

The Chief Fellow

My grandmother always taught me to avoid discussing politics and religion at polite dinner parties. Since it is debatable that this is a polite dinner party, I might not technically be violating her rule this evening.

I deliver my essay mindful of the polarized political environment we live in today. The past year in our country is one for the history books between the pandemic, the 2020 presidential election, sedition, and the general unrest we have seen. So, I did have a few moments of pause while working on my essay for fear that referencing Democrats and Republicans, while from events taking place decades ago, could still trigger a reaction.

That is not my intent. My intent is to tell a story about an incredible Ohioan, a civil rights giant who drove to completion House Resolution 7152, the 1964 Civil Rights Bill. He never garnered the big headlines during his time and is recognized by even fewer today.

But, telling the story about Congressman William Moore McCulloch, the “chief fellow” as President Kennedy called him, is timelier now than ever, because it demonstrates that public leaders can rise above partisan rancor and lead our country through seemingly insurmountable turmoil.

While I hope my essay about William McCulloch will do for him what Lin-Manuel Miranda did for Hamilton, realistically I am just excited to tell his story to this esteemed group tonight.

My connection with William McCulloch began in late 2014, when a work colleague mentioned to me that one of my fellow College of Wooster alums had just been memorialized in the Ohio Statehouse. I was aware of many of Wooster’s distinguished alums, but I had never heard William McCulloch’s name before that day. Not once.

A few days later, I made a visit to the Statehouse to see the bust of McCulloch, which had been placed outside the House chambers to honor his years as Speaker in the 1930s. I also found a recently published biography on McCulloch for sale in the Statehouse bookstore, which I nearly read in its entirety that night.

I was quickly drawn to the Congressman's story. No, it's not because he stood 5'8", had slightly receding hair, grew up in northern Ohio, and studied political science and economics at The College of Wooster. Though, anyone who fits that profile warrants admiration.

McCulloch's Beginnings

William McCulloch's journey started in 1901 with his birth in Holmes County. If you drive north on State Route 62 starting in New Albany through Knox County to Millersburg – one of the prettiest stretches in Ohio – and then north on state route 83, you'll eventually go through Holmesville, about 15 miles south of Wooster. But, don't blink or you will miss it.

McCulloch's ancestors were some of the earliest settlers in Holmes County. George, McCulloch's grandfather, was a Lincoln Republican and firmly anti-slavery. James, McCulloch's father, was very well read and carried on his father's strong opinions against slavery.

After growing up in Holmesville, McCulloch made his way to the College of Wooster.

While majoring in political science, he worked on a farm to help pay tuition. In the class yearbook, his fellow students nicknamed him "Shades of Socrates". Ultimately, becoming a student of the law, this description seems to be quite fitting.

While McCulloch was on Wooster's campus in the early 1920s, he would have likely walked past a bronze statue of Abraham Lincoln, the Great Emancipator, outside Kauke Hall, the main academic building. It was a gift to the College of Wooster in October of 1915. It is one of many Lincoln statues you can find along the Lincoln Highway in our country. Rt. 30, the Lincoln Highway, runs through downtown Wooster. Later in the essay, I will come back to the Lincoln statue.

Back then, in somewhat of a co-op model, students were allowed to leave after two years of undergraduate work to pursue a five-year Bachelor of Laws degree. Thus, in 1922, McCulloch left Wooster to attend law school at The Ohio State University. You will find a portrait of him in the law school today.

After law school, he had a very brief high school teaching stint in his hometown before he traveled to Jacksonville, Florida to practice law. It remains a mystery as to why he went to Jacksonville for this job, but it is important to note his brief time there, because it was the first time he experienced overt racism, which he said, “fixed him for life.”

Between 1927 and 1928, he returned to Ohio to marry his childhood sweetheart, Mabel Harris. Through family connections, McCulloch was offered a spot at a small law firm in Piqua, Ohio, which is a bit north of Dayton.

