safety, to

¹² Dorn and Derks, 229.

¹³ Hechler, 174-6, 179-81. Kay. *The New York Times*, September 2, 1962.

¹⁴ *CQWR*, August 9, 1963, 1397; January 10, 1964, 35.

¹⁵ *CQWR*, July 26, 1963, 1305; December 13, 1963, 2161.

food. Blatnik's 1957 hearings on the health claims of filtered cigarettes contributed eventually to the issuance on January 11, 1964, of a long-awaited report by the Surgeon General on the dangers of smoking. In the 88th Congress, Blatnik introduced unsuccessful bills to control the hazards of smoking through health rules (HR 9668) and advertising (HR 9655). Blatnik tried again on funding grants for water pollution mitigation. The Administration cut the \$125 million annual appropriation funded in the 87th Congress to a \$100 million request, which Blatnik moved in debate to raise by \$10 million and lost 124-147 on a teller vote. He also tried again to transfer oversight to HEW from the Public Health Service as well as increase the annual appropriation to \$200 million. Without Administration support and with Republican opposition in the Public Works Committee as well, he could not get his bill out.¹⁶

The first session of the 88th Congress began with another fight over the composition of the Rules Committee. The expansion from 12 to 15 members two years earlier applied only to the 87th Congress. Now HRes 5, moved by Albert, was to make the change part of the permanent rules of the House. The ADA called it a "pillow fight," as the resolution passed, 235-196, without surprise. A slight majority of Southern Democrats and 28 Republicans, despite the opposition of the leadership of the latter, supported the resolution. A major reason for the easy victory by the Democratic leadership was that the expansion was not a panacea for liberal Democratic hopes. The Democratic Study Group tallied a failure in the Rules Committee on 21 major measures, and some in the Group pushed for a return of the 21-day rule as well as a new rule limiting Rules Committee consideration to seven days. Blatnik was noteworthy in opposing these extra efforts, pointing out former Speaker Sam Rayburn's finding of problems with the 21-day rule.¹⁷ Among the Class of '46, Albert, the Northern Democrats, and Evins, Robert Jones, and Teague supported HRes 5. All the Class Republicans and the rest of the Class' Southern Democrats opposed it. The only change from the vote in 1961 was that Tollefson, conflicted and not voting then, opposed the Resolution this time.

The diminishment of Southern opposition to the expansion of the Rules Committee might have been an indication of shifting attitudes about racial accommodation if not about racial equality. Prince Edward County schools in hard-liner Abbitt's District remained closed, and the Federal Justice Department on January 18, 1963, sued the Huntsville Board of Education in accommodater Robert Jones' District to compel integration. George Wallace, who had just taken office as Governor of Alabama with a speech pledging "segregation forever," would in September order local boards not to integrate but exempt Huntsville from his order. Wallace would later explain that there was too much local opposition to such a move in Huntsville, where four black students entered white schools peacefully. Public schools reopened in Prince Edward County a year later after the Supreme Court ruled on May 25, 1964, that the closures denied the children and parents the equal protection of the laws. All but eight white students remained in the segregation academies that were supported with public funds until the monies were outlawed.¹⁸

Matters were bloodier in Jackson in Williams' Mississippi District. On May 10, 1963, Martin Luther King Jr's Southern Christian Leadership Conference announced a settlement with the city of Birmingham, Alabama, to end a month of mass protests, boycotts, and violence. Waiting rooms, rest rooms, water

¹⁶ Public Law 88-625. Mukherjee, 263-4. *CQWR*, May 3, 1963, 686. Sundquist, 349-51.

¹⁷ *ADA World* (January 1964). *CQWR*, January 11, 1963, 31. Drew Pearson, December 13, 1962. Former Speaker Joseph Martin supported the Resolution.

