

The Civil Rights Act of 1964: A Chronological Overview

Robert D. Loevy, Professor of Political Science at Colorado College, prepared the following chronology of the Civil Rights Act of 1964 as chapter 11 in *The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation* published in 1997.

February 28, 1963. President John F. Kennedy sends a "Special Message on Civil Rights" to Congress along with proposed improvements in voting rights laws and an extension of the Civil Rights Commission. Civil rights supporters praise Kennedy for his stirring words but criticize his legislative proposals as "weak."

April-May, 1963. The Reverend Martin Luther King, Jr., leads an extended series of civil rights protests against racial segregation in Birmingham, Alabama. King is arrested and writes his famous "A Letter from the Birmingham Jail." Blacks riot for four hours following the bombing of King's motel room (King was out of town that night) in Birmingham.

June 11, 1963. Alabama Governor George Wallace "stands aside" at the University of Alabama and two black students register for classes. That evening, President Kennedy addresses the nation on television and pledges to send a strengthened civil rights bill to Congress. The president says: "The fires of frustration and discord are burning in every city, North and South, where legal remedies are not at hand. . . . Next week I shall ask Congress . . . to make a commitment . . . to the proposition that race has no place in American life or law."

June 19, 1963. Strengthened Kennedy civil rights bill submitted to Congress. The new bill guarantees blacks access to public accommodations (hotels, motels, restaurants, snack bars, etc.), permits the U.S. Government to file suits to desegregate public schools, and cuts off U.S. Government funds to state and local programs that discriminate.

In the Senate, a "backup" bill is introduced that only integrates public accommodations. This bill is routed to the Senate Commerce Committee, chaired by Warren Magnuson (Dem., WA), a strong civil rights supporter. If the Kennedy administration bill is defeated or substantially altered in the House of Representatives, Senator Magnuson will introduce his backup public accommodations bill for action in the Senate. As it turns out, the backup Senate bill is not needed.

May 8-August 2, 1963. House of Representatives Judiciary Subcommittee No. 5 holds hearings on the Kennedy civil rights bill. Emanuel Celler, a Democrat from New York, chairs both the Judiciary Committee and Subcommittee No. 5. Celler is strongly pro-civil rights. The subcommittee goes "out of control," reporting out a much stronger civil rights bill than the Kennedy administration wants. The president and his advisers are convinced such a strong bill cannot get the Republican votes needed to overcome a southern filibuster in the Senate and thus will not be enacted into law.

July 24, 1963. Representative Adam Clayton Powell (Dem., NY), a black from New York City, proposes that an equal employment bill be brought immediately to the House of Representatives for a vote. Powell proposes using the "Calendar Wednesday" procedure, under which a committee chairman (Powell) can bring a bill to the floor on a particular Wednesday without the bill first going to the House Rules Committee. The House Rules

Committee is a renowned center of southern opposition to civil rights bills. Civil rights supporters in the House reject Representative Powell's suggestion, fearful that the Calendar Wednesday ploy will not work and thus will end up hurting the Kennedy administration civil rights bill. Powell drops the "Calendar Wednesday" idea for equal employment opportunity.

August 28, 1963. Over 200,000 persons participate in the peaceful "March on Washington for Jobs and Freedom." The Reverend Martin Luther King, Jr., gives his famous "I Have a Dream" speech. President Kennedy does not attend the march, but afterwards he meets at the White House with King and other prominent civil rights leaders.

September 15, 1963. Four young African-American girls attending Sunday School are killed when a bomb is thrown into the 16th Street Baptist Church in Birmingham, Alabama. The church had been a central headquarters for civil rights meetings during the Birmingham demonstrations the previous spring.

October 15-16, 1963. The president's brother, Attorney General Robert F. Kennedy, appears before the House Judiciary Committee and asks for a more moderate bill than the one approved by Subcommittee No. 5.

October 29, 1963. A new version of the bill, partly hammered out at a midnight meeting at the White House called by President Kennedy, is adopted by the House Judiciary Committee. The bill has the support of both Republican and Democratic civil rights supporters and has been specifically tailored to have a good chance of getting a two-thirds cloture vote in the Senate. William McCulloch of Ohio, the ranking Republican on the House Judiciary Committee, strongly supports the Kennedy administration desire for this more moderate bill.

