

## Civil Rights Documentation Project 1963

1963 January 8 Senate Minority Leader Everett McKinley Dirksen (R-IL) met with Clarence Mitchell, chief lobbyist for the National Association for the Advancement of Colored People, who wanted Dirksen to support relaxation of the cloture rule that governed the length of a filibuster.

“Filibuster” is an informal term for any attempt to block or delay Senate action on a bill or other matter by debating it at length, by offering numerous procedural motions, or by any other delaying or obstructive actions.

The filibuster had been used in the past to kill civil rights legislation. Cloture, specified in Senate Rule 22, could shut down a filibuster. Liberals wanted to relax the rule to permit three-fifths of senators present (60 of 100) and voting to invoke cloture instead of two-thirds (67 of 100).

But Dirksen told Mitchell that he, Dirksen, felt no special obligation to blacks because they had opposed him in his reelection last year.

Source: The Dirksen Timeline

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1963 January 9 The first session of the 88th Congress convened at Noon with Democrats in substantial command of both chambers. In the Senate, Democrats held 67 seats to the Republicans' 33. House Democrats outnumbered Republicans 258 to 176 with one vacant seat.

In the Senate, southern Democrats numbered 21—20 of them constituted the so-called “southern bloc” and would oppose civil rights legislation. A substantial number of Republican votes would be required to kill a filibuster and pass a bill.

In the House, southern Democrats numbered 101. These members could not be counted on the vote for a strong civil rights bill either. This left 155 Democrats to support the bill in the House with 217 votes required for final passage (all members present and voting). At least 62 Republican votes were required to gain a majority for the bill, and that was assuming that ALL Northern and Western Democrats could be counted on to vote for a strong bill.

Southerners chaired 12 of 18 committees in the Senate and 12 of 21 committees in the House.

Of the 535 members of Congress, only five were African Americans.

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 41

**Learn more:** The 88<sup>th</sup> Congress

Link to: Congressional Timeline at <http://www.congressionaltimeline.org/>  
From The Dirksen Congressional Center

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1963 January 14 In his State of the Union message, President John F. Kennedy said in his only reference to civil rights “the most precious and powerful right in the world, the right to vote in a free American election, must not be denied to any citizen on grounds of their race or color.”

**Learn more:** President Kennedy’s Annual Message to the Congress on the State of the Union

Link to: <http://www.presidency.ucsb.edu/ws/index.php?pid=9138&st=&st1=>  
From *Public Papers of the President, The American Presidency Project*

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1963 January 15      Senators debated a proposal to ease the Senate cloture rule (Rule 22). The cloture rule is the only formal procedure that Senate rules provide for breaking a filibuster.

Debate over the proposed rule change lasted 24 days.

**Learn more:** "Cloture"

Link to: [http://www.senate.gov/reference/reference\\_index\\_subjects/Cloture\\_vrd.htm](http://www.senate.gov/reference/reference_index_subjects/Cloture_vrd.htm)  
From *U.S. Senate, Virtual Reference Desk*

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1963 January 16      Dirksen announced his opposition to efforts to change the filibuster rule to permit three-fifths instead of two-thirds of senators present and voting to end debate. If all 100 senators were present and voting, the change would reduce the number of votes required to shut off debate from 67 to 60.

Source: Dirksen Papers, Clippings, f. 308

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1963 January 21      Dirksen's regular television broadcast, *Your Senator Reports*, dealt with "The Biennial Battle on Senate Rules," or Rule 22.

Source: Dirksen Papers, Remarks and Releases

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1963 January 24      In describing Dirksen's meeting with NAACP representatives, newspapers reported that the senator complained about the lack of support from African American voters during his 1962 re-election campaign.

Source: *Washington Post* [Dirksen Timeline]

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1963 January 31      Twenty-seven House Republicans introduced comprehensive civil rights bills over the next two days (H.R. 3139-3162, 3330, 3341, 3390) which would

- (1) make permanent the Civil Rights Commission and empower it to investigate election frauds;
  - (2) establish a federal Commission for Equality of Opportunity in Employment to investigate discrimination by government contractors;
  - (3) authorize the Attorney General to initiate suits on behalf of citizens denied admission to segregated schools;
  - (4) offer federal technical assistance to help states desegregate their public schools;
  - (5) provide a legal assumption of a person's literacy for voting purposes if he or she has completed six grades of school.
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1963 January 31      In introducing his bill, William McCulloch (R-OH), ranking Republican on the House Judiciary Committee, declared on the House floor that it was:

A comprehensive bill which seeks to advance the cause of civil rights in the United States. At the same time, however, it is a bill keyed to moderation. And the reason for moderation is obvious. We members of the Republican Party are honestly desirous of proposing legislation which stands a chance of enactment. 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.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 13

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1963 January 31	Dirksen explained to his colleagues how, based on his long experience in Congress, Rule 22 had proven to be a valuable brake on unwise legislation.  Source: <i>Congressional Record</i> , 1963, 1513+
1963 February 4	Senators John Sherman Cooper (R-KY) and Thomas J. Dodd (D-CT) introduced S. 666 to require states to prescribe requirements for voting in federal elections which were uniform throughout the state.
1963 February 7	The Senate by a 54-42 roll call (fewer than the two-thirds required) rejected a proposal to invoke cloture on a pending motion in the continuing dispute over changing Rule 22. The vote demonstrated that senators who backed a civil rights bill did not have the two-thirds majority necessary to break a filibuster.
1963 February 11	A bipartisan group of senators introduced (1) a bill to require segregated schools to draw up desegregation plans and take "first-step compliance" within a year, and (2) a bill to establish a Fair Employment Practices Commission to address discrimination in government or interstate commerce.
1963 February 12	President John F. Kennedy and his wife hosted a reception at the White House for 1,100 invitees to mark Abraham Lincoln's birthday during the centennial year of the Emancipation Proclamation. The hour-long event included nearly all the nation's African American leadership.  Source: Clay Risen, <i>The Bill of the Century: The Epic Battle for the Civil Rights Act</i> (New York: Bloomsbury Press, 2014) 8
1963 February 28	President John F. Kennedy asked Congress for legislation to broaden existing laws to protect African-Americans. He noted that "the harmful, wasteful and wrongful results of racial discrimination and segregation still appear in virtually every part of the Nation."  The president's proposed legislation asked for relatively minor changes in voting rights law, modest assistance to school districts attempting to desegregate voluntarily, and an extension of the commission which studied civil rights matters.  Kennedy realized that Congress was not prepared to enact a stronger bill. The House Rules Committee, through which virtually all legislation in that body passed, was chaired by Howard Smith (D-VA), an ardent opponent of any civil rights bill. The Senate had its own set of obstacles both in committee leadership and in the filibuster rule which allowed a small group of senators to kill a bill simply by talking it to death.  Politics constrained Kennedy in other ways, too. He needed the votes of southern Democrats in Congress to pass his other programs, and he could ill afford to anger them by pressing for a civil rights bill. The young president would also need the support of the south to win re-election in 1964. Finally, the president by his nature was more interested in foreign policy issues and believed that strong public support at home improved his ability to bargain

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in diplomacy. A bold civil rights measure would jeopardize that public support, he believed.

**Learn more:** "Special Message to the Congress on Civil Rights"

Link to: <http://www.presidency.ucsb.edu/ws/index.php?pid=9581&st=&st1=>  
From *Public Papers of the President, The American Presidency Project*

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1963 February 28 During the Joint Senate House Republican Leadership press conference, Dirksen admitted that he had not had time to read the president's civil rights proposal, but it was on his desk. Charles Halleck (R-IN), the Minority Leader of the House, had not read the proposal either and did not comment.

Source: Republican Leadership Press Conference, February 28, 1963, Dirksen Papers, Republican Congressional Leadership File, f. 34

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1963 March 12 Several pro-civil rights Democratic senators met with Senate Democratic Whip Hubert Humphrey (D-MN) about introducing a civil rights bill. Humphrey and the others decided not to seek bipartisan sponsorship of the bill. "Humphrey made it clear that, with the Democrats so strongly in control in the Senate, only a Democratic sponsored bill would be reported out by a Senate committee."

By mid-June, however, the White House dictated a bipartisan approach to civil rights legislation, reversing Humphrey.

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 35, 38

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1963 March 19 Senator Philip A. Hart (D-MI) introduced a bill (S. 1117) containing the Kennedy administration's civil rights proposals. The bill would

- (1) authorize appointment of temporary voting referees to register African Americans in counties where voting rights suits were filed and less than 15 percent of the voting age blacks were registered;
  - (2) give expedited treatment to voting rights suits in federal courts;
  - (3) make a sixth grade education the qualification for literacy;
  - (4) provide federal technical and financial assistance to school districts in the process of desegregating;
  - (5) extend the Civil Rights Commission for four more years.
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1963 March 28 Eight liberal Republican senators introduced 12 civil rights bills that would implement many of the suggestions of the Civil Rights Commission report of 1961, which the Kennedy administration had ignored.

Robert D. Loevy, who served as an American Political Science Association Fellow in the office of Senator Thomas Kuchel R-CA), noted later:

The liberal Republicans had everything to gain and nothing to lose by pressing the civil rights issue on the Democrats. Most of them were from large states like New York, California, Pennsylvania, and New Jersey. Along with large numbers of black voters, these states had even larger numbers of white voters [who] favored civil rights. Furthermore, these liberal Republicans were well aware that Democratic power in the Congress and in presidential elections rested on maintaining a delicate balance between liberal Northern Democrats and conservative Southern Democrats. By pressing for strong civil rights legislation, the liberal Republicans were hoping to drive a wedge between the Northern and Southern wings of the Democratic Party.

Dirksen would later designate Kuchel to manage the civil rights bill on behalf of Republicans in the Senate.

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 36

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1963 April 3

Under the leadership of the Reverend Martin Luther King Jr., president of the Southern Christian Leadership Conference, African-Americans in Birmingham, Alabama, began daily demonstrations and sit-ins to protest discrimination at lunch counters and in public facilities.

Over the next three weeks, the demonstrations resulted in the arrest of 400 protesters, including King. The Birmingham confrontation was the first protracted demonstration to be carried live and nationwide on television.

According to historian James Patterson, "More than any event to that time, it forced Americans to sit up and take notice." In the ten weeks following Birmingham, there were 758 demonstrations in 75 cities in the South resulting in more than 10,000 arrests. *Newsweek* published a survey in July showing that 40 percent of African-Americans interviewed had taken part in a civil rights protest.

Source: James Patterson, *Grand Expectations: The United States, 1945-1974* (New York and Oxford: Oxford University Press) 480

**Learn more:** Martin Luther King, Jr.

Link to: <http://mlk-kpp01.stanford.edu/>

From The Martin Luther King, Jr., Research and Education Institute

**Learn more:** Southern Christian Leadership Conference

Link to: [http://mlk-](http://mlk-kpp01.stanford.edu/index.php/encyclopedia/encyclopedia/enc_southern_christian_leadership_conference_sclc/)

[kpp01.stanford.edu/index.php/encyclopedia/encyclopedia/enc\\_southern\\_christian\\_leadership\\_conference\\_sclc/](http://mlk-kpp01.stanford.edu/index.php/encyclopedia/encyclopedia/enc_southern_christian_leadership_conference_sclc/)

From The Martin Luther King, Jr., Research and Education Institute

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1963 April 4

House Judiciary Committee Chairman Emanuel Celler (D-NY) introduced the president's civil rights proposal (H.R. 5455) in the House.

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1963 April 12

The following telegram from Clarence Mitchell, Director of the Washington Bureau of the NAACP, was an example of civil rights lobbying:

The bombing that shook and burned the home of Dr. Aaron Henry of Clarksdale, Mississippi, last night should impress all members of Congress with the urgent need for action on civil rights legislation. Representative Charles C. Diggs, Jr., was a guest in Dr. Henry's home and, for that reason, this tragic occurrence will receive world wide notice.

Unfortunately, this is not the first time that Dr. Henry's property and the property of other colored citizens of Mississippi has [sic] been the target of cowardly attacks under the cover of darkness. Most of the other acts of lawlessness get less attention because nationally known persons are not on the scene at the time. We must face the dreadful truth that these acts of violence are the products of the total unwillingness of state and local officials to protect the constitutional rights of colored Americans.

Providence has saved the life of a Member of Congress this time. It

is essential that strong civil rights measures be passed to prevent other and more deadly incidents of this kind.

Source: Mitchell to Dirksen, April 12, 1963, Dirksen Papers, Alpha File, 1963, Mitchell

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1963 April 26

At Dirksen's request, the American Law Division of the Legislative Reference Service analyzed the civil rights proposals that had been introduced in the 88<sup>th</sup> Congress. According to the report, if enacted these bills would accomplish the following:

- (1) make permanent the Civil Rights Commission and empower it to investigate election frauds;
- (2) establish a federal Commission for Equality of Opportunity in Employment (replacing a presidential commission) to investigate discrimination by government contractors;
- (3) authorize the Attorney General to initiate suits on behalf of citizens denied admission to schools because of their race;
- (4) offer federal technical assistance to help states desegregate their public schools;
- (5) provide a legal presumption of a person's literacy for voting purposes if he had completed six grades of school;
- (6) require segregated schools to draw up desegregation plans and take "first-step compliance" with the 1954 order of the Supreme Court;
- (7) prohibit the use of government property by any organization practicing segregation on the basis of race, creed or color;
- (8) provide protection against lynching;
- (9) authorize the Attorney General to institute civil actions in the name of the United States to prevent denials of rights guaranteed by the Constitution;
- (10) prohibit discrimination in unions;
- (11) make it illegal to discriminate against servicemen;
- (12) bar segregation in hospitals supported by federal funds;
- (13) prohibit discrimination in federally assisted schools;
- (14) provide judicial relief for conspiracies to violate civil rights;
- (15) prohibit discrimination in interstate commerce.

