

## BOOK BRIEFS

**The Longest Debate: A legislative history of the 1964 Civil Rights Act.** By Charles and Barbara Whalen. Cabin John, Md.: Seven Locks Press. 1985. Pp.xx, 289. \$16.95.

In *The Longest Debate* the husband and wife team of Charles and Barbara Whalen undertake the herculean task of recounting how Public Law Number 88-352, better known as the Civil Rights Act of 1964, made its way through the United States Congress. The authors tell of the many protagonists inside Congress and their respective roles in getting the bill passed into law. As for providing a behind the scenes account of deal-making and compromises the book is probably unequalled.

However, the authors are presented with many opportunities to question the ramifications of such compromises, especially in the light of the 21 years that have passed since the Act became law, but choose not to do so. In other words, the authors are long on legislative history but short on historical analysis and historical perspective. In the presence of their silence, it seems as if the Whalens implicitly assent to the legislative art of compromise irrespective of its influence on policy.

*Longest Debate* could be a valuable tool for individuals who are simply interested in the nation's legislative process. But the book's greatest value is as a detailed account of how—as the title suggests—the nation's longest debate: the guaranteeing of equal political, social, and economic rights to all Americans, was concluded.

Furthermore, *Longest Debate* may become historically significant since it goes beyond more traditional sources (such as the Congressional Record) and quotes the actors themselves about their motives and thoughts as the legislation proceeded through Congress. Yet, because hindsight is perfectly focused, these recollections may prove to be biased as the authors, and perhaps more disturbingly, the actors they describe, seem to have a justification for each and every turn of events. Thus, it often seems as if the Whalens are writing history as they see it and not as it actually happened. This possibility is all but formally recognized in the concluding sentence of the *Preface*: "What follows is the story of this landmark legislation which, during its consideration, produced many heroes and revealed Congress in its finest hour."

The Whalens have adequate credentials for serving as transcribers of the national legislative scene. Charles, who served in the House for 12 years, is the author of two other books that deal with issues that have been considered in the U.S. Congress. His wife Barbara was once a journalist and has worked as a director at a television station. Thus, their attention to detail, coupled with the seemingly frank remarks of the legislators are perhaps a reflection of their past occupations.

The Whalens' style is simple and straightforward and, for the most part, is not condescending. They explain the conflicts between the executive and legislative branches of government as well as the more common tensions among individual legislators. In fact, the most attractive feature of the book is the thumbnail sketches of the individual legislators, which are incorporated

into the narrative throughout the book. These sketches are realistic as the personalities they portray are presented with biases and individual agendas, rather than being categorized as “good-guys” and “bad-guys” in the political brawl.

The drama of the public forum as well as behind-the-scenes maneuvering are detailed. The Whalens also excel in depicting the backroom alliances. The authors seem to overcome the biases in their diverse resources—which include presidential papers, the personal diaries of some of the legislators, related books on the era, and previously conducted interviews—and do a creditable job in describing what actually happened behind closed doors.

The authors contend that because of the organization of Congress it is easier to impede the passage of legislation than to pass it. They argue that since there are no long-term legislative programs Congress only responds to proposed solutions, rather than initiating policy directives. Because Congress either rejects or revises programs suggested by the president, or responds only to outcries from concerned groups, the Whalens believe the national legislature is not as responsive to social changes as it should be. As their case in point, the Whalens note that it took more than 350 years before there was recognition of Black Americans as constitutional citizens and that this recognition came only amidst social turmoil and much political debate. *Longest Debate* attempts to recount the public and private debates on the type of national legislation that would finally guarantee Black Americans constitutional rights.

The book, which is seemingly well-researched, has an introduction that serves as a brief overview of the history of Blacks in American. The Introduction is well-presented, thus, one does not need an extensive knowledge of Black American history or of the American political system to understand the background material. The introduction ends with President John Kennedy being swept into the political maelstrom of civil rights. Kennedy responded by proposing to Congress what was then known as the Civil Rights Act of 1963.

The core of the book is divided into eight chapters. Each chapter records critical steps in the House of Representatives and the Senate discussions of the bill. Also, the book does recount highly influential current events that take place while the legislation was being considered. Appropriately enough, the first four chapters deal with the nearly eight months that the House took to consider and pass the bill and the last eight chapters detail the subsequent four months that the Senate took to pass the bill. The book has a conclusion that adequately summarizes the core of the book, an appendix of the major provisions of the Act, and a detailed index.

In chapter one, the initial phase of the bill's journey through Congress is presented. In a testament to their detailed research, the Whalens note that for strategic reasons, the bill, which was given the working name of House Resolution (H.R.) 7152, was submitted to the House Judiciary Committee because its chairman, Emanuel Celler (D.-N.Y.) was a liberal Democrat and a champion of civil rights legislation. In contrast, the Senate Judiciary Committee, which was chaired by James Eastland (D.-Miss.) was known as the graveyard of civil rights legislation.