Piqua has a unique history. In 1833, John Randolph, a plantation owner in Charlotte County, Virginia freed his slaves and provided \$8,000 for the purchase of land in a free state. Originally, land in Mercer County was chosen for the slaves to settle, but after being rejected by locals, the slaves made their way down the Miami Erie canal and ultimately settled in the Piqua area.

Residents, who were descendants of the Randolph slaves, in a largely white and rural region, which McCulloch represented during his political career, may have been another factor that shaped his thinking about civil rights.

In 1932, William McCulloch entered politics by running for the Ohio House of Representatives. He served as Minority Leader from 1936 through 1938 after State Representative Myron Gessaman became Mayor of Columbus – the same year a young James A. Rhodes became Clerk of the Ohio House.

In 1939, at the age of 37, he was elected Speaker of the Ohio House. McCulloch served three terms as Speaker, during which time he was instrumental in passing balanced budgets when the state still struggled with the effects of the Great Depression.

As much as things have changed around Capitol Square since then, many things have stayed the same. In Mark Bernstein's book entitled, "McCulloch: Of Ohio, For the Republic", he noted that "public utility lobbyists (were) wining and dining... and throwing parties where 'wild women' do their stuff" at the Neil House. So, long before House Bill 6, the utility lobbyists were making life interesting around the Ohio Statehouse.

McCulloch left the Ohio General Assembly in December 1943 and enlisted in the U.S. Army during World War II. He served twenty months in the army as a captain in the Military Government Forces in Europe.

Returning to his law practice in Piqua following the end of the war, McCulloch joined the 80th Congress in November 1947 by winning a special election held to fill a vacancy in the 4th Ohio Congressional District.

McCulloch's Approach

Before I turn to Congressman McCulloch's critical impact on the 1964 civil rights legislation, I think it would be useful to share some of his comments on the legislative process, the role of a legislator, and what he viewed as the limited impact government can have on our lives.

He wasn't particularly philosophical about issues. He was very pragmatic. He truly believed the purpose of politics was creating the "art of the possible." That was very much embodied in the following statement from McCulloch:

"Anyone, of course, can introduce grandiose legislative schemes. But reaching for the sky, rather than aiming for the possible, is a form of showmanship we don't wish to engage in. Reality is what we live by and accomplishment is what we seek. For only in compromise, moderation, and understanding are we able to fashion our society into a cohesive and durable structure."

He genuinely believed in a republican – small R -- form of government, where the power of the people is exercised through their elected representatives.

McCulloch had a plaque in his office with a quote from 18th century political thinker, Edmund Burke that said, “your representative owes you, not his industry only, but his judgment, and he betrays, instead of serving you, if he sacrifices it to your opinions.”

McCulloch believed it was his duty as a legislator, when appropriate, to advocate a view that may not directly align with the views of his constituents.

How’s that for a different approach compared to the wave of populist leaders and slogans we’ve seen across the world lately?

As for the primacy of the legislator and the legislative process in McCulloch's mind, he said, "we are a nation of many people and many views. In such a Nation, the prime purpose of a legislator, from where he may come, is to accommodate the interests, desires, wants, and needs of all of our citizens. To alienate some in order to satisfy others is not only a dis-service to those we alienate, but a violation of the principles of our Republic. Lawmaking is the reconciliation of divergent views. In a democratic society like ours, the purpose of representative government is to soften tensions – reduce strife – while enabling groups and individuals to more nearly obtain the kind of life they wish to live. The function of Congress is not to convert the will of the majority of the people into law; rather its function is to hammer out on the anvil of public debate a compromise between positions acceptable to the majority. In a democracy, the people themselves vote yes or no on the issues and there is less opportunity for compromise. When a referendum is taken, no amendments are allowed; there is quite clearly a losing side. In a republic, representatives vote for the people. There is discussion and debate. There are amendments. There is

opportunity for compromise. It is less clear that there is a losing side.”