Source: American Law Division to Dirksen, April 26, 1963, "Current civil rights proposals," Dirksen Papers, Alpha Series, 1963, Civil Rights

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1963 May 1

Martin Luther King Jr. composed his "A Letter from the Birmingham Jail." King's letter responded to a statement written by several Alabama clergymen who asserted that King's methods were both "unwise and untimely." They branded him an "outside agitator" who should not be advocating the breaking of the law. King responded with his letter which politely referred to Biblical, classical, and early American figures to counter the arguments of the clergy.

**Learn more:** "A Letter from the Birmingham Jail"

Link to: <http://www.thekingcenter.org/archive/document/letter-birmingham-city-jail-0>  
From The King Center

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1963 May 2

Over 700 blacks, many of them children, were arrested while taking part in a nonviolent demonstration in Birmingham. One leader said the demonstrations would continue "until we run out of children."

**Learn more:** The Birmingham protests

Link to: <http://www.watson.org/~lisa/blackhistory/civilrights-55-65/birming.html>  
From *African American History* by Lisa Cozzens

1963 May 4 President Kennedy met with a delegation from the Americans for Democratic Action who asked him to intervene in Alabama. But Kennedy dodged. "There's no federal law that we could pass that could do anything about that. What law could you pass?"

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 43

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1963 May 8 House Judiciary Subcommittee No. 5 presided over by Emanuel Celler, chairman of both the full committee and the subcommittee, began hearings on 89 civil rights proposals—41 from Democrats, 49 from Republicans [sic]. In total, there were 22 days of hearings between May 8 and August 2.

Testimony before House Judiciary Subcommittee No. 5 on May 8 included statements from Celler, ranking member McCulloch, Representative John V. Lindsay (R-NY), and Senator Kenneth Keating (R-NY).

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 87. NOTE: The number of bills cited by this source does not total 89.

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1963 May 9 Dirksen's appointment book showed meetings at the White House at 9:30 a.m. and in Senate Majority Leader Mike Mansfield's (D-MT) office at 11:00.

Source: Dirksen Papers, Appointment Books, 1963; Dirksen Papers, Republican Congressional Leadership File, f. 37

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1963 May 9 Testimony before House Judiciary Subcommittee No. 5 continued and included statements from Senator Jacob Javits (R-NY) and Representatives Charles S. Joelson (D-NJ), William Fitts Ryan (D-NY), and Robert McClory (R-IL).

1963 May 10 Five weeks of racial tension temporarily ended in Birmingham with an agreement providing for partial and gradual desegregation of public facilities. But in the 10 weeks following, there were 758 demonstrations with 13,786 people arrested in 75 cities in the South.

Source: Julian Zelizer, ed., *The American Congress: The Building of Democracy* (Boston and New York: Houghton Mifflin Co., 2004) 539

The Birmingham chapter of the civil rights struggle proved crucial in preparing the political and legislative ground for action. Andrew Young, a principal assistant to Martin Luther King Jr., made the point forcefully twenty-five years later during a roundtable discussion of the demonstrations. ". . . [M]ost of you kind of folk think that bills are written by legislative assistants," Young remarked. "The truth is that although I never wrote so much as a memo or made a speech or took part in a consultation on the 1964 or 1965 Civil Rights Acts, yet we were very consciously writing those bills. The demonstrations in Birmingham were specifically designed as measures to educate the United States on the dynamics of race relations and racial segregation."

Source: "Roundtable of Participants in the Passage of the Civil Rights Act of 1964," edited by Raymond Wolfinger, *this Constitution*, n.d., 30-32, Dirksen Information File

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1963 May 12 Bombs destroyed the home of the Reverend A.D. King, Martin Luther King's younger brother. A third bomb blew a hole in the Birmingham's integration movement's headquarters at the Gaston Motel, setting off a violent riot.

**Learn more:** "WSB-TV newsfilm clip of bombed ruins of the A.G. Gaston Motel"  
Link to:

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1963 May 12	President Kennedy sent 3,000 troops to positions near Birmingham to keep peace.
1963 May 15	Testimony before House Judiciary Subcommittee No. 5 continued and included statements from Milton Semer, general counsel, Housing and Home Finance Agency, and Richard Scammon, director of the Bureau of the Budget.
1963 May 16	Testimony before House Judiciary Subcommittee No. 5 continued and included statements from Berl Bernhard, staff director of the Civil Rights Commission and Hobart Taylor, a member of the President's Committee on Equal Employment Opportunity.
1963 May 17	Attorney General Robert Kennedy directed the Justice Department staff to begin drafting a comprehensive civil rights bill. Of the 955 lawyers in the Washington office of the department, only 10 were black.  <small>Source: Todd Purdum, <i>An Idea Whose Time Has Come</i> (NY: Henry Holt and Co., 2014) 37 Source: Clay Risen, <i>The Bill of the Century: The Epic Battle for the Civil Rights Act</i> (New York: Bloomsbury Press, 2014) 47</small>
1963 May 20	President Kennedy met with his brother, Justice Department official Burke Marshall, speech writer Ted Sorenson, and political aides Kenneth O'Donnell and Lawrence O'Brien to discuss whether and how to offer a civil rights bill. Their early proposal would outlaw segregation in public accommodations, protect the right to demonstrate, and desegregate public schools.  <small>Source: Todd Purdum, <i>An Idea Whose Time Has Come</i> (NY: Henry Holt and Co., 2014) 46 Source: Clay Risen, <i>The Bill of the Century: The Epic Battle for the Civil Rights Act</i> (New York: Bloomsbury Press, 2014) 48</small>
1963 May 23	Testimony before House Judiciary Subcommittee No. 5 continued and included statements from Edmond F. Rovner, civic affairs director, International Union of Electrical Workers.
1963 May 24	Testimony before House Judiciary Subcommittee No. 5 continued and included statements from Herman Edelsberg representing the Anti-Defamation League, B'nai B'rith; Timothy Jenkins representing the Student Nonviolent Coordinating Committee; Clarence Mitchell of the National Association for the Advancement of Colored People; Aaron E. Henry, president of the NAACP Mississippi State Conference; and Roy H. Millenson representing the American Jewish Committee.
1963 May 27	Dirksen addressed the civil rights matter for the first time in public in a radio and television broadcast to his constituents in Illinois, "A Visit with Abraham Lincoln." He said that Lincoln would be disappointed with the lack of equality in America.  <p>You see it today in the racial tensions that bother us in so many places. It takes on a dangerous character, and it flares up day after day, and it becomes a challenge, I think, to our sense of compassion and to our sense of fairness and equity for which you [speaking to a bust of Lincoln perched on his desk] were so richly noted, and which</p>

you exemplified to the very limit.

Source: Dirksen Papers, Remarks and Releases

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1963 May 28	Testimony before House Judiciary Subcommittee No. 5 continued and included statements from John P. Roche, chairman of the Americans for Democratic Action.
1963 May 30	Vice President Lyndon Johnson said the following in a speech in Gettysburg PA:  One hundred years ago the slave was freed. One hundred years later, the Negro remains in bondage to the color of his skin. The Negro today asks justice. We do not answer him—we do not answer those who lie beneath this soil—when we reply to the Negro by asking, "Patience." It is empty to plead that the solution to the dilemmas of the present rests on the hands of the clock.  Source: Clay Risen, <i>The Bill of the Century: The Epic Battle for the Civil Rights Act</i> (New York: Bloomsbury Press, 2014) 54
1963 May 31	After debating the wisdom of introducing a strong civil rights bill for two weeks, President Kennedy decided to go ahead.  Source: Charles and Barbara Whalen, <i>The Longest Debate: A legislative history of the 1964 Civil Rights Act</i> (Cabin John MD/Washington DC: Seven Locks Press, 1985) 16
1963 June 1	President Kennedy met with a dozen advisers in the Cabinet Room to discuss a civil rights bill. Burke Marshall told the president, "I think it's absolutely essential that you have legislation."  The president agreed to wait until after June 11 to send a bill to Congress. That would allow time for two black students, Vivian Moore and James Hood, to try to enroll at the University of Alabama.  Source: Charles and Barbara Whalen, <i>The Longest Debate: A legislative history of the 1964 Civil Rights Act</i> (Cabin John MD/Washington DC: Seven Locks Press, 1985) 17  Source: Todd Purdum, <i>An Idea Whose Time Has Come</i> (NY: Henry Holt and Co., 2014) 38
1963 June 1	White House and Justice Department staffers continued to refine the administration's civil rights proposal. The draft had three main elements. First was a public accommodations law, rooted in the commerce clause of the Constitution, which would ban segregation in non-owner-occupied hotels and motels, movie and stage theaters, and restaurants that did at least \$150,000 in annual business or were located near a major highway.  Second, the bill offered technical assistance to school districts to devise desegregation plans and offered financial aid to those with plans already in place; it also allowed the attorney general to intervene in lawsuits against schools or individuals that interfered with desegregation.  Third, it create a statutory basis for the President's Committee on Equal Employment Opportunity.  Source: Clay Risen, <i>The Bill of the Century: The Epic Battle for the Civil Rights Act</i> (New York: Bloomsbury Press, 2014) 56
1963 June 3	Vice President Johnson met with Kennedy adviser Ted Sorensen. According to Johnson, the president had to travel through the South and appeal

personally to southern leaders: "He'd run some of the demagogues right into the hole. This aura, this thing, this halo around the President, everybody wants to believe in the President and the Commander in Chief. I think he'd make the [Ross] Barnetts and the [George] Wallaces look silly. ... But if he goes down there and looks them in the eye and states the moral issue and the Christian issue, and he does it face to face, these southerners will at least respect his courage."

Johnson criticized the administration's approach to the bill: "You haven't done your homework on public sentiment, on legislative leaders, on the opposition party, or on the legislation itself." A dog fight was coming, Johnson told Sorensen, and the administration would have to be totally committed to winning the fight.

Source: Jonathan Rosenberg and Zachary Karabell. *Kennedy, Johnson, and the Quest for Justice: The Civil Rights Tapes* (New York and London: W.W. Norton & Company, 2003) 127-128

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 58-60

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1963 June 3

In consultations with Justice Department officials, Vice President Johnson pledged to support whatever decisions President Kennedy made regarding a civil rights bill. Johnson's advice:

[The president should] call in the Republican leaders, tell them about the plans and put them on the spot; make them give their promises in blood to support the legislation in agreed form, indicating that credit would be shared with them for the success achieved and indicating that any failure on their part to agree and to deliver would be laid unmistakably at their doors.

[The civil rights forces] would need 27 out of the 33 Republican votes in the Senate in order to obtain cloture, and as matters now stand we have no prospect at all of getting that many. We would be able to get that many only if we could enlist the full support of Senator Dirksen, among others.

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 38

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 39

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1963 June 3

Over two days, 29 House Republicans introduced a civil rights package to supplement the legislation they had introduced on January 31. The new bills (embodied in H.R. 6720-6743, 6758, 6768, 6779, 6781, and 6787) outlawed segregation in stores, theaters, restaurants, and other public accommodations based on 14<sup>th</sup> Amendment guarantees.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 63

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1963 June 4

An effort to adjourn the House in order to prevent introduction of the Republicans' civil rights bills failed on a 53-276 roll call vote.

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1963 June 4

President Kennedy and other administration officials met with 100 leading businesspeople to urge them to voluntarily desegregate public accommodations.

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1963 June 4

In his continuing effort to obtain Dirksen's support for a strong civil rights bill, Clarence Mitchell of the NAACP sent the senator the following telegram:

In view of the critical developments in the area of civil rights, we earnestly hope that you will join in supporting strong legislation in the field when the Republican Senators meet in conference on June 5, 1963. Events in Birmingham, Jackson, Tallahassee, and other parts of the nation especially emphasize the urgency of having the Javits Part III proposal written into law. The package introduced by Senators Case, Fong, Javits, Keating, Kuchel, Scott, and Beall represents a meaningful and effective program to end discrimination in the United States. We are mindful of course that Senator Saltonstall supported a bill to make the Civil Rights Commission permanent [.] At this time we have no way of knowing the exact contents of the president's proposed program, but there are widely published report[s] that it will fall short of the proposals made on March 28 by the seven Senators. If the reports prove true, it is hoped that you will help strengthen it by amendments on the floor. Since there is always a strong probability that opponents of civil rights will seek to kill the program by filibustering, we strongly urge that you and your colleagues tell the nation now that you will use all parliamentary means, including a change of Rule 22, to break it.

Source: Mitchell to Dirksen, June 4, 1963, Dirksen Papers, Alpha Series, 1963, Mitchell

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1963 June 5

President Kennedy invited Republican congressional leaders to the White House to discuss civil rights legislation. According to Dirksen's notes, he, Bourke Hickenlooper (R-IA), Charles Halleck, and Les Arends (R-IL) "conferred with [the] President at his request for a general discussion of Civil Rights legislation. No commitments were requested and none were given."

Source: "Civil Rights Statement," ca. July 1963, Dirksen Papers, Notebooks, f. 205, p. 23

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 63

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1963 June 6

Following meetings at 9:30 a.m. and 4:00 p.m., Republicans in the Senate announced a position statement on civil rights legislation, a policy they would follow for the balance of the year:

It is the consensus of the Senate Republican conference that: "The Federal Government, including the legislative, executive, and judicial branches, has a solemn duty to preserve the rights, privileges, and immunities of citizens of the United States in conformity with the Constitution, which makes every native-born and naturalized person a citizen of the United States, as well as the State in which he resides.