Chapter two shows how the legislative process can substantially change a

proposed bill before it becomes law. During "markup" the clerk reads the bill aloud, at which time individual subcommittee members can offer to add, revise or delete language in the bill. After all the sections have been read, the amended bill is put to a vote; if approved, the bill is presented to the full committee. The full committee then "marks up" the subcommittee version, which if approved, is finally sent to the full House for its consideration.

In brief, a stronger civil rights bill emerged from Celler's subcommittee than the one submitted, and only after backroom politicking, involving William McCulloch (R.-Ohio), was a more moderate version (one that was believed to have a better chance of passage before the full House) released from the Judiciary Committee.

Chapter three recounts President Johnson's cajoling and manipulating of Congress. After Kennedy's assassination, Johnson's first priority was to get H.R. 7152 passed. Johnson's cajoling and manipulation is widely documented, but the Whalens put a new gloss on the former president as they show a hard-working yet moody man, and even hint at the former president's insecurity regarding how history would record his presidency.

The Johnson administration was trying to outmaneuver Rules Committee chairman Howard Smith (D-Va.), who was the last obstacle in the way of H.R. 7152 reaching the full House. Since the Rules Committee grants each bill a "rule" under which it is debated, Smith could all but kill H.R. 7152 by refusing to schedule a committee meeting. Once again it is the behind-the-scenes politicking which forces public action: Smith held a committee meeting which determined the "rules" under which H.R. 7152 was to be debated before the 435-member House.

The House floor debates are described in chapter four. The bipartisan team of Celler and McCulloch, the floor leaders of the two political parties, controlled their respective podiums and thus controlled the flow of debate. H.R. 7152 withstood most of the amendments that would have weakened it. As his *coup de grace*, Smith, under the guise of strengthening the bill, proposed the addition of the word "sex"; in effect, prohibiting sex discrimination. Smith hoped that the amendment would make the bill too controversial for passage. Though the whole House was surprised by the far-reaching ramifications of the minor change, it was approved (168-133) and resulted in a far stronger bill being passed by the House than the one submitted to it by the Kennedy Administration.

Chapter five deals with the Senate's consideration of H.R. 7152. Like the House, the Whalens describe many behind-the-scenes conferences and negotiations that shaped the course of debate in the Senate. Senate majority leader Mike Mansfield (D.-Mont.) succeeded in getting H.R. 7152 on the Senate's calendar, meaning that it would bypass the potential obstacle of the Senate Judiciary Committee. From there, Hubert Humphrey (D-Minn.), the appointed floor leader of the bill, took charge. Despite the fact that the bill would come before the Senate, it was still not guaranteed that there would be a vote on H.R. 7152. In fact, the use of a filibuster, which involves controlling the subject of the floor debate in order to prevent action on a bill, resulted in a 13 week delay before H.R. 7152 was considered.

A crucial figure in the invoking cloture, which ends a filibuster, was Senate minority leader Everett Dirksen (R-Ill.). Chapter six chronicles Dirksen's

conversion from trying to send H.R. 7152 to the Judiciary Committee and an almost certain death, to a vocal supporter of cloture. Dirksen was a key to cloture because he was the Republican Party leader in the Senate, and since he came from a state that had a relatively small number of Black Americans as his constituents, he had more to lose politically than he would gain in supporting the bill.

Chapter seven is somewhat anticlimactic, even though it does detail the Senate's passage of H.R. 7152. The chapter is largely devoted to detailing the passage of cloture and minor amendments to the bill. Chapter eight tells of Smith's and other Southern Democrats final attempts to impede the House's ratification of the Senate amendments. However, Smith is unsuccessful and the president's signs the bill into law on July 2, 1964.

*Longest Debate* is a thought-provoking book as it details some of the external and non-institutional influences that shaped one of this nation's most profound pieces of legislation. Yet a larger question, one that goes to the heart of the legislative process, is presented after reading this book: how often, and generally how effective, are such outside influences on national legislation?

*Longest Debate* would be an excellent starting point for clarification of the "legislative intent"—as well as its distant cousin: the art of compromise—the next time a debate over the Civil Rights Act of 1964 arises. But the book's greatest asset may also prove to be its largest liability; since *Longest Debate* attempts to delve into the minds of the legislators, it is susceptible to manipulation by these same legislators as they tell what they thought once the Act has passed. Yet if one keeps in mind the possible biases contained in *Longest Debate*, then one will benefit tremendously from the experience of being privy to the public debates in, as well as the behind-the-scenes confrontations of, the 88th Congress.

DWIGHT AARONS