¹⁸ *CQWR*, January 25, 1963, 77. Leshner, 249. Kristen Green, 195-6. *Griffin v. School Board of Prince Edward County*.

fountains, and lunch rooms in the bus station were to be integrated over a period of 60 days. A biracial committee was to be created, black sales clerks were to be hired, and prisoned demonstrators were to be released. The NAACP in Jackson demanded the same, but its attempts at negotiation were frustrated by the City and by mass demonstrations and arrests, punctuated by violence, that the NAACP did not sanction. State NAACP leader Medgar Evers was shot down in front of his home on June 12, dying an hour later. A minimal settlement was then reached. The city was to hire six black policemen, eight black school crossing guards, promote eight black sanitation workers, and agree to hear grievances.¹⁹

The Kennedy Administration was slow to propose new civil rights legislation, assuming such would require a major expenditure of influence for little guaranteed effect. Republican representatives stole a march on the issue. McCulloch and 23 other Republicans introduced identical bills on January 31, 1963. They would make the Civil Rights Commission permanent and empower it to investigate election frauds, establish a Commission for Equality of Opportunity in Employment to investigate discrimination by government contractors, authorize the Attorney General to initiate suits on school desegregation, provide assistance to help desegregate public schools, and secure an assumption of literacy for voting for those who complete a sixth-grade education. HR 3139 (McCulloch's) through HR 3162 had the support of Minority Leader Halleck, Republican Conference Chair Ford, and National Republican Chair William Miller.²⁰

Kennedy responded on February 28 by asking Congress for a voting rights bill. The assumption, as in 1957, was that politicians would find it difficult to oppose the franchise. Judiciary Chair Emanuel Celler (D-NY) introduced the Administration bill on April 2. HR 5455 provided for temporary referees to adjudicate refusals in certain counties to register African Americans, a mechanism to speed up court cases on voting, a requirement that standards for registration apply equally to all, and presume a sixth-grade graduate to be literate. Judiciary Subcommittee Number Five had already opened hearings on the Republican civil rights bills on May 8. Twenty-four identical bills (HR 6720 to 6743) were introduced by Republicans on June 3 to provide for desegregation of public accommodations. This was not part of the earlier HR 3139 *et alia*, and McCulloch was not one of this new batch of 24 Republicans.²¹

On June 11 the President, responding to Gov. Wallace's blockade of integration of the University of Alabama, violent reactions to black protestors in Danville, Virginia, and calls from King, made an address on television in which he described civil rights legislation he would propose. So he did on June 19, with Celler introducing the bill, HR 7152, the next day. It included voting rights, public accommodations, suits to force school desegregation, a Community Relations Service, the extension of the Civil Rights Commission, funding for school desegregation, and an Equal Employment Opportunity Commission. On July 2 McCulloch agreed to support HR 7152, if he had the sole power to approve any changes the Administration might accept in the Senate and if the President would publicly give Republicans equal credit for passing the bill.²²

McCulloch's criticality to the enactment of the Civil Rights Act of 1964 cannot be overstated. The Party of Lincoln had a historical duty to support the bill, but the scope of the proposed legislation was more intrusive to the private sector than most members of the Party normally supported. In addition, the erosion of support for the national Democratic Party in the South offered a temptation to some Republicans, particularly Sen. Barry Goldwater of Arizona who would be the presidential nominee in 1964,

¹⁹ Branch (1988), 789-91, 813-6, 824-5, 832.

²⁰ Branch (1988), 693. *CQWR*, February 15, 1963, 191.

²¹ *Revolution in Civil Rights*, 39. *The Washington Post, Times-Herald*, April 3, 1963. Whalen and Whalen, 6.