Equality of rights and opportunities has not been fully achieved in the long period since the 14th and 15th amendments to the Constitution were adopted, and this inequality and lack of opportunity and the racial tensions which they engender are out of character with the spirit of a nation pledged to justice and freedom.

The Republican Members of the U.S. Senate, in this 88th Congress, reaffirm and reassert the basic principles of the party with respect to civil rights, and further affirm that the President, with the support of Congress, consistent with its duties as defined in the Constitution, must protect the rights of all U.S. citizens regardless of race, creed, color, or national

origin."

Source: Wendy Wolff and Donald Ritchie, eds., *Minutes of the U.S. Senate Republican Conference, 1911-1964* (Washington DC: U.S. Government Printing Office, 1999) 963-969

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1963 June 6	The National Association of Real Estate Boards declared its opposition to legal efforts to end housing discrimination stating that individual property owners retained the right to determine buyers or tenants.
1963 June 9	President Kennedy called on the U.S. Conference of Mayors to support civil rights legislation.  <b>Learn more:</b> President Kennedy's Address in Honolulu Before the United States Conference of Mayors Link to: <a href="http://www.presidency.ucsb.edu/ws/index.php?pid=9264&amp;st=&amp;st1=">http://www.presidency.ucsb.edu/ws/index.php?pid=9264&amp;st=&amp;st1=</a> From <i>Public Papers of the President, The American Presidency Project</i>
1963 June 10	Dirksen met with two Judiciary Committee staffers, Clyde Flynn and Neal Kennedy, who would become two of the three lead negotiators on Dirksen's behalf when the civil rights bill came to the Senate for consideration in 1964.  Source: Dirksen Papers, Office Appointment Books
1963 June 10	At Senate Majority Leader Mike Mansfield's (D-MT) request, Attorney General Robert Kennedy met with Senator Richard Russell (D-GA) and his southern colleagues in the Capitol to explain the administration's hope for a moderate bill but one that would avert further racially-motivated disorder.  Source: John Stewart, "The Civil Rights Act of 1964: Strategy," in Robert D. Loevy, editor, <i>The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation</i> (Albany: State University Press of New York, 1997) 177
1963 June 10	Attorney General Kennedy met with all Republican senators.  Source: John Stewart, "The Civil Rights Act of 1964: Strategy," in Robert D. Loevy, editor, <i>The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation</i> (Albany: State University Press of New York, 1997) 171
1963 June 11	After a dramatic confrontation at the "schoolhouse door," Alabama Governor George C. Wallace, when faced by National Guard troops, stepped aside to allow two blacks to enroll at the University of Alabama.  Source: Clay Risen, <i>The Bill of the Century: The Epic Battle for the Civil Rights Act</i> (New York: Bloomsbury Press, 2014) 64-66  <b>Learn more:</b> Governor Wallace at the University of Alabama Link to: <a href="http://www.npr.org/2003/06/11/1294680/wallace-in-the-schoolhouse-door">http://www.npr.org/2003/06/11/1294680/wallace-in-the-schoolhouse-door</a> From National Public Radio
1963 June 11	President Kennedy invited Republican leaders Dirksen and Halleck to the White House to discuss a civil rights bill. Neither Republican committed himself to supporting the bill.  Source: Charles and Barbara Whalen, <i>The Longest Debate: A legislative history of the 1964 Civil Rights Act</i> (Cabin John MD/Washington DC: Seven Locks Press, 1985) 153  Source: John Stewart, "The Civil Rights Act of 1964: Strategy," in Robert D. Loevy, editor, <i>The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation</i> (Albany: State University Press of New York, 1997) 171  According to Dirksen's notes, the meeting included Democratic leaders, too: "The meeting was devoted to general discussion in view of the Presidents

[sic] hope and intention of submitting to Congress a Civil Rights message and a number of legislative proposals on the subject, either as separate measures or as a single package."

Source: "Civil Rights Statement," ca. July 1963, Dirksen Papers, Notebooks, f. 205, p. 24

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1963 June 11

President Kennedy, in a nationally televised address at 7:00 p.m., issued a call for action. "We are confronted primarily with a moral issue. It is as old as the scriptures and is as clear as the American Constitution," he stated. "The heart of the question," the president reminded viewers, "is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated."

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 67-69

**Learn more:** President Kennedy's Radio and Television Report to the American People on Civil Rights (audio)

Link to: <http://www.presidency.ucsb.edu/ws/index.php?pid=9271&st=&st1=>  
From *Public Papers of the President, The American Presidency Project*

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1963 June 11

Barely three hours after the president finished his address, civil rights leader Medgar Evers was shot and killed outside his home in Mississippi.

**Learn more:** "Medgar Evers's Murder: 50 Years Later" Link to

<http://abcnews.go.com/blogs/headlines/2013/06/medgar-evers-murder-50-years-later/>

From ABC News

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1963 June 12

At 9:30 a.m., the Joint Senate House Republican leadership met with former President Dwight Eisenhower to discuss the civil rights situation.

Dirksen first briefed the group on his meeting with President Kennedy the previous day. He indicated that the White House would send civil rights legislation to Congress within the week. Halleck, who also attended the meeting, said the Democrats were "in a political dilemma" and he did not think "that the Republicans should be expected to bail them out of their difficulties."

Eisenhower explained his decision to send troops into Little Rock, Arkansas, in 1957. William E. Miller, Chairman of the Republican National Committee, referred to the civil rights provisions in the 1960 Republican platform.

Following a discussion of foreign policy and nuclear testing, the meeting returned to civil rights. "General Eisenhower stated that in his mind all persons were in favor that some action should be taken," the minutes recorded, "and it was pretty well settled in the minds and hearts of all people."

The meeting minutes also hinted at a challenge Dirksen would face in lining up support for civil rights legislation, i.e., the reluctance of conservative Republicans to "save" the Democrats.

**Learn more:** Minutes of the Joint Republican Congressional Leaders, June 12, 1963

Link to: [http://www.congresslink.org/civilrights/1963\\_june12.htm](http://www.congresslink.org/civilrights/1963_june12.htm)  
From The Dirksen Congressional Center

Source: Republican Leadership Press Conference, June 12, 1963, Dirksen Papers, Republican Congressional Leadership File, f. 38

1963 June 12	Attorney General Robert Kennedy met with Everett Dirksen for 45 minutes.
1963 June 12	<p>Three aides to Senate Majority Leader Mike Mansfield—Harry McPherson, Bobby Baker, and Ken Teasdale—met to think through the issues surrounding the introduction of a civil rights bill in the Senate. Although the bill would first be introduced in the more liberal House in order to gain momentum when it eventually reached the Senate, the trio decided that Mansfield should introduce the bill simultaneously in the Senate. Their challenge was to gain bipartisan support, which would require cosponsorship by Senate Minority Leader Dirksen.</p> <p>Source: Clay Risen, <i>The Bill of the Century: The Epic Battle for the Civil Rights Act</i> (New York: Bloomsbury Press, 2014) 71-72</p>
1963 June 13	President Kennedy met with 300 labor leaders to ask for support for his civil rights bill.
1963 June 13	<p>Halleck met with the president in the morning to discuss civil rights legislation.</p> <p>Source: Leadership Press Conference, June 13, 1963, Dirksen Papers, Republican Congressional Leadership, f. 38</p>
1963 June 13	<p>Senate Majority Leader Mansfield met with Minority Leader Dirksen in Dirksen's office to identify specific areas of agreement and disagreement on the administration's proposal. Dirksen affirmed to Mansfield his support of all aspects of the administration's civil rights bill with one major exception: the enforceable provisions guaranteeing equal access to places of public accommodation. Dirksen wanted to restrict the federal government's ability to trump local enforcement in places that had adopted desegregation measures.</p> <p>The two leaders then directed their staffs to draft a compromise proposal on public accommodations that both could accept.</p> <p>Source: John Stewart, "The Civil Rights Act of 1964: Strategy," in Robert D. Loevy, editor, <i>The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation</i> (Albany: State University Press of New York, 1997) 171</p>
1963 June 13	<p>Republican senators met in conference for five and a half hours and agreed to "support appropriate legislation that may be required to meet the problem" of civil rights.</p> <p>Source: Leadership Press Conference, June 13, 1963, Dirksen Papers, Republican Congressional Leadership, f. 38</p>
1963 June 13	<p>Dirksen and Halleck met with the press in the afternoon. Halleck would not characterize his earlier meeting with the president. But the House minority leader reminded the press that the majority of Republicans on the Judiciary Committee had already introduced "comprehensive civil rights legislation." Halleck also pointed to his personal record in support of civil rights bills. "So the Republicans will meet their responsibilities, but insofar as undertaking to say at this moment just what sort of bill would be supported by Republicans and what sort of bill would NOT be supported by Republicans, I certainly don't think I can say, and I don't believe anybody can say."</p> <p>When asked about a quote attributed to him to the effect that "the President was on the hook over civil rights," Halleck responded that "everyone must understand that a matter of this consequence has certain political</p>

overtones." He noted that the Democrats held the majority in Congress and, so, the minority "can't call the shots."

Dirksen was asked this question: "Senator, would you agree with Dick Russell that the President is raising the spectre of mass racial violence to force through a civil rights program?"

Dirksen responded:

Oh, those are descriptive terms ... (LAUGHTER) on which we have to be very careful. But I think I can tell you in a nub what at least the position of most of the Senate Republicans is. When we finally affirmed that document after five and a half hours of rather spirited conference, the last paragraph indicated that we would "support appropriate legislation that may be required to meet the problem." All right, it is legislation that (1) has to be required and (2) it's legislation that is appropriate. And if it meets those two standards, or those two yardsticks, we have said in substance as a party conference that we'd support it.

When asked if Congress were under pressure to act soon, the senator said:

And I've been around here a long time and I've seen delegations come and go when legislation was pending, but wouldn't it be a rather sorry spectacle if the Congress should panic and not do its full legislative duty as it sees it . ... There will be neither fear nor apprehension nor favor in my conduct, because I'll do what I think the needs and well-being of the country require and dictate.

Dirksen also speculated on the possibility of invoking cloture and the tactic of using round-the-clock sessions to break a filibuster.

Source: Leadership Press Conference, June 13, 1963, Dirksen Papers, Republican Congressional Leadership, f. 38

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1963 June 14

President Kennedy met with his brother, the attorney general; Assistant Attorney General in charge of the Civil Rights Division Burke Marshall; Larry O'Brien, special assistant to the president for congressional relations; National Security Adviser McGeorge Bundy; speechwriter Ted Sorenson; and appointments secretary Kenny O'Donnell to shape the final bill.

The second item on their list of tactics was "How great a price should the administration pay for Senator Dirksen's cosponsorship?"

Given Dirksen's importance, the president gave him a copy of the bill to study over the weekend.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 153

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1963 June 14

According to Dirksen's notes, he received a draft of the administration's civil rights proposals "for week-end study." Another conference of the Republican and Democratic leaders of both the Senate and the House was scheduled for Monday, June 17.

Source: "Civil Rights Statement," ca. July 1963, Dirksen Papers, Notebooks, f. 205, p. 24

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1963 June 15

During the weekend, members of the Mansfield and Dirksen staffs attempted to draft a compromise public accommodations proposal. Dirksen appeared to

favor either a totally voluntary public accommodations section, or one based on the 14<sup>th</sup> amendment, rather than on the commerce clause as proposed by the Kennedy administration. Dirksen also stressed that his sponsorship of the other provisions would be subject to the approval of the Republican conference.

The Constitution's commerce clause, which granted Congress the power to regulate interstate commerce, had been used to justify various federal regulatory measures dating back to the New Deal and the Progressive era. Extending its reach into race relations was deeply controversial, however.

The Fourteenth Amendment approach had the backing of several Republicans, which appealed to civil rights supporters. But an 1883 Supreme Court ruling stated that the amendment did not apply to the actions of private businesses.

The Mansfield-Dirksen staff efforts to write compromise language failed.

Source: John Stewart, "The Civil Rights Act of 1964: Strategy," in Robert D. Loevy, editor, *The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation* (Albany: State University Press of New York, 1997) 171

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1963 June 15      In the ten weeks following the children's march in Birmingham, there were 758 demonstrations, with 13,786 people arrested in 75 cities in the South alone.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 19

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1963 June 17      The president met with 250 religious leaders to ask for support for his civil rights bill.

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1963 June 17      After meeting with President Kennedy during a bipartisan congressional leadership meeting, Dirksen announced his opposition to the public accommodations provisions. He agreed, however, to sponsor other sections of the bill.

According to Dirksen's notes: "At that time, I stated that speaking for myself, I could accept most of the provisions in the proposed measure except for Title II, dealing with public accommodations and facilities. There was general discussion of the matter but no request for and no offer of commitments in behalf of either Party."

Source: "Civil Rights Statement," ca. July 1963, Dirksen Papers, Notebooks, f. 205, p. 24

Source: John Stewart, "The Civil Rights Act of 1964: Strategy," in Robert D. Loevy, editor, *The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation* (Albany: State University Press of New York, 1997) 171

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1963 June 18      The president met with eight governors to ask for support for his civil rights bill.

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1963 June 18      Mansfield and Humphrey met to plan for receiving the president's civil rights bill in the Senate the next day. In the words of John Stewart, an aide to Humphrey:

First, he [Mansfield] and Dirksen would sponsor jointly a bill containing all the administration's proposals except Title II (integration of public accommodations). The majority leader,

however, planned to declare his personal support of the public accommodations section. Mansfield also planned to acknowledge the problem of perfecting the most desirable approach for implementing Title II and that he intended to continue to seek a formula which both leaders could accept.