There has been considerable support to include a Fair Employment Practices Commission (FEPC) in the civil rights bill. An FEPC is included in this House Judiciary Committee bill, but it is now labeled the Equal Employment Opportunity Commission (EEOC). The job of the EEOC is to work to eliminate employment discrimination against minorities.

November 20, 1963. The civil rights bill is reported out by the House Judiciary Committee and sent to the House Rules Committee to be scheduled for debate on the House floor. Civil rights supporters are fearful of Representative Howard W. Smith, a Democrat from Virginia, who is chairman of the Rules Committee and a well-known opponent of civil rights legislation.

November 22, 1963. President Kennedy is assassinated in Dallas, Texas, and the vice president, Lyndon Johnson, becomes president. In his first address to Congress following the assassination, President Johnson states his strong support for civil rights and says: "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."

December 9, 1963. Skeptical that Rules Committee Chairman Smith will ever release the civil rights bill for debate on the House floor, civil rights supporters in the House file a discharge petition. If enough House members sign the petition, the civil rights bill will be forced out of the Rules Committee despite the committee chairman's opposition.

January 30, 1964. Chairman Smith allows the House Rules Committee to vote out the civil rights bill. Although the discharge petition still lacks the requisite number of signers, the *threat* of the discharge petition is given some of the credit for getting Smith to release the bill. John F. Kennedy also is given credit. Prior to being assassinated in Dallas, President Kennedy lined up Republican support for the bill on the Rules Committee at his now-famous "midnight meeting" at the White House in October 1963.

January 31, 1964. House of Representatives begins debate on the civil rights bill. Civil rights groups pack the House galleries with civil rights supporters to make certain that pro-civil rights representatives vote against any and all weakening amendments.

February 10, 1964. House passes civil rights bill by a vote of 290-130. The House bill closely resembles the bill negotiated by the Kennedy administration in October 1963. A surprise amendment adopted on the House floor guarantees women as well as minorities the protections of the equal employment opportunity section of the bill.

February 26, 1964. The House-passed civil rights bill is placed directly on the Senate calendar without first going to the Senate Judiciary Committee. James O. Eastland, a Democrat from Mississippi, is chairman of the Judiciary Committee and would have used his powers as chairman to "bottle up" the bill. Eastland "killed" over 100 civil rights bills in the late 1950s and early 1960s by not allowing them to be reported out of the Judiciary Committee.

At this point an argument breaks out among civil rights supporters over whether to enact the Johnson administration's wheat and cotton subsidy bill prior to taking up the civil rights bill. One group argues that, since the southern senators want the cotton subsidy in the bill, the southerners can be pressured to end the expected civil rights filibuster by putting wheat and cotton on the Senate agenda after the civil rights bill. Senator [Hubert] Humphrey [Dem., MN], however, being from the wheat growing state of Minnesota, wants the wheat and cotton bill passed as quickly as possible. Humphrey prevails, and the wheat and cotton bill is debated and enacted prior to the Senate taking up the civil rights bill.

February 27, 1964. Senate Democratic Leader Mike Mansfield surprises the civil rights forces by asking unanimous consent that the civil rights bill be sent to the Senate Judiciary Committee with instructions to report the bill back *unamended* in seven days. Senator Wayne Morse of Oregon supports this procedure as a way to hold committee hearings on the civil rights bill but not have the bill watered down or killed by Chairman Eastland. Democratic whip Humphrey thinks this procedure is a waste of time and supports bypassing the Judiciary Committee. The argument is ended by Senator Richard Russell of Georgia, the southern leader, who objects to Mansfield's unanimous consent motion, thereby defeating it.

March 9, 1964. The Senate attempts to begin formal debate on the House-passed civil rights bill. The southern opponents launch a filibuster of the effort to bypass the Senate Judiciary Committee, arguing that such action violates the rules of the Senate and weakens the committee system of reviewing legislation. This "mini-buster," as it comes to be known, takes up sixteen days of debate. The southerners stop the mini-buster voluntarily, not wanting to force a cloture vote so early in the debate.

March 30, 1964. Formal Senate debate on the civil rights bill itself begins. The southerners launch the expected filibuster, and the Senate settles down to the boring process of listening to the southerners attempt to “talk the bill to death.” Hubert Humphrey of Minnesota, the Democratic floor leader for the civil rights bill, needs to get a two-thirds vote (67 of 100 votes) to cloture the bill, stop the debate, and have the Senate vote the bill up or down. The Republican floor leader for the bill is Thomas H. Kuchel of California.