Compared to today’s political environment, what McCulloch just described makes him sound like he is from another planet. It was the deliberate, legislative process that he believed would bring enduring progress to our country. It was the best way to make the promise of God-given rights enshrined in the Declaration of Independence to becoming more than just words for many people in our country, but a reality.

Though McCulloch felt strongly about the legislative process, he was also very realistic about the limits legislation can have on changing human nature. Even upon the passage of HR 7152 – the Civil Rights legislation-- McCulloch believed that life was not changed by laws alone, but by how people lived within those laws.

He asked, “How do you tear hatred and suspicion out of the heart of man? 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.”

So, again, I share those quotes to frame how McCulloch approached his congressional role, but also to explain the way in which he crafted arguably the most consequential legislation in our country’s history.

McCulloch’s Role

Thinking about McCulloch’s role in crafting 7152 brings to mind an old basketball saying; “there can only be one basketball on the court during a game.” Meaning not everyone can be the leading scorer and get the big headlines.

This was true for the leaders of the civil rights movement in the 60s. Reverend King provided the moral, spiritual leadership along with soaring oratory. Malcolm X provided the provocative charisma. Rosa Parks provided the quiet confidence. Ralph Abernethy provided the religious conviction. John Lewis provided the sheer guts to take a stand. Presidents Kennedy and Johnson provided executive leadership at the key moments. They were all the headliners.

But, William McCulloch provided the steady leadership to deftly write legislation, used arcane parliamentary procedures, and cobbled together support from various regional factions to move the necessary legislation through Congress. He knew his role on the team as the ranking member on the House Judiciary Committee and he excelled at it.

The 7152 Story

In my opinion, Charles and Barbara Whalen provide the best play-by-play account of the 1964 Civil Rights legislation in their 1985 book entitled, "The Longest Debate." They go through great pains in describing the parliamentary procedures in Congress to enact laws. Such terms as discharge petition, cloture, House Rule 11 are routinely used. Additionally, I would highly recommend Todd Purdum's "An Idea Whose Time Has Come" as another great record on the passage of the civil rights bill. I drew from these resources to write my essay.

On June 26th, 1963 President Kennedy introduced his civil rights bill. The Kennedy administration chose to start in the House Judiciary Committee, where McCulloch was ranking member. Starting the bill in the Senate was a non-starter, because Senator James Eastland, a Democrat from Mississippi, chaired the Senate Judiciary Committee. Being an ardent segregationist, the bill would have gone nowhere in his committee.

Upon introduction, the House Judiciary Chair, Emmanuel Celler, a Democrat for New York immediately moved the bill to Subcommittee Number 5 to start the deliberations.

Attorney General Robert Kennedy spoke first on behalf of the bill in the subcommittee. His terse style and dismissal of previous civil rights bills introduced by Republicans, including McCulloch, who three months earlier introduced legislation, got the hearings off to a rocky start. 7152 was on life support, right out of the gate, going into the Fourth of July weekend in 1963.

This leads to one of those moments in history that are made for the movies.

President Kennedy, knowing that he needed 60 GOP votes to get the bill out of the House, dispatched RFK's second in charge at the Department of Justice, Burke Marshall, to Piqua to garner McCulloch's support.

McCulloch had his son in law, David Carver, pick Burke up from the Dayton airport. In a bit of gamesmanship, McCulloch had Carver drive Marshall around town while McCulloch spoke at the Piqua Rotary. After Burke and Carver grabbed lunch themselves, while also visiting a local hardware store where Burke bought some nails for a home improvement project, they finally caught up with McCulloch at his law office, which still exists today - McCulloch Felger Fite & Gutmann Co in the current Fifth Third building in downtown Piqua.

When McCulloch finally met with Marshall, he had two simple demands for the President, if he wanted his support. First, the president would not allow the bill to be diluted in the Senate by politicians from the South. McCulloch had faced a similar situation with the Civil Rights Acts of 1957 and 1960 when amendments brought forth by Southern Democrats in the US Senate significantly weakened the legislation.