Second, Mansfield would introduce in his capacity as majority leader the administration's complete omnibus bill, but he asked Humphrey, in collaboration with Thomas Kuchel (R-CA), the minority whip, to assume primary responsibility for organizing senators to speak in favor of the bill when it arrived and for securing additional cosponsors. This arrangement would permit Mansfield greater restraint in his advocacy of the administration's total package, a position more likely to engender a productive relationship with Dirksen.

Third, the majority leader and Warren Magnuson (D-WA), chairman of the Committee on Commerce, would introduce a bill limited solely to the public accommodations title (Title II) of the omnibus bill. Since the commerce clause of the Constitution served as the basis for the administration's proposals on public accommodations, Magnuson's Commerce Committee would normally receive a bill limited to that one provision, whereas the omnibus bill, as well as the Mansfield-Dirksen version, would normally be referred to the Judiciary Committee, chaired by Mississippi's James Eastland, a pro-segregation Democrat.

At Mansfield's request, Dirksen met with members of the White House staff, Justice Department officials, and bipartisan Senate leaders (Humphrey, Kuchel, and George Aiken [R-VT]). Dirksen repeated that he could support the bill except for the public accommodations section.

Source: John Stewart, "The Civil Rights Act of 1964: Strategy," in Robert D. Loevy, editor, *The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation* (Albany: State University Press of New York, 1997) 172-173

Source: "Civil Rights Statement," ca. July 1963, Dirksen Papers, Notebooks, f. 205, p. 24

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 153-54

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1963 June 19

President Kennedy submitted a bill to guarantee blacks access to public accommodations, allow the government to file suit to desegregate schools, allow federal programs to be cut off in any area where discrimination was practiced in their application, strengthen existing machinery to prevent employment discrimination by government contractors, and establish a Community Relations Service to help local communities resolve racial disputes. H.R. 7152 contained the following eleven sections, or titles:

- Title I:** Voting Rights
- Title II:** Public Accommodations
- Title III:** Desegregation of Public Facilities
- Title IV:** Desegregation of Public Education
- Title V:** Civil Rights Commission
- Title VI:** Nondiscrimination in Federally Assisted Programs
- Title VII:** Equal Employment Opportunity
- Title VIII:** Registration and Voting Statistics
- Title IX:** Intervention and Removal of Cases
- Title X:** Community Relations Service

## **Title XI: Miscellaneous**

The president submitted the bill along with a lengthy message: "I am proposing that Congress stay in session this year until it has enacted—preferably as a single, omnibus bill—the most responsible, reasonable and urgently needed solution to the civil rights issue. It will go far toward providing reasonable men with the reasonable means of meeting these problems, and it will thus help end the kind of racial strife which this nation can hardly afford."

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 77

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1963 June 19      As strategized, Mansfield sponsored the omnibus bill (S. 1731). Mansfield and Magnuson sponsored the public accommodations title in a separate bill (S. 1932).

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1963 June 19      The Republican Conference met at Dirksen's call. Each member received a copy of the 1960 Republican party platform. Dirksen reviewed the legislative strategy for Senate consideration of the bill agreed to by the White House and the Senate leadership yesterday.

Dirksen explained why he could not support Title II. According to the conference minutes, "He said in his opinion it was unenforceable and in contravention of the Constitution. He expressed the hope that some sections of the bills could be passed but doubted whether Title II could be the pending vehicle on which cloture might be obtained."

Liberal Jacob Javits (R-NY) voiced concern that Dirksen's views did not necessarily reflect the conference view on Title II; he worried that Dirksen's stance might reflect poorly on Republicans.

Dirksen replied that he could make the Republican position and the reason for their legislative strategy clear in press conferences, committee meetings, and on the Senate floor. The minority leader also noted that nothing in the party platform dealt with public accommodations. Other Republicans in the meeting raised the possibility of introducing a bill of their own as an alternative. "Dirksen cautioned against this as he thought there was every possibility of losing everything."

Source: Wendy Wolff and Donald Ritchie, eds., *Minutes of the U.S. Senate Republican Conference, 1911-1964* (Washington DC: U.S. Government Printing Office, 1999) 970-971

**Learn more:** Photo of the Republican Conference meeting, June 19, 1963 Link to: [http://www.congresslink.org/civilrights/images/bq\\_left\\_1963june19.gif](http://www.congresslink.org/civilrights/images/bq_left_1963june19.gif)

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1963 June 19      After the meeting with his fellow Republicans, Dirksen joined with Mansfield to cosponsor the administration's civil rights proposal as S. 1750, which contained all the provisions except for Title II (Public Accommodations).

**Learn more:** Dirksen's remarks, *Congressional Record*, June 19, 1963:11076+

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1963 June 19      When the Senate adjourned for the day, 42 Democratic senators had signed on as cosponsors of S. 1731, the complete administration proposal. Only eight Republicans joined them.

Source: John Stewart, "The Civil Rights Act of 1964: Strategy," in Robert D. Loevy, editor, *The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation* (Albany: State University Press of New York, 1997) 187

1963 June 19	<p>Civil rights supporters were disappointed with Title VII, the equal employment title, which did not include a strong Fair Employment Practices Commission, with power to investigate job discrimination by private companies. The White House, however, believed that including an FEPC provision could alienate pro-business Republicans and thus jeopardize the entire bill.</p>
1963 June 19	<p>Stephen Horn, aide to Senator Thomas Kuchel (R-CA), predicted Republican support for a civil rights bill: "We had 18 sure Republican votes, and seven on the borderline would be with us after four or five weeks of messy debate; eight would be bitter-enders." As it turned out, this very early estimate proved close to the mark once the Senate began formal consideration of a House-passed bill in early 1964.</p> <p>Source: Stephen Horn, <i>Notes on Civil Rights Meetings</i>, February 20, 1964, 29-31c, Collection 97, The Dirksen Congressional Center</p>
1963 June 20	<p>House Judiciary Committee chairman Celler introduced President Kennedy's civil rights bill in the House. Given the number H.R. 7152, the proposal was referred to Judiciary where Celler assigned it to Subcommittee No. 5, which he also chaired.</p> <p>William McCulloch, Republican from Piqua OH, was the ranking member. Civil rights proponents and the White House intended for the House of Representatives to act first on the proposed bill. The Senate would be the tougher sell, and strategists hoped to build momentum to overcome the inevitable opposition of southern senators who had the ability and will to kill the legislation by filibuster.</p> <p><b>Learn more:</b> William McCulloch (R-OH)  Link to: <a href="http://bioquide.congress.gov/scripts/biodisplay.pl?index=M000393">http://bioquide.congress.gov/scripts/biodisplay.pl?index=M000393</a>  From the <i>Biographical Directory of the U.S. Congress</i></p>
1963 June 20	<p>Officially, Subcommittee No. 5 was the antitrust committee, but no one objected to assigning H.R. 7152 to Celler's subcommittee. None of the House Judiciary Committee's senior southerners were members of the subcommittee.</p> <p>Democratic members (all liberals) of the subcommittee: Emanuel Celler, Peter Rodino (NJ), Byron Rogers (CO), Harold Donahue (MA), Jack Brooks (TX), Herman Toll (PA), and Robert Kastenmeier (WI).</p> <p>Republican members: William McCulloch (OH, a moderate on civil rights), William Miller (NY, a conservative), George Meader (MI, a conservative), and William Kramer (FL, a conservative).</p>
1963 June 21	<p>The president called civil rights leaders to meet at the White House. Following the meeting, about a dozen civil rights leaders met to discuss ways of implementing the administration's bill. Two actions followed: Martin Luther King Jr., began organizing what would become the March on Washington, and Roy Wilkins took steps to enlarge the Leadership Conference on Civil Rights, which he headed.</p> <p>The Conference represented a group of about 80 civil rights, labor, and religious organizations that had joined to lobby Congress on the general issue of civil rights. Joseph L. Rauh, who was white, took a leadership role in the organization. Clarence Mitchell, Jr., a black lobbyist and director of the Washington office of the NAACP, joined Rauh in the effort.</p>

Source: Joseph L. Rauh, Jr., "The Role of the Leadership Conference on Civil Rights in the Civil Rights Struggle of 1963-1964," in Robert D. Loevy, editor, *The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation* (Albany: State University Press of New York, 1997), 54

Source: *Congressional Quarterly Almanac* 1963, 335

NOTE: According to a different source, this meeting took place on June 22 [see below].

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1963 June 21      The president and the Attorney General met for two hours with 244 lawyers (66 of them from southern states) to urge them to take a more active role in civil rights.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 59

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1963 June 22      Since May 29, the president had met with 1,558 members of interest groups—governors, mayors, business leaders, women’s associations, clergy, lawyers—to convince them of the need for significant change on the racial front, not only in terms of immediate legislation but also on long-term problems like youth delinquency, school dropouts, and black employment.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 62-63

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1963 June 22      President Kennedy met with civil rights leaders in the White House: A. Philip Randolph of the International Brotherhood of Sleeping Car Porters, Roy Wilkins of the NAACP, Whitney Young of the Urban League, James Farmer of the Congress for Racial Equality, John Lewis who chaired the Student Non-Violent Coordinating Committee, and Martin Luther King Jr.

The president learned for the first time about a planned March on Washington. Kennedy feared a mass demonstration would create a backlash against his civil rights bill.

As he told the activists: "But now we are in a new phase, the legislative phase, and results are essential. The wrong kind of demonstration at the wrong time will give those fellows a chance to say that they have to prove their courage by voting against us. To get the necessary votes we have, first, to oppose demonstrations which lead to violence and, second, to give Congress a fair chance to work its will."

Vice President Johnson added, "Not many votes are converted in the corridors. Most fellows vote for what they think is right and for what they think their states want. We have about 50 votes for us in the Senate and about 22 against us. What counts is the 26 or so votes that remain." Farmer responded, "We understand your political problem in getting the legislation through, and we want to help in that as best we can. But the civil rights forces have their problems, too. We would be in a difficult if not untenable position if we called the street demonstrations off and then were defeated in the legislative battle."

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 20-21

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 81-82

NOTE: According to a different source, this meeting took place on June 21 [see above].

1963 June 24

Dirksen's *Your Senator Reports* broadcast was entitled "The Civil Rights Story." Dirksen began, as he often did, with a history lesson. He described the constitutional treatment of slavery, the Civil War, the 14<sup>th</sup> Amendment, Supreme Court cases, "the growth of our Negro population," "the achievement of the Negro in every field," and "the creation of these organizations that are functioning at the present time to crusade for equality of treatment and opportunity."

The senator reminded his audience that Congress had passed major civil rights laws in 1957 and 1960 before admitting that "it wasn't until we began to encounter demonstrations and these various shows of one kind and another that a far more active interest was developed because there was alarm and there was apprehension as to where it might lead."

**Learn more:** "The Civil Rights Story"

Link to: [http://www.congresslink.org/civilrights/1963\\_june20.htm](http://www.congresslink.org/civilrights/1963_june20.htm)

Source: Dirksen Papers, Remarks and Releases, June 24, 1963

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1963 June 24

Dirksen composed the following form letter to respond to people who wrote to him about civil rights:

Dear:

From the day I first voted for a bill in the House of Representatives to outlaw the imposition of poll taxes as a requirement for voting—more than twenty-five years ago—the civil rights problem has been a challenging matter in the Congress, as well as the country. Today it is before us again in the form of an overall administration proposal, together with alternative measures such as I have introduced.

I have made it abundantly clear both publicly and privately that I can accept and support virtually all of the Titles in the administration bill, since they are in conformity with the pledges in the Republican Platform of 1960. I cannot, however, accept Title II—the really controversial Title—dealing with privately owned services, facilities and accommodations, and have so expressed myself to my associates and to all others.

That is my position and I have heard no argument or discussion thus far that would impel me to modify my present views. There will be long hearings and every facet of the problem will be fully examined.

Sincerely,

Source: "Civil Rights," June 24, 1963, Dirksen Papers, Chicago Office, f. 2147

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1963 June 26

Hearings before Subcommittee No. 5 on H.R. 7152 began at 10:00 a.m. in Room 346 in the northeast corner of the Old House Office Building, the hearing room of the House Judiciary Committee, with testimony from Attorney General Robert F. Kennedy. Assistant Attorney General for Civil Rights Burke Marshall accompanied him but did not testify.

Kennedy proclaimed, "If we fail to act promptly and wisely at this crucial point in our history, grave doubt will be thrown on the very promise of American democracy."

The Attorney General explained that the administration had chosen to base

the bill on both the commerce clause and the Fourteenth Amendment, in part because of the “vast change” that had occurred since the 19<sup>th</sup> century in the nature of business organization and in part because of a new understanding of what constituted state action. “Today, business enterprises are regulated and licensed by the states to a much greater degree than in 1883,” when the Supreme Court held that the Fourteenth Amendment did not apply to private business.

At this point, the committee had 158 civil rights bills before it.

**Learn more:** Robert F. Kennedy’s Statement Before the House Committee on the Judiciary Regarding H.R. 7152

Link to: <http://www.justice.gov/ag/rfkspeeches/1963/06-26-1963.pdf>

From the U.S. Department of Justice

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 79

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 87-92

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1963 June 26

One major issue facing the subcommittee concerned whether the public accommodations section of the proposed bill should be based on the commerce clause of the Constitution or upon the 14<sup>th</sup> Amendment.

Attorney General Kennedy wanted to base equal access to public accommodations on the commerce clause because the Constitution clearly gave Congress the power to regulate interstate commerce. Republicans preferred the 14<sup>th</sup> Amendment, the “Civil War” amendment that had been passed by the Republican party in 1868 and which guaranteed equal protection of the laws and other basic rights to all Americans.