April 23, 1964. Senator Richard Russell, the southern leader, says he will allow a roll call vote on a jury trial amendment favored by Senate moderates. The civil rights bill restricts the use of juries in civil rights cases because of the problem of the “free white jury that will never convict.” Democratic leader Mike Mansfield and Republican leader Everett Dirksen hammer out a jury trial amendment that provides for waiving jury trials in civil rights cases only when fines are low and jail terms are less than thirty days. When Senator Russell changes his mind and will not allow a vote on the jury trial amendment, Senator Dirksen threatens to have a cloture vote to force action on the amendment. This upsets Senator Humphrey, who does not yet have enough votes (two-thirds of the Senate) for cloture. Fortunately for the civil rights forces, Senator Dirksen backs away from having an early cloture vote on the jury trial amendment.

May 5, 1964. Senator Humphrey begins negotiations with Everett Dirksen of Illinois, the Republican leader in the Senate. Dirksen has the support of eight to ten Republican senators, and Humphrey cannot achieve cloture without those Republican votes. Dirksen presents Humphrey with a large package of amendments which Dirksen wants added to the bill. Civil rights supporters are fearful that Dirksen’s many amendments will substantially weaken the bill, particularly the public accommodations and the equal employment opportunity sections.

May 13, 1964. After lengthy negotiations and many changes in Dirksen’s original proposals, Humphrey and Dirksen reach agreement on Dirksen’s amendments. Dirksen then publicly announces his support for this latest version of the civil rights bill. The major effect of Dirksen’s amendments is to require that the U.S. Government enforce integration only after state and local remedies have been exhausted. Civil rights supporters agree with Humphrey that Dirksen’s amendments do *not* weaken the bill substantially. President Johnson, who has been pressing for a strong civil rights bill from the White House, announces support for the Dirksen-amended bill.

June 5, 1964. Senator Bourke B. Hickenlooper, a Republican from Iowa, objects to Dirksen’s tight control over the civil rights bill and demands that he and his small group of Republican allies in the Senate be allowed to present three amendments to the bill. Without the support of Hickenlooper and his small band of GOP senators, Humphrey and Dirksen do not have the necessary two-thirds vote for cloture. Hickenlooper therefore is allowed to present the three amendments for debate and a vote. Two of the amendments are defeated but the third, which gives southern officials greater access to trial by jury, is adopted. Allowing Hickenlooper to vote on these three amendments turns out to be a very wise move, because Hickenlooper and his Republican supporters subsequently vote for cloture.

June 10, 1964. The Senate votes 71-29 for cloture, four votes more than the sixty-seven needed. For the first time in American history, a southern filibuster of a civil rights bill has

been stopped with a cloture vote. Civil rights supporters are cheered by the fact that the bill integrates virtually all public accommodations, cuts off U.S. Government funds to programs that discriminate, and guarantees equal employment opportunity.

June 11, 1964. Once cloture is invoked, the civil rights forces find themselves in a very difficult situation. Amendments introduced by southerners prior to the cloture vote can be brought up and voted upon in the post-cloture period. No new amendments can be introduced after cloture, however. This means that, if any of the southern amendments pass and are later discovered to be harmful to civil rights, the civil rights forces cannot introduce new amendments to undo the work of the southern amendments. The civil rights forces quickly adopt a policy of voting down all southern amendments, even those that, at first glance, appear to strengthen the bill.

In the post-cloture period, each senator is allowed one hour of debate time. The civil rights forces have no choice but to wait while those southern senators who wish to do so use their final hour of debate to criticize the bill.

June 19, 1964. Final adoption of the civil rights bill in the Senate. The bill is returned to the House of Representatives for approval of the Senate amendments. If the House will agree to the Senate amendments without adding more amendments of their own, the bill will not have to return to the Senate for further consideration—and a second filibuster and cloture vote.

June 30, 1964. A bipartisan coalition of civil rights supporters wrests control of the House Rules Committee from Chairman Smith, who had planned to “filibuster” the bill and delay its presentation to the House a full ten days. The bipartisan coalition sends the civil rights bill, exactly as amended in the Senate, directly to the House floor.

July 2, 1964. The House of Representatives approves the civil rights bill, with no amendments, by a vote of 289 to 126. At 6:45 p.m., Eastern Daylight Time, in one of the largest bill-signing ceremonies ever held at the White House, President Lyndon B. Johnson signs the civil rights bill, now the Civil Rights Act of 1964, into law.

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