Secondly, if the bill passed, both parties would receive credit. Yes, he wanted both parties to get credit, because he knew that would lead to enduring change. Without those assurances, McCulloch wouldn't support the bill. He never wavered.

Once JFK agreed to McCulloch's terms, he turned backed to Chairman Celler to get things moving, only after asking him to pause until his tax package was better positioned to pass. This is one example of JFK's casual attitude toward civil rights. In his efforts to win over Southern Democrats on the tax bill, he told them privately, "I'm not worried about civil rights in the House. If it doesn't pass, it doesn't pass."

Meanwhile, McCulloch wasn't casual about civil rights and continued to work secretly with Bobby Kennedy to draft legislation that could actually pass. This occurred around the time Dr. Martin Luther King held his March on Washington for Jobs and Freedom.

After his famous “I Have a Dream” speech, Dr. King along with a small group of civil rights leaders met with President Kennedy in the Oval Office. There, JFK emphasized to Dr. King and his leaders the importance of McCulloch to the successful passage of 7152. He said McCulloch “indicated to the Department of Justice that he thought he could vote for our bill with some changes. He’s the *chief fellow...* if we can get him, we will get the 60 Republicans” needed for passage on the House floor.

Coming out of the subcommittee, Chairman Celler secretly strengthened many of its articles. Civil rights activists viewed this as a positive, but many, including Kennedy and McCulloch knew the bill would have no chance of passing.

McCulloch and his Republican colleagues were also concerned that if they opposed the strengthened measures they would yet again be set up to be the bad guys. This was not the first nor the last time the Democrats betrayed McCulloch.

So, they were able to get Bobby Kennedy to come back to the full judiciary committee and support McCulloch's version of the bill. If someone were to get blamed, it would need to be Kennedy and not McCulloch and his GOP colleagues.

With 7152 almost dead yet again, JFK convened the House leaders to the White House to figure out how to clean up the mess Chairman Celler made of the bill. It was McCulloch, who directly working with Kennedy, said the subcommittee bill and administration bill were not too far apart and a compromise could be hammered out.

Also, during this meeting, McCulloch was able to garner a pledge from JFK, that every proposed amendment brought before the Senate had to be first cleared by McCulloch. He now essentially had control over the US Senate's actions.

McCulloch and Celler revised the bill to a point where it could pass the House Judiciary Committee.

McCulloch's influence over his own GOP colleagues was critical too. "If you have one iota of compassion in your heart, and if you support the Constitution, you know there is only one thing to do," he exhorted to his peers. Keep in mind, many of his of his fellow GOP wanted the bill to languish, because it would make Kennedy look weak going into the 1964 election year.

Remarkably, through a highly orchestrated vote in the House Judiciary committee to avoid any last second shenanigans, the committee passed the compromise bill, McCulloch's bill, 20 to 14.

It was November of 1963. Though the bill passed the Judiciary Committee, the fate of 7152 was unclear. There wasn't much enthusiasm to keep it moving forward.

Then November 22nd happened. JFK's assassination put the master legislator – Lyndon Baines Johnson – in charge. It might be gruesome speculation, but historians have questioned what might have happened to 7152 if JFK wasn't assassinated. But, with LBJ taking the reins, the game changed.

In the days following JFK's death, LBJ stated, "first, no memorial oration or eulogy could more eloquently honor President Kennedy's memory than the earliest passage of the civil rights bill for which he fought so long." 7152 was given the executive boost that only a president can provide.

Next stop for 7152 was the Rules Committee, chaired by the 80-year old segregationist, Howard Smith, a Democrat from Virginia. It was now LBJ vs. Smith - Southern Democrat versus a Southern Democrat.

The Rules Committee essentially determines how and when a bill gets to the House floor, along with the rules of the debate. The committee can also just sit on bills. This is something I never learned on Saturday mornings as a child watching School House Rocks, “I’m Just a Bill” cartoon. However, supporters of 7152 anticipated this stalling tactic.