The eventual solution embodied in a subsequent version of the bill was to guarantee equal access to public accommodations both on the basis of the commerce clause and the 14<sup>th</sup> Amendment.

Source: Joseph L. Rauh, Jr., “The Role of the Leadership Conference on Civil Rights in the Civil Rights Struggle of 1963-1964,” in Robert D. Loevy, editor, *The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation* (Albany: State University Press of New York, 1997) 49-51

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1963 June 26

Dirksen announced that he had finished drafting a substitute to the public accommodations section of the administration’s civil rights bill and that he intended to offer it as an amendment the following week.

Source: Dirksen Papers, Remarks and Releases, June 27, 1963, Leadership Press Conference, 12.

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1963 June 26

Mike Mansfield conducted a nose-count to determine support for the bill. The count showed it was “virtually impossible” to find even 51 solid votes for the bill, much less the 67 needed for cloture.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 80

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1963 June 27

Testimony before House Judiciary Subcommittee No. 5 continued and included statements from Secretary of Labor Willard Wirtz.

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1963 June 27

Example of southern views:

Lt. Gov. C.C. Aycock (D-LA) said the proposed bills “ignore the civil rights and civil liberties of homeowners, businessmen, professional men, and all persons other than the minorities who are sought to be protected . . . . The

central government just does not have the constitutional authority to dictate to the individual citizen the persons with whom he must associate or the manner in which he must use his property, or what individuals he can or cannot serve in his place of business."

Source: *Congressional Quarterly Almanac, 1963, 344-46*

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1963 June 27

During their regular Republican leadership press conference, Dirksen and Halleck were asked about the relationship between tax cut legislation and the civil rights bill. Dirksen refused to speculate about whether the president assigned a high priority to one or the other. He did say, "Obviously, I know there is a deep and abiding and earnest interest in civil rights as evidenced by the fact that the President had the leadership at the White House on three different occasions ..."

Halleck on the civil rights situation:

As Senator Dirksen pointed out, the Republican Leadership in the House and in the Senate was called to the White House to discuss this whole matter of civil rights, and there were considerable discussions there. About all I've ever said—recognizing that hearings should be had, that people on the Judiciary Committee, if we're to go first in the House, ought to look the whole thing over, great problems, questions, whether it ought to be the Fourteenth Amendment approach or the Commerce Division [sic] approach—but I think it's significant that in January, 40 Republicans introduced civil rights bills. And then, just a couple of weeks ago, 30 Republicans on their individual responsibility, introduced civil rights bills that went further than the original bill.

Now at the White House I suggested, since this is a matter we're all interested in, that it seemed to me that the Attorney General and the Justice Department and the Administration should take a look at these individual Republican-sponsored measures if they're looking for what at least would become [the] Republican position in the House of Representatives. And to my very considerable surprise, as I understand it yesterday, the Attorney General said that he hadn't even read the bills that had been introduced by these individual Republicans.

... So there's no negative position so far as Republicans are concerned ... it will be a constructive position doing what we can to try to arrive at some reasonable solution of some of the difficulties that confront us.

Source: Leadership Press Conference, June 27, 1963, Dirksen Papers, Republican Congressional Leadership, f. 38

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1963 June 27

Secretary of the Senate Bobby Baker wrote a memo that concluded: "It is virtually impossible to secure 51 Senators who will vote for the President's Bill." He did add that the odds of passage were 50-50 if the bill's supporters could win over Dirksen and two other key conservative Republicans, Bourke Hickenlooper of Iowa and George Aiken of Vermont.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 101

1963 June 27	Congress adjourned for a ten-day recess to observe the Fourth of July.
1963 June 29	<p>Nicholas Katzenbach wrote an extensive memo to Robert Kennedy detailing his strategy for getting the bill out of Congress and to the president's desk. If the goal was to get the bill intact through the Senate, then a filibuster was inevitable—which meant they needed 67 votes to stop debate and bring the bill to a vote, which meant winning 19 of 33 Republican votes (assuming all 48 non-southern Democrats voted for the bill). The only way to do that was to get Dirksen on board early so that Katzenbach could take Dirksen's support for the bill to House Republicans, who were open to civil rights but wary of siding with legislation that might get pared back in the Senate. Dirksen did not support Title II, but Katzenbach hoped that his support on everything else could give momentum to the bill in the House, and that by the time it reached the Senate, Dirksen would have to choose between agreeing to the entire bill or standing in the way of historic legislation.</p> <p>Source: Clay Risen, <i>The Bill of the Century: The Epic Battle for the Civil Rights Act</i> (New York: Bloomsbury Press, 2014) 92-93</p>
1963 July	<p>A <i>Newsweek</i> poll revealed that 40 percent of black people had taken part in a sit-in, marched in a protest, or picketed a store.</p> <p>Source: Charles and Barbara Whalen, <i>The Longest Debate: A legislative history of the 1964 Civil Rights Act</i> (Cabin John MD/Washington DC: Seven Locks Press, 1985) 19</p>
1963 July 1	<p>The Senate Commerce Committee held 22 days of hearings from July 1 to August 2 on S. 1732, a bill incorporating the public accommodations section of the administration's bill.</p> <p>Attorney General Kennedy testified the first two days and said, "the law will set no precedent in the field of government regulation" and will "not seriously interfere with private property rights. ...Therefore the argument that it does should be rejected as a smoke-screen. ...The only right it will deny is the right to discriminate, to embarrass and humiliate millions of our citizens in the pursuit of their daily lives."</p> <p>Source: <i>Congressional Quarterly Almanac, 1963</i>, 354-55</p>
1963 July 2	<p>Assistant Attorney General Burke Marshall secretly met with Representative William McCulloch in Ohio to persuade McCulloch to publicly support the administration bill.</p> <p>McCulloch agreed on three conditions: (1) The administration would not allow the Senate to gut the bill as it had when acting on the 1957 civil rights bill; (2) McCulloch would have the sole power to approve any change that the administration might accept in the Senate, and (3) President Kennedy would publicly give the Republicans equal credit for passing the bill.</p> <p>Marshall agreed to McCulloch's terms. McCulloch's demands for an uncompromising bill—his insistence on no softening of the measure in the Senate—all but assured that the administration would have to attempt something that had never before succeeded in American politics: to break a civil rights filibuster in the Senate, rather than avoid one by watering down the bill.</p> <p>Source: Charles and Barbara Whalen, <i>The Longest Debate: A legislative history of the 1964 Civil Rights Act</i> (Cabin John MD/Washington DC: Seven Locks Press, 1985) 13</p>

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 118-120

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 93

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1963 July 2

The National Association for the Advancement of Colored People (NAACP) met in New York City with representatives of at least 50 civil rights groups to plan strategy to support a civil rights bill.

They wanted the bill to include (1) a Fair Employment Practices Commission with the right to hear discrimination charges against any employer and the authority to order legally enforceable remedies; (2) strengthened authority for the Attorney General to intervene in cases of alleged **discrimination**; and (3) coverage of *all* public accommodations, including small retail stores.

The groups agreed to set up a Leadership Conference office in Washington DC headed by activist Arnold Aronson. The lobbying team would consist of Joseph Rauh, vice chair of the Americans for Democratic Action; Andrew Biemiller, lobbyist with the AFL-CIO and a former member of Congress; Jack Conway, also of the AFL-CIO; Rev. Walter Fauntroy, head of the Southern Christian Leadership Conference's Washington office; and Clarence Mitchell, the NAACP's Washington representative.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 13-14

Source: Joseph L. Rauh, Jr., "The Role of the Leadership Conference on Civil Rights in the Civil Rights Struggle of 1963-1964," in Robert D. Loevy, editor, *The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation* (Albany: State University Press of New York, 1997) 54-55

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 56-59

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1963 July 2

*Chicago Tribune* headline: "Wilkins Hits Dirksen for Rights Stand"

Source: The Dirksen Timeline

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1963 July 3

Senate Commerce Committee hearings continued with statements from Senators John Sherman Cooper (R-KT), Philip A. Hart (D-MI), and Kenneth B. Keating (R-NY).

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1963 July 4

Chicago Mayor Richard Daley led a "Freedom March" staged by the NAACP at the end of its 54<sup>th</sup> annual convention. The mayor was booed off the stage by protestors.

Dirksen recorded his reaction with these words, hinting at the fine line demonstrators walked in their attempts to force the issue through Congress:

Along with all this, there are unending pronouncements, threats, fabrications, challenges, extreme adjectives, fury, and emotionalism. There are editorials which completely mistake the real issue. There are speeches which miss the point. There are bold statements that any Senator who fails to support cloture is an enemy of freedom, and equality. All this is a carefully calculated effort.

Source: "Civil Rights Statement," ca. July 1963, Dirksen Papers, Notebooks, f. 205

1963 July 8	Senate Commerce Committee hearings continued with statements from Burke Marshall, Assistant Attorney General in charge of the Civil Rights Division, and others.
1963 July 9	The president met with leaders of nearly 100 women's organizations to ask for support of the civil rights bill.
1963 July 12	<p>Governor Ross Barnett (D-MS) charged that the Kennedy administration was aiding a "world Communist conspiracy to divide and conquer" the U.S. by inciting racial strife.</p> <p>Rep. Joe D. Waggoner Jr. (D-LA) said "without apology" that he believed "it is neither illegal nor immoral to prefer the peaceful and orderly separation of the races, without discrimination or rancor of any kind," and said "pure equality is Communism."</p> <p>Rep. Albert W. Watson (D-SC) said "The racial problem is preeminently a Southern problem; in the South it can only be solved by Southern people, both white and Negro. Legislation by an only slightly familiar Federal Government can only inflame an already very difficult situation."</p> <p><i>Source: Congressional Quarterly Almanac, 1963, 345, 355</i></p>
1963 July 15	Alabama's governor George C. Wallace charged that the passage of a public accommodations bill would destroy free enterprise and a socialist state would result.
1963 July 16	<p>The Senate Judiciary Committee, chaired by segregationist James O. Eastland (D-MS), began hearings on President Kennedy's bill, S. 1731. The hearings ended in September, but the committee did not report a bill. Dirksen was a member of the committee.</p> <p>The committee hearings consisted almost exclusively of Senator Sam Ervin (D-NC) reading into the record attacks on the bill. An expert on the Constitution, Ervin argued that the bill was "condemned by its manifest unconstitutionality." He called it "as drastic and indefensible a proposal as has even been submitted to this Congress."</p> <p><i>Source: Congressional Quarterly Almanac, 1963, 354</i></p> <p>Attorney General Kennedy testified before the committee several times. He also had to endure continuing hostile questioning from Ervin. Eastland refused to call any other witnesses who strongly favored the bill.</p> <p><b>Learn more:</b> Everett M. Dirksen's notes  Link to: <a href="http://www.congresslink.org/civilrights/1963_july18.htm">http://www.congresslink.org/civilrights/1963_july18.htm</a>  From The Dirksen Congressional Center</p> <p><i>Source: Robert D. Loevy, To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964 (Lanham, NY, and London: University Press of America, 1990) 44, 47</i></p>
1963 July 17	<p>During Senate Judiciary Committee hearings, Senator Thomas J. Dodd (D-CT) supported the controversial public accommodations provisions saying that by opening any facility for public business, "the owner necessarily abandons much of his right to privacy; ...his property assumes a public character, a public purpose, and a public foundation."</p> <p><i>Source: Congressional Quarterly Almanac, 1963, 354</i></p>

1963 July 17	AFL-CIO president George Meany announced his support of the civil rights bill. Other organizations supporting the bill in whole or in part included the National Lawyers Guild, the Medical Committee for Civil Rights, and the National Student Association.
<i>Source: Congressional Quarterly Almanac, 1963, 345</i>	
1963 July 17	During Senate Commerce Committee hearings, baseball commissioner Ford Frick said that baseball had been almost totally integrated without any of the ill effects predicted. Commissioners of the American and the National Football Leagues said desegregation had posed no problem for professional football.
<i>Source: Congressional Quarterly Almanac, 1963, 356</i>	
1963 July 18	The Gallup Poll posed the following question to a sample of southerners: "Do you think the day will ever come in the South when whites and Negroes will be going to the same schools, eating in the same restaurants, and generally sharing the same public accommodations?" Eight-three percent responded, "Yes, will." Thirteen percent said "No, will not." The rest were undecided. The same question was asked in August 1957—only 45 percent responded "Yes."
<i>Source: Congressional Quarterly Almanac, 1963, 346</i>	
1963 July 18	The Joint Senate House Republican Leadership meeting included discussion about the March on Washington. When asked about the possibility of a Senate filibuster of the civil rights bill, Dirksen responded: "But unless all signs fail, this thing is not going to slide through the Senate very easily, I'm sure." He also defended the right of demonstrators to assemble on August 28 and stated his intention to be in the Capitol, conducting legislative work.
<i>Source: Leadership Press Conference, June 13, 1963, Dirksen Papers, Republican Congressional Leadership, f. 39</i>	
1963 July 18	During Senate Judiciary Committee hearings, Attorney General Kennedy, who was permitted to speak for the first time, said no part of the bill was "of more vital and immediate significance" than the public accommodations section. He said,
<p style="padding-left: 40px;">Many millions of white people, especially in the North—people who until recently assumed that the Negro was satisfied with the great social progress of the past twenty years—are now faced with the startling discovery that it's not true; that whatever progress Negroes have made is inadequate to their need for equality. And none of us can deny that their need is real; that their frustration is genuine. We have been unreasonable about it, or ignorant of it far too long.</p>	
<i>Source: Todd Purdum, An Idea Whose Time Has Come (NY: Henry Holt and Co., 2014) 82</i>	
<i>Source: Congressional Quarterly Almanac, 1963, 354</i>	
1963 July 19	Organizations seeking a stronger civil rights bill included the United Auto Workers, the American Veterans Committee, and the American Friends Service Committee.
1963 July 21	The National Governors' Conference met in Miami Beach, deliberated

extensively on civil rights, and instructed its executive committee to give "top priority" to the issue.