²² Branch (1988), 821-4. Whalen and Whalen, 4, 11-3.

to oppose equal rights legislation in order to advance the Party in the region. McCulloch's ranking position on Judiciary, achieved through simple longevity (23rd among the 176 House Republicans), and his low-key approach to his job lent him a seriousness, though not a gravity, that was influential among his fellow Republicans. The flat, nasal voice, his habit of carrying yellow pencils in his shirt pocket, and his red suspenders spoke to work rather than show. And he was undoubtedly conservative, as his distinguished service award on May 23, 1963, from Americans for Constitutional Action testified.²³

Subcommittee Number Five, with Celler chairing and McCulloch ranking, reported HR 7152 on October 2. Amendments broadened the public accommodations section to all State-licensed businesses, extended voting protections to State elections, provided for the cutoff of Federal funds to discriminatory activities, and added a fair employment practices section. Hostility by segregationist representatives was muted, as they felt that opposition would increase as the bill expanded. McCulloch mirrored this concern, fearing that the public accommodations and fair employment practices sections were too extreme. So did the Administration; Attorney General Robert Kennedy came before the full Committee to request a fallback on accommodations and the powers of his office.²⁴

Opposition from the more liberal members of the Committee to Robert Kennedy's temporizing resulted in a pause in Committee consideration and a strategy session with the President, Celler, McCulloch, the Vice President, and the House leadership of both parties. While intraparty and interparty discussions continued, *The New York Times* printed a column by Anthony Lewis accusing Halleck of being the bottleneck in Committee reporting. Halleck, unsurprisingly, transmitted a duck fit to McCulloch, who took it to the Administration. The column seems to have had an impact in resulting in quick Administration accommodation to Republican concerns about the bill. Federal referees were out but the Civil Rights Commission could investigate voting issues, and judicial rather than administrative enforcement of fair employment and desegregation of accommodations were included. The Committee defeated the stronger subcommittee version of HR 7152 by a vote of 19 to 15 (with Southerners voting 3 to 8 against, and Celler and McCulloch opposing their own Subcommittee report) and voted a new version of HR 7152 out by the same margin on October 29. The new HR 7152 was reported to the House on November 20. Two days later Pres. Kennedy was assassinated.²⁵

New Pres. Lyndon Johnson appeared before a joint session of Congress on November 27 and listed the parts of the Kennedy program that Congress needed to act on. "First, no memorial oration or eulogy could more eloquently honor President Kennedy's memory than the earliest possible passage of the civil rights bill for which he fought so long. We have talked long enough in this country about equal rights. ... It is time now ... to write it in the books of law." Sen. Richard Russell (D-GA), the leader of Senate opposition to equal rights, observed to Secretary of Agriculture Orville Freeman, "We could have beaten Kennedy on civil rights, but we can't beat Lyndon."²⁶

In the meantime, Howard Smith (D-VA), chair of the House Rules Committee, told Speaker McCormack that there would be no hearings on HR 7152 by his committee until January. Johnson observed that Smith's strategy was to delay in the House to facilitate a delay in the Senate to run out the clock on the

²³ Whalen and Whalen, 9, 12. *CQWR*, May 31, 1963, 847-8.

²⁴ *CQWR*, October 11, 1963, 1749; October 18, 1963, 1814. Sundquist, 264-5. Branch (1988), 910, *Revolution in Civil Rights*, 39.

²⁵ Whalen and Whalen, 50-1, 55-7. *CQWR*, October 25, 1963, 1863; January 24, 1964, 157. *Revolution in Civil Rights*, 41.

²⁶ Caro (2012), 430, 465. Richard Bolling strongly disagreed, contending enactment was inevitable. Bolling (1968), 222.

88th Congress. Talk of a discharge petition led to Halleck saying on television on December 1 that he would not sign it and McCulloch echoing that opposition in Republican Conference the next day. On December 4 Johnson accused Republicans of blocking the bill in a speech to the Business Advisory Council. Clarence Brown of Ohio, the ranking Republican on Rules, told Chair Smith that Republicans were being put in a difficult position by supporting the Chair. On December 5, Smith issued a statement that hearings would begin in January, and Brown expanded that to “early January” and that they would last no more than twelve days. Halleck followed up by saying the Republicans on the Committee would vote to give a rule to the bill and that the House would pass the bill. Nevertheless, on December 9, Celler filed a petition to discharge the bill from the Rules Committee.²⁷

Rules Committee hearings on HR 7152 began on January 9, 1964, and dragged on until January 29. The discharge petition remained short of the necessary majority of the House, with few Republican signatures. McCulloch appeared before Rules to testify for the bill. When Smith specifically attacked the public accommodations title as being outside the constitutional powers of the Federal government, McCulloch responded with a quotation from poet and abolitionist James Russell Lowell’s “The Present Crisis:”

New occasions teach new duties; Time makes ancient good uncouth;
They must upward still, and onward; Who would keep abreast of Truth....