There are three ways to move a bill out of Rules Committee without a vote:

- 1) House Rule 27, by getting 218 members of the House to sign a “discharge petition”. Democratic leaders wanted to do this, but McCulloch was against it. He felt it would damage the bipartisan nature of the bill by taking such an extraordinary step.

2) House Rule 24, also known as Calendar Wednesdays, allowed the Speaker to call on committee chairs to bring a bill to the floor. But, because action must be completed within the one calendar day, opponents of a bill can just stall until the end of the day not allowing a committee to be called. The Republicans tried this, so as to not look anti-civil rights, but this failed when Democrats prematurely adjourned the House.

3) House Rule 11, was the method Chairman Smith was worried about the most. Committee members can request that the chair call a meeting. After three days, if the chair had not called a meeting, a majority of the committee can essentially force the chair to call a meeting.

This is when another unsung hero from Ohio came into play. Republican Clarence Brown, ranking member of the Rules Committee, who represented a district next to McCulloch in Western Ohio, which also incorporated historically black institutions Central State and Wilberforce, went to the chairman and said he had the votes to force a meeting.

Chairman Smith knew the gig was up and called a meeting for January of 1964.

During the hearings, McCulloch, in response to some badgering from Chairman Smith, used one of his favorite quotes to describe House Resolution 7152 by noting that it was “comprehensive in scope but moderate in application.” Further, he pushed back on Smith, who questioned the public accommodations section, by quoting James Russell Lowell’s anti-slavery poem:

*New occasions teach new duties,
Time makes ancient good uncouth
They must upward still and onward
Who would keep abreast of truth?*

After numerous proponents and opponents testified in the committee, a vote was finally taken on January 30th. The motion passed 11 to 4, with only Southern Democrats voting no. 7152 was on its way to the full House for a vote.

On January 31, 1964, the bill was introduced on the House floor. This was a sweet moment for McCulloch, because exactly a year earlier, he had introduced his own civil rights legislation, which was now incorporated into 7152.

McCulloch opened debate by stating; “no people can gain lasting liberty and equality by riot and demonstrations. Legislation under such threat is basically not legislation at all. In the long run, behavior of this type will lead to a total undermining of society, where equality and civil rights will mean nothing... Not force or fear, then, but belief in the inherent quality of man induces me to support this legislation.”

McCulloch and Manny Celler developed an intricate system to whip votes and make sure they could get congressmen and women to the floor to vote against the many amendments they expected in an effort to dilute the bill or to make it unpalatable to the Senate.

Through the first six days of debate, McCulloch kept the coalitions together and shrugged off amendments that did very little to impact the legislation, but would put his foot down against any substantive amendments that changed the tenor of the bill.

He even invoked Michigan football, when a congressman from Michigan attempted to weaken sections of the bill regarding public accommodations. He made the case that an African American family who wanted to travel from Ann Arbor to Florida to watch the Wolverines would have little recourse against discrimination if the amendment passed. After McCulloch's comments, the amendment was overwhelmingly defeated. I guess Michigan football has at least one redeeming contribution to history.

Then on February 7th, while McCulloch was in the restroom, or on important official business he would say, an amendment was offered to weaken a section pertaining to judicial review. When he returned to the House floor and understood what was afoot, he knew the Democrats were again betraying him.

McCulloch forcefully said, “If we pick up this old provision which does not provide for judicial review, I regret to say my individual support of the legislation will come to an end.” You could hear a pin drop in the House. Understanding that without McCulloch’s support, the needed Republican votes would erode away and 7152 would be doomed. The amendment was crushed and the bill survived another day.

Chairman Smith, from the Rules Committee, had one last card to play. He offered an amendment to include the word “sex” after the word “religion” in the race, creed, color and national origin string of discriminations prohibited in employment. The House was stunned.