Source: *Congressional Quarterly Almanac, 1963, 345*

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1963 July 22      During Senate Commerce Committee hearings, Roy Wilkins, executive secretary of the NAACP, supported the public accommodations legislation and answered critics who said the provisions would violate states' rights, who said blacks should be patient, and who said demonstrations had hurt the civil rights cause.

Source: *Congressional Quarterly Almanac, 1963, 356*

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1963 July 23      Robert W. Kastenmeier (D-WI) introduced H.R. 7702 to fill what civil rights groups considered gaps in the Kennedy administration bill, H.R. 7152.

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1963 July 24      The National Council of Churches, the National Catholic Welfare Conference, and the Synagogue Council of America stated, "The religious conscience of America condemns racism as blasphemy against God."

Source: *Congressional Quarterly Almanac, 1963, 345*

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1963 July 24      Erwin N. Griswold, Dean of the Harvard Law School and a member of the U.S. Civil Rights Commission, said Congress had the authority to bar discrimination in public accommodations, either through the commerce clause or the 14<sup>th</sup> Amendment.

Source: *Congressional Quarterly Almanac, 1963, 356-357*

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1963 July 25      In a letter to the Senate Commerce Committee, Attorney General Kennedy said FBI Director J. Edgar Hoover had reported to him that "we have no evidence that any of the top leaders of the major civil rights groups are Communist-controlled."

Source: *Congressional Quarterly Almanac, 1963, 357*

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1963 July 26      James Farmer, national director of the Congress on Racial Equality (CORE), urged a broader bill to strengthen the section on voting, with state and local elections added.

Chairman Celler admonished Farmer, stating that such an addition would kill the bill. Farmer responded, "When we ask for one-half a loaf, we get one-quarter of a loaf. We ought to ask for what we want and then fight for it."

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 36

Source: *Congressional Quarterly Almanac, 1963, 346*

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1963 July 26      The Pentagon directed commanders of military bases to work to end discrimination and authorized them to designate as off-limits to servicemen any areas near bases which practiced "relentless discrimination" against blacks.

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1963 July 31      A representative of Martin Luther King Jr.'s Southern Leadership Conference urged Celler's subcommittee to substitute provisions of H.R. 7702, the

stronger civil rights bill introduced by Kastenmeier.

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1963 July 31 In a meeting with representatives of the Leadership Conference on Civil Rights, Emanuel Celler agreed to demands to strengthen H.R. 7152, threatening the administration's strategy to obtain bipartisan support and a bill that could survive Senate action unchanged.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 109

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1963 July 31 Former president Dwight D. Eisenhower said, "We must eliminate every possibility of differentiating between political and economic rights on the basis of color."

Source: *Congressional Quarterly Almanac, 1963*, 346

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1963 July 31 Mississippi State Senator John C. McLaurin accused Attorney General Kennedy of "deliberately white-washing" alleged connections between communism and leaders of the civil rights movement. McLaurin said that Kennedy's July 25 letter to the Senate Commerce Committee denying any evidence of such ties was "the most brazen cover-up ever perpetuated on the American people."

Source: *Congressional Quarterly Almanac, 1963*, 357

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1963 August Burke Marshall's secret negotiation with William McCulloch resulted in a "no compromise, no change" approach to the administration's civil rights bill.

Others, however, including Celler and the Leadership Conference on Civil Rights, wanted to strengthen the bill. Their strategy was to present to the Senate a maximalist piece of legislation, so that even if parts of it had to be bargained way (as they assumed would happen), what remained would be as far-reaching as possible. They were not privy to the deal that Marshall and McCulloch had reached, forswearing any weakening of the bill in the Senate.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 123-124

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1963 August 1 The Joint Senate House Republican Leadership meeting included discussion of civil rights. Dirksen asked about the status of the bill in the House. "The replies received were somewhat uncertain but it was thought that Civil Rights legislation would not be reported until the tax bill had been reported out. Congressman Byrnes thought that the Ways & Means Committee would be through with the bill by the 9<sup>th</sup> and that it should be ready for Floor consideration by the 19<sup>th</sup>."

Source: Leadership Press Conference, June 13, 1963, Dirksen Papers, Republican Congressional Leadership, f. 40

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1963 August 1 During Senate Judiciary Committee hearings, Attorney General Kennedy said he would be willing to exempt barbershops, beauty parlors, and swimming pools which did not cater to travelers from the public accommodations requirements of the bill.

Source: *Congressional Quarterly Almanac, 1963*, 354

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1963 August 1 Chairman Eastland adjourned the Senate Judiciary Committee hearing on S.

1731 subject to the call of the chair.

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1963 August 2

House Judiciary Subcommittee No. 5's hearings ended after 22 days of public hearings which generated 1,742 printed pages of testimony.

President Kennedy asked Celler to delay bill markup and consideration by the full Judiciary Committee to permit the Ways and Means Committee to report out a tax reform bill. The president feared that if the civil rights bill got out of Subcommittee No. 5, southerners on the Ways and Means Committee would kill tax reform.

Source: *Congressional Quarterly Almanac*, 1963, 348-349

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1963 August 6

Delegates to an NAACP legislative strategy session in Washington lobbied 166 House members and 62 senators for passage of a civil rights bill stronger than the Kennedy administration's bill.

When Dirksen met with them, he told them Congress would pass a "reasonable" bill but that it would not contain a public accommodations section. "Sometimes in this very real atmosphere you have to determine whether you want some bread or no bread at all," he told them.

Clarence Mitchell, director of the NAACP's Washington office later told reporters that Dirksen was "very rude and wouldn't shake hands."

Publicly, Dirksen bristled at criticism from blacks. "You may not be satisfied with my approach," he counseled one, "but I don't go around particularly trying to please everyone."

Source: *Evening Star*, June 7, 1963, Dirksen Papers, Scrapbooks, 2.1

Source: Clarence Mitchell to Dirksen, August 3, 1963, Dirksen Papers, Alpha Series, Mitchell

Source: *U.S. News*, August 19, 1963, p. 16

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1963 August 7

In speaking to the NAACP convention in Washington, Emanuel Celler promised to support a stronger civil rights bill. His commitment followed a meeting with Clarence Mitchell, Joseph Rauh, Andrew Biemiller, Walter Fauntroy, and Arnold Aronson who demanded "the whole loaf." [See July 26]

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 36-37

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1963 August 14

House Judiciary Subcommittee No. 5, having heard from more than 100 witnesses and compiled 2,600 pages of testimony, went into executive session. Chairman Celler held seven subcommittee sessions from August 14 to 27 but stalled discussion of substantive matters pending the status of the tax reform bill—no amendments were proposed and no action was taken during these sessions.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 110

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1963 August 19

In remarks to the Senate, Dirksen talked about the Senate schedule, the pending tax bill, and the civil rights bill. He complained about the Senate Judiciary Committee hearings on civil rights, citing the example that only one senator had been able to question the Attorney General.

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1963 August 23 Attorney General Kennedy presented the revised administration proposal for Title VI (non-discrimination in federally assisted programs), originally written to give the administration discretionary authority to cut off federal funds from projects involving racial discrimination. The new proposal loosened requirements and established provisions to remedy discrimination before cutting off funds.

Source: *Congressional Quarterly Almanac*, 1963, 354

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1963 August 23 Senate Judiciary Committee chairman James Eastland adjourned his committee subject to the call of the chairman. That call never came. Therefore, consideration of the civil rights bill by the Senate Judiciary Committee ended.

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 44

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1963 August 28 The House prepared to go home for its Labor Day recess, and Subcommittee No. 5 met for the last time in August.

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1963 August 28 About 200,000 people walked peacefully in a "March of Washington for Jobs and Freedom" to dramatize the fight for civil rights legislation. Martin Luther King Jr. delivered his iconic speech: "I have a dream that one day the nation will rise up and live out the true meaning of its creed ... all men are created equal."

**Learn more:** Martin Luther King Jr.'s speech (audio)  
Link to: <http://www.youtube.com/watch?v=smEqnklfYs>  
From YouTube

**Learn more:** Martin Luther King Jr.'s speech (text)  
Link to: <http://abcnews.go.com/Politics/martin-luther-kings-speech-dream-full-text/story?id=14358231#.UdRObvm1HIIs>  
From ABC News

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1963 August 28 The goals announced by march organizers:

- Comprehensive and effective civil rights legislation without compromise or filibuster to guarantee all Americans access to all public accommodations; decent housing; adequate and integrated education; and the right to vote.
- Withholding of federal funds from all programs in which discrimination existed.
- Desegregation of all school districts in 1963.
- Enforcement of the 14<sup>th</sup> Amendment—reducing congressional representation of states where citizens were disenfranchised.
- A new Executive Order banning discrimination in all housing supported by federal funds.
- Authority for the Attorney General to institute injunctive suits when any constitutional right was violated.
- A massive federal program to train and place all unemployed workers—black and white—in meaningful and dignified jobs at decent wages.
- A national minimum wage law act that would give all Americans a decent standard of living.
- A broadened minimum wage law to include all areas of employment still excluded.
- A federal Fair Employment Practices Act barring discrimination by federal,

state, and municipal governments, and by employers, contractors, employment agencies, and trade unions.

Source: *Congressional Quarterly Almanac, 1963, 347*

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1963 August 28 Following the march, the ten leaders met with President Kennedy at 5:00 p.m. in the White House. They asked the president to strengthen H.R. 7152 by beefing up Title VII (Equal Employment) and adding a new title to expand the Justice Department's ability to intervene in discrimination cases. Kennedy demurred.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 27

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1963 August 28 Dirksen photographed with Martin Luther King, Roy Wilkins, Walter Reuther, and John Lewis.

As Wilkins reported to President Kennedy, "Now Mr. Dirksen was as frank as he has been with you. He told us he would support all of your package except Title II but that he had an open mind about the bill generally."

Source: Jonathan Rosenberg and Zachary Karabell, *Kennedy, Johnson, and the Quest for Justice: The Civil Rights Tapes* (NY: W.W. Norton, 2003) 133

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1963 September 5 A bomb exploded at the Birmingham home of Arthur Shores, a local black activist; one man was killed and more than a dozen injured in the riot that followed.

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1963 September 10 The House Ways and Means Committee approved the president's tax cut bill, 17-8, removing the obstacle to marking up the civil rights bill.

The Kennedy administration wanted the tax cut enacted into law before the civil rights bill. There was a perpetual fear that the Republicans might make a deal with the southern Democrats on both bills. The Republicans would vote against the civil rights bill in return for southern Democrats helping to vote down the tax cut. In that way, the two seemingly unrelated bills were linked.

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 66

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1963 September 10 At 2:30 p.m., Celler's House Judiciary Subcommittee No. 5 began markup of H.R. 7152.

**Learn more:** Markup is a process by which a bill is read sentence-by-sentence by a clerk. As each section is read, members can offer amendments to add, revise, or delete language. Each amendment is discussed and voted on by a voice vote, a show of hands, or a roll call. After all the sections have been considered, the bill (as amended) is put to a final vote by the chairman. If this process occurs in a subcommittee, the bill, if approved, goes to the full committee which, again in closed session, can accept the subcommittee measure in its entirety, completely reject it, amend it, or simply not act on it at all.

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1963 September 10 Chairman Celler intended to report out a bill much stronger than the president's for three reasons. First, a strong bill would maintain his credibility with civil rights leaders. Second, he left himself room to grant concessions to conservatives during the full committee markup, thereby giving them cover with their constituents and maintaining their friendship.

Third, although he would trade away a portion of the bill, he would receive credit for bringing a decent bill, one that stood a chance of passing.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 31

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 110-112

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1963 September 11 Alabama Governor George Wallace backed down and permitted integration of public schools after President Kennedy federalized the Alabama National Guard.

**Learn more:** George Wallace

Link to: [http://www.archives.state.al.us/govs\\_list/g\\_wallac.html](http://www.archives.state.al.us/govs_list/g_wallac.html)

From Alabama Department of Archives and History

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1963 September 12 A confidential source provided the Chicago office of the FBI with a leaflet advertising a "March for Civil Rights" scheduled to begin at Dirksen's office in the Old Post Office Building on September 12. FBI agents anticipated a crowd of from 5,000 to 10,000. When the appointed time came, however, only about 900 protestors marched through the Chicago loop.

Dirksen met with representatives of ten civil rights groups in the Pick-Congress Hotel lobby after flying in from Washington to address the National Federation of Republican Women. "I have talked with Negro leaders for many years and I have heard Attorney General Kennedy testify in the Senate, and I have heard nothing yet that changes my position," he told them.

Source: A. Rosen to Mr. Belmont, "Demonstration at U.S Court House," September 11, 1963, Collection 147, Dirksen FBI File

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1963 September 13 *Chicago Tribune* headline: "900 March, Picket; Dirksen Won't Budge"

Source: The Dirksen Timeline

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1963 September 15 Four young African-American girls were killed in a church bombing in Birmingham. Twenty other youngsters were injured. Rioting killed two more children. It was the 21<sup>st</sup> time in eight years that blacks had been the victims of bombings in the city; like the other instances, the September 15 crime went unsolved.