Johnson brought Halleck to the White House and warned him about making Lincoln birthday speeches with Smith’s “foot on Lincoln’s neck.” The President also called the Administrator of NASA while Halleck listened and asked him to provide pork to Indiana.²⁸

On January 30 the Rules Committee voted 11 to 4 for a rule for HR 7152. All five Republicans, including St. George, supported the rule. The rule was brought to the floor the next day with McCulloch talking in support, as he did the following day and days afterward in debate on the bill itself. Although 122 amendments were offered, segregationist efforts to delay the bill were otherwise restricted to refusals to speed up debate. Democrat Dorn objected once in such efforts and Williams objected three times, as well as demanding House concurrence on two amendments accepted by the Committee of the Whole, demanding a roll call on passage, and objecting to bringing the Senate-amended bill up. Williams was also the only member of the Class of ’46 to attempt to amend the bill on the floor, offering two: One to make geographic area a protected class and one to allow advertisements for job openings to specify race or national origin. Both were rejected.²⁹

On February 7 Majority Whip Hale Boggs of New Orleans threw Republican support for the bill under a streetcar. He rose to support an amendment by Oren Harris (D-AR) to apply protections in Federally assisted programs only to those with explicit separate-but-equal clauses. This would have limited the protections to only the Hill-Burton hospital aid act and to aid to land grant colleges. McCulloch, off the floor at first, and fearing a stab in the back by the Democratic leadership, rushed in to say that if the amendment were adopted, he would end his support for the bill. Celler and Albert quickly objected to the amendment and it failed. Boggs would vote nay on HR 7152; so, his support for the Harris amendment was consistent with his opposition to the bill.³⁰

²⁷ Caro (2012), 463-4, 486, 495-8.

²⁸ *CQWR*, January 24, 1964, 157; February 7, 1964, 250. *Time*, January 24, 1964. Caro (2012), 559-60.

²⁹ *Revolution in Civil Rights*, 42. *CQWR*, February 14, 1964, 293, 300.

³⁰ Whalen and Whalen, 114-5.

Substantive participation in the debate by members of the Class in addition to McCulloch, who with Celler managed the bill, was limited to Dorn (ten incidents), Williams (eight), Albert (four), Abbitt (two), Hardy (two), Multer (two), Robert Jones (once), and St. George. Vituperative characterization of the bill was made at some length by Dorn and Jones on February 1, Abbitt on February 5, Hardy on February 7, and Williams on February 10. The gist contended that the bill was an attack on individual liberties. Williams made a particular plea for states rights in the context of his racist attack on the morality and competence of black Americans.

Without doubt the bill represented a reduction of the power of states to regulate voting and education and on state courts and on the rights of individual employers and providers of public accommodations. But those providers were already subject to laws enforcing segregation. The question is whether the opponents of the bill had any solution to the inequities in education, employment, the franchise, and the enjoyment of public accommodations that afflicted African Americans. Their position was rather an explicit denial that such discrimination existed or that it was a problem – either a particularly privileged blind spot, willful ignorance, or simply, as obviously in the case of Williams, a sinful embrace of wishing evil on a group of human beings. With respect to blind spots or willful ignorance, no one could say it better than the relatively moderate Hardy: “Insofar as my district is concerned, I believe that very little racial discrimination exists today.”³¹