While others voiced their opposition, a group of bi-partisan congresswomen, including Cleveland Republican congresswoman Frances P. Bolton leading the charge, voiced their support.

McCulloch kept his cards close to see how the amendment would play out. The move turned out backfiring on Howard Smith as the amendment passed 168-133 with McCulloch in support.

After enduring nine total days of debate, House Resolution 7152 passed 290-130.

I would love to take you through the Senate side of the story, but again would refer you to Whalen's or Purdum's books for those details.

Of course, the bill's Senate adventure was equally dramatic, due to a cloture motion, which broke a record filibuster of 534 hours.

When the revised bill returned to the House for a final vote before being sent to President Lyndon B. Johnson for his signature, President Johnson called out McCulloch as "the most important and powerful force" in the enactment of the bill. President Johnson signed the Civil Rights Act of 1964 into law on July 2, 1964.

Reflecting on McCulloch

In his book, “Profiles in Courage”, John F. Kennedy devoted the last chapter to defining “courage” in his view. After studying eight former US Senators, Kennedy said, “however clear the effect of his courage, the cause is shadowed by a veil which cannot be torn away. We may confidently state the reasons why – yet something always seems to elude us. We think we hold the answer in our hands – yet somehow it slips through our fingers.”

I certainly have a few thoughts on why McCulloch took the leadership role in passing civil rights despite there being absolutely no political reason or advantage for his positions. But, as JFK suggested, there is a veil that makes the task difficult.

There were the early influences of his grandfather, who was against slavery. His well-read father who exposed him to perspectives outside of what many kids in Holmes County ever understood. The raw racism he witnessed in Jacksonville. The small group of descendants from Randolph's slaves in his district. His Presbyterian faith, his commitment to the Constitution, his pride in the Party of Lincoln, his Burkean approach to governing, where he believed it was his obligation to legislate by using his own judgment, even though it might differ from his constituents.

Despite my speculative reasons, it is still awe inspiring to see a public leader take a stand of historic proportion without much self-regard.

He did it through the legislative process he revered. He didn't fall back on cheap political slogans, but did it by rolling up his sleeves and made the sausage. He did not demonize his opponents, but he stood firm with conviction when he countered the opposing side.

McCulloch's Statue

I will close my essay with this final story about my connection to McCulloch. In 2010, Ohioans selected Thomas Edison to represent Ohio in the Statuary Hall Collection in the US Capitol. McCulloch placed third after Edison and the Wright Brothers. I guess if you are going to lose, that's pretty good competition.

In the effort to get McCulloch in Statuary Hall, Jim Dicke, the Chairman of Crown Equipment in New Bremen, Ohio, commissioned two statues of McCulloch by highly acclaimed, Ohio-based sculptor Jack Earl.

Since McCulloch did not win, I approached Jim about what he was planning to do with the statues. He wasn't sure, so I asked him to consider donating one to the College of Wooster. He agreed and through his generosity, a statue of William McCulloch and Abraham Lincoln, yes the one I told you about earlier – that the Congressman would have walked by in his college days - now stands in the College of Wooster library.

I do think the symbolism of these two statues placed next to each other holding documents with such significance is worth noting; Lincoln clasping the Emancipation Proclamation and McCulloch holding House Resolution 7152. Both documents represent chapters in a book that is still being written today in our country about protecting individual liberties granted to us by our Creator.

When one of McCulloch’s congressional peers made a tribute to him after the passage of the Civil Rights legislation, he said, “often marble monuments are built to honor great people, but the most important monuments, as stated so well by Carl Sandburg when he spoke of Lincoln, ‘are built in the hearts and minds of Americans who are the beneficiaries of human rights legislation and from this legislation we again learn that whenever you give rights, opportunities and advantages to people that are not enjoyed by all people, not only do the disadvantaged people benefit, but the Nation benefits and the great ideals that we espouse become even greater.”

Ryan D. Burgess

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