**Learn more:** "The Birmingham Church Bombing: Bombingham"

Link to:

[http://www.trutv.com/library/crime/terrorists\\_spies/terrorists/birmingham\\_church/index.html](http://www.trutv.com/library/crime/terrorists_spies/terrorists/birmingham_church/index.html)

From crimelibrary

"Birmingham Church Bombing"

Link to: <http://www.takestockphotos.com/imagepages/folioframes.php?FolioID=5>

From Take Stock: Images of Change

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1963 September 16 President Kennedy issued a statement expressing outrage and grief over the Birmingham bombings:

I KNOW I speak on behalf of all Americans in expressing a deep sense of outrage and grief over the killing of the children yesterday

in Birmingham, Alabama. It is regrettable that public disparagement of law and order has encouraged violence which has fallen on the innocent. If these cruel and tragic events can only awaken that city and State—if they can only awaken this entire Nation—to a realization of the folly of racial injustice and hatred and violence, then it is not too late for all concerned to unite in steps toward peaceful progress before more lives are lost.

The Negro leaders of Birmingham who are counseling restraint instead of violence are bravely serving their ideals in their most difficult task—for the principles of peaceful self-control are least appealing when most needed.

Assistant Attorney General Burke Marshall has returned to Birmingham to be of assistance to community leaders and law enforcement officials—and bomb specialists of the Federal Bureau of Investigation are there to lend every assistance in the detection of those responsible for yesterday's crime. This Nation is committed to a course of domestic justice and tranquility—and I call upon every citizen, white and Negro, North and South, to put passions and prejudices aside and to join in this effort.

**Learn more:** "Statement by the President on the Sunday Bombing in Birmingham  
Link to: <http://www.presidency.ucsb.edu/ws/index.php?pid=9410&st=&st1=>  
From *Public Papers of the President, The American Presidency Project*

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1963 September 19 Dirksen met with religious leaders about civil rights and was photographed with them.

Source: The Dirksen Timeline

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1963 September 19 Martin Luther King Jr. and several black leaders from Birmingham met with President Kennedy. King told the president, "The real problem we face is this. The Negro community is about to reach a breaking point." The president maintained that the administration had no legal grounds for sending troops.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 125

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1963 September 23 The president told a group of white civic leaders from Birmingham that he was powerless to curtail black demonstrations. "It may be the feeling in Birmingham that this administration can move these people in and out," the president said. "I'm just telling you flatly that we can't do it." When asked if the demonstrations would imperil the civil rights bill, Kennedy responded:

I think that probably we'll get through it, as we do in most ... But it will take a lot of action by the church groups—Negro and white—and I think we'll get through it. I think this bill, I think is very important because I think it's going to give us a good deal, a breathing spell for many years. If we don't get it by, there's going to be demands for more legislation next year. And I think you'll find this bill, like a lot of other bills which you dread, that it isn't going to be very bad. That's my view and it will be very helpful.

Source: Jonathan Rosenberg and Zachary Karabell. *Kennedy, Johnson, and the Quest for Justice:*

1963 September 23 Dirksen recalled that during this week he met with black comedian and activist Dick Gregory for a half an hour. When Gregory questioned him, Dirksen said, "Give me and those who share my views at least the benefit of conscience and conviction in approaching the matter, and you approach it in the same fashion."

Source: "Issues and Answers," September 29, 1963, Dirksen Papers, Remarks and Releases

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1963 September 24 Senate Majority Leader Mansfield and Minority Leader Dirksen began efforts to extend the life of the U.S. Commission on Civil Rights. They announced their intention to offer an amendment to H.R. 3369 to make the commission a permanent agency and expand its jurisdiction.

Source: *Congressional Quarterly Almanac*, 1963, 361

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1963 September 25 Mansfield and Dirksen, facing a southern filibuster, agreed to modify their amendment to extend the life of the Civil Rights Commission by removing the section calling for an increase in the commission's jurisdiction.

Source: *Congressional Quarterly Almanac*, 1963, 361

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1963 September 25 The full House passed the Kennedy tax cut bill, so House Judiciary chair Celler moved to bring H.R. 7152 out of his subcommittee.

House Subcommittee No. 5 tentatively approved a more far-reaching civil rights measure than the administration had proposed, however. In particular, Titles II (public accommodations), III (desegregation of public facilities), and VIII (current Title VIII to be replaced with one increasing the powers of the Equal Employment Opportunity Commission) were strengthened. [See October 2]

According to one observer, "From the Kennedy administration's point of view, the subcommittee was completely out of control." Too liberal a bill might not pass in the House and certainly would fail in the Senate.

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 65

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1963 September 29 Dirksen appeared on ABC's *Issues and Answers* and responded to questions on civil rights. With regard to his continuing opposition to Title II and to black complaints that he favored commercial interests above human rights, he said, "My job as legislator is to think not about one segment or one section or one group, it is to think about the interests of all of the people of this country." He grounded his opposition to Title II in the Constitution and in an 1883 Supreme Court decision denying Congress the authority to regulate public accommodations under the 14<sup>th</sup> Amendment. He explained that, in his view, the Constitution would be imperiled if property were subject to federal intrusion on the scale contemplated by the bill.

Source: "Issues and Answers," September 29, 1963, Dirksen Papers, Remarks and Releases

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1963 September 30 Senate debate over the Mansfield-Dirksen proposal to extend the life of the Civil Rights Commission began.

1963 September 30 The U.S. Commission on Civil Rights issued its third biennial report to the president on civil rights problems. The unanimous report dealt with voting, education, employment, housing, justice, health facilities and services, urban areas, and the armed forces.

Despite expressing some hopefulness about the future, the commission warned, "The present conflict has brought about some progress, but it has also created the danger that white and Negro Americans may be driven even further apart and left again with a legacy of hate, fear and mistrust."

Source: *Congressional Quarterly Almanac, 1963*, 363-65

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1963 September 30 President Kennedy voiced frustration with the civil rights purists when meeting with the Rev. Eugene Carson Blake of the National Council of Churches. "The fact of the matter is, as you know, that a lot of these people would rather have an issue than a bill," the president said. "But, as I said from the beginning, to get a bill, we have got to have bipartisanship."

The key to bipartisanship, to getting enough Republican support in the House, was Bill McCulloch, who could deliver 60 votes.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 128

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1963 October 1 The Senate extended the life of the U.S. Commission on Civil Rights by one year through an amendment to a routine, House-passed private bill for the benefit of Mrs. Elizabeth G. Mason (H.R. 3369). The House concurred on October 7.

Source: *Congressional Quarterly Almanac, 1963*, 361

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1963 October 2 Subcommittee No. 5 reported the subcommittee-approved bill (H.R. 7152) to the full Judiciary Committee in a series of voice votes. Its ten provisions vastly strengthened the original bill and outraged the committee's Republicans who had been working on a moderate compromise.

Southern Democrats, on the other hand, supported the vastly strengthened bill knowing that their colleagues still on the fence would be scared off by the bill, thus ensuring its defeat in the full House.

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 67

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1963 October 2 Provisions of the subcommittee-approved bill:

**Title I (Voting Rights)** expanded to cover all elections—federal, state, and local.

**Title II (Public Accommodations)** extended to cover every form of business including private schools, law firms, and medical associations; owner-occupied boarding houses of five units or fewer were exempted.

**Title III (Desegregation of Public Facilities)** new version authorized the Attorney General to initiate or intervene in civil suits on behalf of any individual who the Justice Department believed was denied his rights.

**Title IV (Public Education)** extended the power of the Attorney General to institute action in cases of school desegregation as well as

in cases of discrimination in other publicly operated or supported facilities. Technical and financial assistance would be offered in cases of desegregation but not racial imbalance.

**Title V (Community Relations)** placed under the jurisdiction of the Commerce Department.

**Title VI (Civil Rights Commission)** made the commission permanent instead of extending it for four years.

**Title VII (Federally Assisted Programs)** gave the Justice Department added power to file suits where federal funds were extended to state and local governments.

**Title VIII (Equal Employment Opportunity)** established the Equal Employment Opportunity Commission by law, instead of having it exist at the president's discretion. The EEOC was empowered to investigate charges of discrimination in all firms with 25 or more employees and issue judicially enforceable orders.

**Title IX (Registration and Voting Statistics)** new version directed the Census Bureau to gather election data.

**Title X (Judicial Intervention)** new version permitted higher federal courts to review civil rights cases transferred to state courts.

**Title XI (Miscellaneous)** provided for funds and protected the entire bill from being voided in case one section was judged unconstitutional.

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1963 October 2

A few hours after Celler announced the subcommittee draft of H.R. 7152, Nicholas Katzenbach "practically hauled him bodily into a meeting with [Burke] Marshall, [Larry] O'Brien, and Celler's Judiciary Committee counsels, Ben Zelenko and Bill Foley. The deputy attorney general was apoplectic; the last he had known, before being booted from the executive sessions ..., was that Celler was on track to deliver the president's bill, modified to fit [William] McCulloch's specifications. The bill that emerged, he said, was unrecognizable."

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 115

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1963 October 2

Ranking committee member William McCulloch met with the other 13 Republicans on the full Judiciary Committee in conference room H-202, a hideaway just off the House floor, three hours after the subcommittee passed the strong bill. They were outraged at the high-handed way Celler had pushed through the bill. "It's a pail of garbage," McCulloch exclaimed after the subcommittee vote.

McCulloch had invested a great deal of time and effort in preparing a more moderate bill to gain the support of both liberals and conservatives in his party. That effort appeared to have been wasted. The group agreed to refuse to cooperate any longer with Democrats.

Administration strategists had considered McCulloch's unqualified support to be essential. They were counting on him to round up the moderate Republican votes needed to get the bill passed on the House floor.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 40

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 67

1963 October 3 Attorney General Robert Kennedy met with Celler. The congressman, Kennedy “practically screamed, had failed the administration, and failed the bill.” Now, the Justice Department would handle the legislation. The only solution was for Celler to step aside and let Katzenbach and Marshall broker a compromise with McCulloch.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 115

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1963 October 3 Katzenbach and Marshall met with McCulloch, who relayed to the Justice Department officials the outrage expressed by his Republican colleagues. The original bill would have been a tough sell to Republicans, but Celler’s version was impossible.

The Ohio Republican was not ready to give up, however, and he proposed a deal: the White House would take the public responsibility for exacting cuts to the bill, and he would win over Charles Halleck, and the two of them would bring along enough Republican support in the Judiciary Committee to pass the compromise bill.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 116

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1963 October 3 Once McCulloch’s demands became clear, President Kennedy decided on a three-track strategy. First, Katzenbach would work with McCulloch, in secret, to hammer out a compromise. Second, as the vote in the Judiciary Committee grew closer, he would lobby both McCulloch and Halleck personally to make sure they would deliver Republican votes. And third, he would send Attorney General Kennedy back to the Capitol to explain why the administration opposed the subcommittee bill.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 119

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1963 October 7 Following debate, the House concurred with the Senate and passed a bill extending the life of the Civil Rights Commission for one year.

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1963 October 8 Shortly after the House convened, Nicholas Katzenbach, lead White House negotiator on civil rights, and House Minority Leader Charles Halleck met with Speaker John McCormack in the Speaker’s office. Halleck asked for the meeting to pass along the message that Republicans would not cooperate with Celler.

All three men agreed that the subcommittee bill must be moderated, but Halleck insisted that half the amendments be offered by liberal Democrats in order to prevent charges that Republicans had gutted the bill. Otherwise, Halleck warned, the Republicans would reject all the weakening amendments and let the strong bill die of its own weight on the House floor.

Attorney General Kennedy decided to accept the Halleck approach rather than throw the bill away. He insisted that Republicans and Democrats agree on a version of the bill before it reached the floor. Negotiations among Celler, McCulloch, and Justice Department officials began.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 42

1963 October 8

Celler's version of H.R. 7152, the strong subcommittee version, was formally presented to the full House Judiciary Committee comprised of 35 diverse men, all lawyers. There were 21 Democrats and 14 Republicans. There were 17 liberals, 8 conservative southerners, 9 moderate-to-conservative northerners, and 1 maverick.

Under the terms of the agreement between the president and Halleck, Democrats would have to deliver 10 votes (half their committee membership) and the Republicans, seven.

At the start of the meeting, closed to the press and outsiders because it was still part of the markup process, each committee member received two documents. One was a 99-page Committee Print. The first 37 pages contained President Kennedy's original bill, which was crossed out, and the remaining 62 pages carried the "Clean" version of the substitute. The second document was a Confidential Print showing how the changes were made in each section of the original bill.

Celler explained that the subcommittee bill would be read title by title, at which time additional amendments could be offered. He expected that a coalition of conservative Republicans and southern Democrats would trim back the bill, as he had envisioned in his initial legislative strategizing. [See September 10]

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 41

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1963 October 8

The Senate Commerce Committee ordered reported an amended version of S. 1732 barring discrimination based on race, color, or religion in hotels and motels, theaters, motion picture houses, retail stores, restaurants, lunchrooms or the like, where the clientele or goods sold moved in interstate commerce "to a substantial degree." The bill, which passed out of committee on a 14-3 vote, exempted owner-occupied private homes in which not more than five rooms were for rent.

But, according to *Congressional Quarterly*, the Commerce Committee did not file a formal report on the bill by the end of 1963. Once a report was filed, the bill could have been brought up by any senator. The Democratic leadership did not want to begin Senate debate on civil rights legislation, and confront the expected southern filibuster, until the House had passed its bill and sent it to the Senate.

Source: *Congressional Quarterly Almanac*, 1963, 357

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 45-46

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1963 October 10

The Joint Senate House Republican Leadership meeting included discussion of civil rights. "Congressman Halleck stated that he had recently attended several meetings in regard to Civil Rights and stated he would like to see the Senate act first. Senator Dirksen, however, thought that Senator Mansfield had no intention to schedule the legislation at this time but would wait for House action."