St. George’s contribution to the debate occurred in the context of an amendment by Howard Smith to add sex as a protected status. This was met by partisans of the bill, particularly Celler, as an attempt to weaken the chances of the bill for passage, as well as a reflection of Celler’s long opposition to equal rights legislation for women. Most of the women in the House, knowing the amendment was coming, rose to support the amendment. St. George, emphasizing her support for the bill as a whole, said, “The addition of that little, terrifying word ‘s-e-x’ will not hurt this legislation in any way. In fact, it will improve it. It will make it comprehensive. It will make it logical. It will make it right.” The amendment was adopted.³²

The vote on passage on February 10 carried 290-130. Republicans supported passage 141-35, Northern Democrats 124-2, and Border Democrats 22-8. Southern Democrats opposed the bill 7-87. All of the members of the Class voted consistently with this breakdown, Republicans, Northern and Border Democrats for and Southern Democrats against.

The House had passed equal rights legislation before only to have the Senate filibuster the legislation to death. Republican support, so critical in the House, was uncertain in the Senate, where Republicans consistently opposed cloture to end filibusters, and Minority Leader Everett Dirksen of Illinois indicated his opposition to the public accommodations title. With McCulloch playing a major role in the negotiations of Dirksen with the Democratic leadership, they worked out a way to accommodate some of Dirksen’s 40 proposed amendments that made little impact on the bill while still helping the Minority Leader appear to be a mover and shaker.³³

Equally important was cloture, which required a two-thirds vote and carried 71-29 with Republicans supporting 27-6 on June 10 after a filibuster of 57 days. The Senate passed the bill on June 19 and both Celler and McCulloch quickly endorsed the Senate version. Howard Smith convened the Rules Committee on June 30 for fear of losing control of his committee, which after brief testimony reported HRes 789 to concur with the Senate version. McCulloch, in his address on the floor, said, “To my colleagues in the Congress, as well as to people everywhere who believe in equality under the law, who support the

³¹ *Congressional Record*, February 7, 1964, 2495.

³² *Congressional Record*, February 8, 1964, 2581. Harrison, 177-9.

³³ CQWR, February 14, 1964, 294; May 22, 1964, 987. Caro (2012), 561-2, 564, 568. Whalen and Whalen, 164.

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.” Equally noteworthy was a statement following McCulloch’s by Charles Weltner of Atlanta, who unseated ardent segregationist Class member James Davis in the Democratic primary in 1962. Weltner noted he had voted against the bill, but called on the South to “acknowledge this measure as the law of the land,” that the South “must not remain forever bound to another lost cause.” Weltner voted for concurrence. None of the members of the Class changed their votes.³⁴

Passman’s time as the man on the throttle of the foreign aid program came to an end in the 88th Congress. The FY 1964 appropriation bill was still his though. The Kennedy Administration asked for \$4.9 billion, then reduced that to \$4.5 billion, and Passman offered \$2.5 billion. As was his practice, Passman held extensive hearings over 800 hours, with the Louisianan seemingly the only representative who absorbed and mastered all the information. Hearings did not end until August 14, 1963. Appropriation then waited on authorization, which was not effected until December 9. Two days later the new President summoned Passman to the White House. Passman’s public portrayal of the meeting caused Johnson to grouse that the Representative had a “real mental problem.” The appropriation bill, HR 9499, was reported on December 14 and passed the House on the 16th at \$3.1 billion. President Johnson was not amused, telling the Speaker, Majority Leader Albert, the Senate Majority Leader Mike Mansfield, and others that he would not pull a rattlesnake off the “goddamn Cajun.” The conference report came in at \$3.3 billion and was adopted by the House in its Christmas Eve meeting, but only after William Colmer (D-MS) gave in to Albert’s 2:00 am December 24 plea to leave the Mississippi hospital bed of his wife and fly to Washington to deliver a nay vote but a quorum in the Rules Committee to report the conference report so the House could vote.³⁵

Lyndon Johnson was not a man to be so angered, but the more critical event was the death of Appropriations Committee Chair Clarence Cannon on May 12, 1964. It was Cannon who had handed Passman the Chair of the Subcommittee on Foreign Operations and who made sure that Passman’s cuts in aid were approved by the full Committee. The new Committee Chair was George Mahon (D-TX). Mahon exercised the Committee chair’s right to vote in Passman’s subcommittee, the President got William Natcher (D-KY) to change his vote to oppose Passman’s cuts, and the Louisianan reportedly “stormed into the corridor, screaming, ‘All right, I’m through ... let them run the committee.’”³⁶ Vaughan Gary (D-VA), who was supplanted in 1955 as Chair of Foreign Operations by Cannon to promote Passman but remained as ranking on the Subcommittee, was the named sponsor of HR 11812, the Committee bill, that cut only \$219 million from the \$3.9 billion Johnson requested for FY 1965. Gary managed the bill on the floor. Passman was not finished, however, moving during debate on the floor to cut \$247.8 million, with the support of Halleck and Ford and the ranking minority member of the Subcommittee. The motion was defeated after accusations that Halleck and Ford rejected such cuts when the President was Eisenhower and countervailing charges that opponents of the cuts supported them in the past.

³⁴ CQWR, June 27, 1964, 1273. *Congressional Record*, July 2, 1964, 15894.

³⁵ CQWR, March 29, 1963, 436-8; December 13, 1963, 2154. Robert Johnson, 102-4. Beschloss, 113-4. Albert with Goble, 283.

³⁶ Robert Johnson, 110-1.

The reapportionment of seats in the House as a result of the 1960 census had discombobulated some representatives. Much more stressful were 1964 Supreme Court decisions in *Reynolds v. Sims* and *Wesberry v. Sanders* that held that districts in legislative assemblies had to be nearly equal in population. *Reynolds v. Sims* eliminated the model used by most State legislatures that mimicked that of the Congress in which one house was allocated without reference to population. *Wesberry v. Sanders* was specific to congressional districts. Provisions in the US Constitution guaranteed the continual irrelevance of population to Senate seats and the allocation of House seats to States, but legislative seats and US House seats within States were held to be subject to the constitutional requirement of equal protection of the laws.³⁷

A surfeit of resolutions (64) and bills (54) were introduced in the House either to amend the Constitution to alter redistricting requirements, delay the effective date of the decisions, or relieve the Court of jurisdiction in the matter. McCulloch introduced two such bills and a resolution. Harvey introduced a bill and a resolution, Riehlman a resolution, Tollefson a bill, Dorn a bill, Abbitt a bill. If one has the impression that such activity was largely that of Republicans and Southern Democrats, one would not be completely erroneous, perhaps because the Court's decisions largely increased the representation of urban areas, where most Northern Democratic districts were. Of the deluge, one bill, HR 11926, made it out of the Judiciary Committee. Introduced by William Tuck (D-VA), it passed the House but was not brought up in the Senate. The likelihood of more redistricting did not result in a likelihood of legislation. The experienced representative was aware that redistricting was most often manageable.

The Civil Rights Act of 1964 played an important role in the presidential campaign that year. With Pres. Johnson responsible in major part for its enactment and Barry Goldwater, the Republican nominee, one of six Republican senators who voted against the bill, the Law was inevitably a major dividing line, though hardly the only one, in the vote for President in November. While there was an explicit public agreement between the two candidates not to make racial appeals in the campaign, not only were the differences in their positions obvious and the agreement less constraining on their supporters, but the candidates inevitably alluded in comment or action to racial matters. The importance of the Act on the vote is obvious from the fact that of the total of six states Goldwater won, five were Deep South states and the other was his home state.³⁸

Members of the Class of '46 outside the House were inevitably drawn into the Act in 1964. Senators Cale Boggs of Delaware, Thruston Morton of Kentucky, and Jacob Javits and Kenneth Keating of New York voted for passage, while George Smathers of Florida and Norris Cotton of New Hampshire cast nays. Cotton, a supporter of Goldwater for the nomination, was defeated for a delegate position to the Republican National Convention. Javits and Keating pointedly did not endorse Goldwater's candidacy for President in November. Keating's apostasy invigorated a Conservative Party candidature by college teacher Henry Paolucci, whose 212,216 votes were, however, not the difference in Keatings 719,693 vote loss to Democrat Robert Kennedy. Morton chaired the Republican National Convention as he had in 1960. Although reportedly a backer of Pennsylvania Gov. William Scranton, he "ably chaired" the rancorous Convention in the words of Clifton White, "the architect" of Goldwater's nomination.³⁹

³⁷ 377 U.S. 533 (1964). 376 U.S. 1 (1964).

³⁸ Donaldson, 207, 252, 271-6.

³⁹ *The New York Times*, June 20, 1964. Drew Pearson, July 12, 1964. Reinhard, 181, 198. *Time*, October 30, 1965. Donaldson, 282. Perlstein, 277. White and Gill, 305. White (1965), 334.

John Davis Lodge lost another try for the Senate in Connecticut, though this time he gained the Convention nomination after Horace Seely-Brown, the early favorite, dropped out at the last minute. Lodge endorsed Goldwater after the Arizonan's nomination but otherwise did not mention him. Lodge likely would have lost the election, as he took only 35% of the vote against Democrat Thomas Dodd, but Connecticut Republicans preferred Scranton who had announced a late challenge to Goldwater for the nomination largely because of the Arizonan's opposition to the Civil Rights Act. Seely-Brown was also a top-drawer possibility for Connecticut Republican Chair but dropped out, as the incumbent was reelected by the Convention.⁴⁰

Keating's was not the only apostasy. Wingate Lucas, formerly of Texas, but now a Greenwich, Connecticut, consultant and counsel to Sears Roebuck and General Electric, and still nominally a Democrat, spent a year organizing support for Goldwater in the State and beyond. In tangential notes, Iris Blitch, who retired Don Wheeler of Georgia from the House through the Democratic primary in 1954 with charges of a lack of Democratic loyalty, supported Goldwater in November. Republican John Lindsay, who had replaced Frederic Coudert in the House, refused to support his Party's presidential nominee.⁴¹

Edward Miller in Maryland and now the State's Republican National Committeeman held true, backing Scranton as well as the Civil Rights Act, but switched his delegate vote to Goldwater in unity. On the other hand, reelection to the National Committee was not to be an option. Miller, a member of the Platform Committee at the Republican Convention, defended the Civil Rights Act to some opposition, though the reported Platform pledged its "full implementation and faithful execution." Amendments to the Platform offered on the floor to broaden the support of the Act and of equal rights failed. McCulloch spoke for the basic platform statement and opposed both amendments.⁴²

The Democratic platform, Albert chairing the committee, included an equal rights plank that went beyond the 1964 Act, but their Convention had its own racial problems. There were credentials challenges to the all-white Mississippi and Alabama delegations, including a full Freedom Democratic Party (MFDP) delegation, 62 of the 66 African American, contesting the regular Mississippi one. Though the MFDP was willing to split the seats with the white delegation, which was the usual though not universal way of handling such conflicts, Pres. Johnson and United Auto Workers Pres. Walter Reuther dictated a solution in which the MFDP was allocated two at-large seats, the Mississippi regulars retained all their seats with the stipulation that they sign a pledge of loyalty to the national ticket, and that the Convention would disallow all-white delegations in the future. The MFDP rejected the solution and invaded the Convention on borrowed credentials. The regular Mississippians and the Alabamans, who were also required to sign a loyalty pledge to keep their seats, fled the Convention. There were only voice votes for the presidential and vice-presidential nominations.⁴³

Other members of the Class still in the House made political accommodations. Otto Passman praised Goldwater individually while keeping quiet about him politically. The Louisianan was a realist: "I will not

⁴⁰ *The Bridgeport Post*, December 15, 1963; June 14, 1964. *CQWR*, June 19, 1964, 1217; October 2, 1964, 2270. Donaldson, 166.

⁴¹ *The Bridgeport Telegram*, February 22, 1964. *The Bridgeport Post*, October 30, 1964. *Magazine of Sigma Chi* (winter 2002-3). *The New York Times*, August 21, 1993. Reinhard, 198.

⁴² *The Daily Mail*, July 13, 1964. *The Daily Times* (Salisbury), July 15, 1964. *The Baltimore Sun*, May 23, July 17, 1964. *The New York Times*, July 16, 1964. *CQWR*, July 17, 1964, 1485.

⁴³ White (1965), 291, 295. Donaldson, 205, 213-6, 220-3, 227. Branch (1988), 457-9, 462, 465-6, 469-70, 472. The UAW was funding equal rights activities, including paying Joseph Rauh, the attorney who represented the MFDP at the Convention. Three Mississippians and 13 Alabamans signed the loyalty pledge but were pressured to join their colleagues in the walkout.

surrender the seniority I have in the Democratic party to endorse a candidate of the Republican party.” The less well-placed Williams was not at all circumspect, speaking at a Goldwater fund-raiser, headlining a rally for him in Jackson, and campaigning for the candidate in other states. Watkins Abbitt, now chair of the Virginia Democratic Party and a major leader of the Byrd organization, joined in Sen. Harry Byrd’s “golden silence” on the race. On the other hand, Dorn would ride Lady Bird Johnson’s campaign train through South Carolina in the fall. Evins may have voted against the Civil Rights Act, but he chaired the Johnson-Humphrey campaign in Tennessee.⁴⁴

In the politicians-never-die category was Republican Edward Jenison, six times candidate (with three wins) for the US House and in 1964 a candidate for the lower house of the Illinois General Assembly. The at-large race, since the legislature failed to redistrict, was among 236 candidates for 177 seats. Jenison came in at 156th, which won him a seat.⁴⁵

E.A. Mitchell, who was discommoded from the US House in 1948 after a single term, made a run for Treasurer of Indiana in 1964, but failed to get the nomination at the State Republican Convention. On the first ballot he came in fifth, that is last, with 145 votes out of 2195 cast. His supporters kept dropping on subsequent ballots until he received one vote on the fifth ballot, which nominated John Snyder.⁴⁶

Republican William Crow, once of Uniontown, Pennsylvania, but not since 1951, lost his seven-year appointive position in 1964 as regional administrator for the Securities and Exchange Commission in Washington, DC, at which point he retired to Carlisle, Pennsylvania.⁴⁷

In personal matters, Democrat John Kennedy of Massachusetts, who served three terms in the House and one and one-third terms in the Senate, was murdered on November 22, 1963, in Dallas, Texas, ending his presidency after 35 months. His apparent killer, communist Lee Oswald, was murdered two days later by Jack Ruby, a Dallas strip club owner. Ruby would die a prisoner in 1967. Class member now Judge Frank Wilson presided over the jury selection for one day in Ruby’s trial as a substitute for the ill presiding judge.⁴⁸ Sarah Hughes, whom Wilson defeated for the Democratic nomination for the House in a run-off in 1946, and who was now a Federal judge, administered the oath of office to Lyndon Johnson on the airplane returning to Washington from Dallas. Kennedy was the 18th member of the Class of ’46 to die.

⁴⁴ CQWR, November 6, 1964, 2644. *Clarion-Ledger*, October 21, 1964. Rankin. Sweeney, 316, 332. *The Progress-Index*, October 29, 1964. *The Index-Journal*, November 17, 1966.

⁴⁵ *The Daily Pantagraph*, October 19, 1964. OurCampaigns.com.

⁴⁶ *The Daily Journal* (Franklin), June 10, 1964.

⁴⁷ *The Evening Standard*, October 14, 1974.

⁴⁸ *The Honolulu Advertiser*, November 22, 1968.