The meeting minutes continued: "The opinion expressed was that the Democrats in the House were trying to put the burden on the Republicans to

strike certain language in the subcommittee bill. The consensus was that Robert Kennedy should appear before the Committee and say what was satisfactory and recommend the changes to be made.”

Source: Leadership Press Conference, October 10, 1963, Dirksen Papers, Republican Congressional Leadership, f. 42

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1963 October 10 Emanuel Celler had to find non-southern Democrats on his committee who would offer amendments to pare back H.R. 7152 to meet McCulloch’s demands: limiting Title I to federal elections, dropping Title II coverage for retail and personal service businesses, and dropping Title III altogether.

Roland Libonati, a Chicago Democrat, offered the amendment on Title I and drew immediate criticism.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 123-124

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1963 October 15-16 Attorney General Robert F. Kennedy testified before the full House Judiciary Committee in closed session and asked for modifications in the subcommittee bill—to alter provisions that were either legally unwise or would provoke unnecessary opposition to the bill. He was especially critical of the wide scope of the public accommodations section and Title III, which would have given the Justice Department almost unlimited powers in filing suits to stop civil rights deprivations.

As agreed to with Attorney General Kennedy, chairman Celler said, “The urgency for bipartisan legislation at this session is so strong that I intend to put aside my own feelings with respect to the desirability of provisions in addition to those recommended by the administration. I shall exert every effort toward achieving a bill along the lines recommended by the administration to be reported out of this committee within two weeks.”

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 45

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 68-70

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 120-123

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1963 October 17 Members of the Leadership Conference on Civil Rights strongly disagreed with Robert Kennedy’s “sellout.” Arnold Aronson sent telegrams to the president, Attorney General, and members of the House Judiciary Committee stating, “To weaken the bill at this time would simply encourage civil unrest and heighten racial tensions. It would be an invitation for others to weaken the measure.”

Clarence Mitchell told the press:

There is no reason for this kind of sellout. The administration should be in there fighting for the subcommittee bill. ... Everybody in there [in the closed Judiciary Committee session] is a white man, and what they are doing affects [the] 10 percent of the population that is black. I don’t know if the Negroes are being protected.

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 69

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 46

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1963 October 22	The press reported that Roland Libonati intended to withdraw his moderating amendment to Title I.
1963 October 22	The full House Judiciary Committee met to begin voting on the final version of the bill to go before the House.
1963 October 22	<p>A series of parliamentary maneuvers in the full Judiciary Committee proved increasingly frustrating to both liberal and conservative members. Libonati's motion to withdraw his motion was approved by voice vote as Celler lost control of his meeting. Efforts by southern senators to send the bill back to the subcommittee fell short repeatedly. Finally, Arch Moore (R-WV) moved to report the bill as it stood (the stronger subcommittee version) out favorably to the House.</p> <p>Moore's motion, if adopted, would end the Judiciary Committee and Emanuel Celler's control of the bill and likely result in the death of civil rights legislation in the Rules Committee, on the House floor, or in a Senate filibuster. Southern Democrats, who believed a strong bill would die on the House floor, favored Moore's motion. Republicans, who felt double-crossed by the chairman, were willing to vote for an unpassable bill and to let Celler and the administration suffer the consequences.</p> <p>But Moore's motion did not come to a vote. The House bell rang at Noon announcing the opening of the House's daily floor meeting. It was pointed out that the chamber was in session and, in accordance with House rules, all committee business must be suspended.</p> <p>Chairman Celler cancelled committee meetings scheduled for the next two days.</p> <p>Source: Charles and Barbara Whalen, <i>The Longest Debate: A legislative history of the 1964 Civil Rights Act</i> (Cabin John MD/Washington DC: Seven Locks Press, 1985) 49</p> <p>Source: Clay Risen, <i>The Bill of the Century: The Epic Battle for the Civil Rights Act</i> (New York: Bloomsbury Press, 2014) 124-125</p>

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1963 October 23 Katzenbach met yet again with McCulloch in an effort to limit the damage of Libonati's move. McCulloch said that after the latest incident, there was no way their current deal on the bill would attract more than seven Republican votes—not enough for the bill to pass safely and well short of the number needed to characterize a vote as bipartisan. A new deal would have to be struck, one that cut even further into the subcommittee draft, starting with the Fair Employment Practices Commission.

The solution seemed to rest with a bill once introduced by a Republican member which, instead of giving the FEPC cease-and-desist powers, required it to sue in federal court. The agency would still have power, but the role of the courts would provide a check on it. McCulloch endorsed the new approach but doubted that Minority Leader Halleck would go along—without Halleck, they would never get the 60 Republican votes they needed in the

full House.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 125-126

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1963 October 23      Halleck met with Republicans on the Judiciary Committee and heard their complaints.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 137-138

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1963 October 23      6:10 p.m. President Kennedy met secretly with Vice President Johnson, Speaker McCormack, Majority Leader Carl Albert (D-OK), Minority Leader Halleck, Minority Whip Leslie Arends (R-IL), Celler, and McCulloch in the Cabinet Room of the White House.

The early evening meeting lasted two hours. There was extensive discussion of the divisions within the House Judiciary Committee, and the desire of southern conservatives to support northern liberals simply to ensure that the bill reported by the committee, as opposed to the original bill proposed by Kennedy, would never be passed by the House.

Halleck recounted his earlier meeting with House Republicans to the president: "I think it's only fair to say that this damned thing has gotten all fizzled up and fouled up, into where some of the guys on our side who are normally pretty steady-going ... they've got themselves all boiled up."

The meeting went on and forth several times with Kennedy trying to get commitments from the House Republicans, and the Republicans avoiding doing so. Finally, Halleck signaled that his party was ready to deal in order to get the bill out of the committee.

Kennedy argued for a more moderate bill than the subcommittee version, which, he believed, could not pass. McCulloch agreed to try one more time for compromise.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 50

Source: Jonathan Rosenberg and Zachary Karabell. *Kennedy, Johnson, and the Quest for Justice: The Civil Rights Tapes* (New York and London: W.W. Norton & Company, 2003) 184-192

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 126-128

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1963 October 24      President Kennedy met secretly with Judiciary Committee liberals at 9:30 a.m. to explain that a compromise bill was being written. To ensure secrecy, the congressional delegation arrived at the diplomatic entrance to the White House and took the elevator to the president's living quarters. They met in the Yellow Oval Room. The president stressed the priority to pass a bill, but the liberals were noncommittal.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 53

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1963 October 24      At 10:30, McCulloch, Celler, and Katzenbach began work on a new compromise bill. McCulloch needed a bill that would have the support of the Judiciary Committee's four liberal Republicans, or they would support

Moore's motion to send the strong bill to the floor.

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1963 October 24

The Joint Senate House Republican Leadership morning press conference addressed the congressional schedule, the relationship between the tax cut legislation and the civil rights bill, and the House subcommittee's strong version of the bill.

Halleck reiterated that Republicans "have acted in good faith and have acted responsibly." He continued:

Now I think it is quite obvious from all that has been done, things that have been said, the appearance of the Attorney General before the Judiciary Committee of the House, that the Kennedy Administration is deeply concerned about the bill that was drafted by the sub-committee.

Now, you ask me what the Republican position is. Well, I can't speak for every Republican on the Judiciary Committee, because they will exercise their best judgment when the time comes. But it does seem to me that, as I indicated, it's abundantly clear that the Kennedy Administration seems to be sticking pretty close to what they originally proposed when they sent the message up here, and I suppose without being too outspoken about it, that in very large measure that the present responsibility rests with the Democrats.

When asked if he had spoken to Republicans about modifying their position, Halleck said:

Well, there are ... understand that right now there is a motion pending in the Committee to report ... I think it was called "drastic" by some people, that is a Subcommittee bill, and reference has been made to the Administration Bill as a strong bill. Now, as I say, we've had meetings, of course. I went to meetings at the White House before the message was ever set [sic] up here in respect to civil rights. I think I was down there three times doing what I could to lend what assistance I could to the development of a good program for civil rights.

Then the matter shifted to the Committee on Judiciary and apparently things were going very well there until all at once the Democrat members of the Subcommittee took it upon themselves to rewrite the whole proposed legislation. So, as I say, there has emerged from that Subcommittee action [t]hat I think the Kennedy Administration people themselves have referred to as "drastic."

When asked if he would "ask your members on the Judiciary Committee to work for bi-partisan compromise," Halleck said:

We have had meetings with our members of the Judiciary Committee as the Democrats have had meetings with theirs. And we shall have further meetings. As far as I'm concerned, I shall certainly understand that each member of that Committee, great Committee on Judiciary, has his own conscience to consider, his own convictions about what ought to be done, and I'm not going to undertake ... twist anybody's arm in respect to what he ought to do. But certainly

at the proper time and as we go along, my views will be made known to those members on our side and in an effort to try to work out something that would be in the best interest of the country.

Dirksen reiterated his opposition to Title II (public accommodations). He explained his stance:

The Supreme Court has consistently sustained the 1883 decision under which Congress has no authority under the 14<sup>th</sup> amendment to go into that domain. So now the emphasis is on the interstate commerce laws, but I can envision all sorts of difficulty and in the multiplicity of litigation that will spring from it and so that's where we stand at the moment.

Dirksen foreshadowed another potential issue when he referred to the June meetings with the president when the question of including a Fair Employment Practices title came up, "and the President stated very definitely that they were not asking for that kind of inclusion in the bill—nor was there a request for the inclusion of Title III." By this comment, Dirksen intimated that the White House would go back on its word if it permitted the House to expand the scope of the bill.

When the questioning returned to the House minority leader, Halleck again reviewed the situation faced by Subcommittee No. 5 and Democrats in redrafting the civil rights bill. He continued:

There was concern on the Republican side that after all maybe this was some kind of a device to put us in the position of being accused of emasculating the bill, or chopping down on some part of the civil rights program that some people would like to have enacted into law. I think it's only fair to say that the President and the Attorney General and the Democrat Administration of President Kennedy have been out in front—and were out in front last night—when we were at the White House ... I didn't suppose it was going to be in the papers, but it was ... but apparently they, the Kennedy Administration, is taking the lead in trying to get away from the Subcommittee Bill.

Source: Leadership Press Conference, October 24, 1963, Dirksen Papers, Republican Congressional Leadership, f. 42

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1963 October 24

Minority Leader Halleck met with Republican members of the Judiciary Committee to determine how many votes he could get to defeat Moore's motion in committee to report the strong bill to the House. The meeting ended with what Representative James Bromwell (R-IA) described as a "restless agreement" to oppose the Moore motion in the hope that a feasible alternative could be worked out.

President Kennedy called Halleck at 12:45 to hear the good news—Halleck could deliver the Republican votes to get the bill out of committee.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 53

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 128

1963 October 25 William McCulloch met with John Lindsay (R-NY), the leader of the Republican liberals on the Judiciary Committee, to work out a compromise that would convince the liberals to oppose Moore's motion and accept a more moderate version of the subcommittee bill.

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1963 October 27 McCulloch and Lindsay met to go through the bill title by title, with both making concessions for the sake of compromise.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 140

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 129-130

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1963 October 28 News coverage threatened to derail the compromise by casting Judiciary Committee Republicans as the obstacle to passing a bill.

McCulloch left four negotiators to work out the issues at the Congressional Hotel. Joining Katzenbach and Burke Marshall were Judiciary Committee minority staff counsel William Copenhaver and Robert Kimball, aide to John Lindsay.

By Noon, the four men had achieved consensus involving the McCulloch-Lindsay draft, the original H.R. 7152, and the subcommittee version. The revised bill was weaker than the Subcommittee No. 5 version but stronger than the administration's original bill.

As McCulloch rounded up Republican support, Justice Department stenographers typed the new 56-page measure, a compromise that was substantially stronger than the original H.R. 7152 but somewhat weaker than the subcommittee bill.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 58

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1963 October 28 Provisions of the compromise bill:

**Title I (Voting Rights)** limited to federal elections only, and a three-judge federal court was permitted to hear voting rights cases if requested by the Attorney General.

**Title II (Public Accommodations)** reduced in its coverage to places of lodging, sports stadiums and arenas, theaters, restaurants, cafeterias, lunch counters, and gas stations. Retail stores and personal service businesses, such as barbershops, were dropped from the subcommittee version.

**Title III (Public Facilities)** the broad authority of the Attorney General to initiate legal action was eliminated. Instead, the Justice Department could go to court only when suits alleging discrimination were filed by others or when it received a written complaint that segregation existed in a public facility owned and operated by a state or community and when the aggrieved person was unable to file suit because of financial reasons or fear of personal harm.

**Title IV (Public Education)** retained with no substantive changes, but it now specified that no official or court could issue an order to achieve racial balance.

**Title V (Community Relations)** eliminated. New Title V (Civil Rights Commission) retained the permanent status of the commission. Added was a proposal authorizing the commission to

investigate allegations of voter fraud.

**Title VI (Federal Assisted Programs)** the right of departments and agencies to cut off assistance funds was reduced to federal grant, contract, and loan programs. The authority of the Attorney General to file suits was eliminated.

**Title VII (Equal Employment)** the Fair Employment Practices Commission's powers were limited to investigation and conciliation. Instead a provision was added requiring the commission, if it wished to compel action, to do so in a federal district court where both business and labor would be entitled to a trial.

**Title VIII (Registration and Voting Statistics)** data compilation was limited to those areas where the Civil Rights Commission requested information.

**Title IX (Judicial Intervention)** retained without change.

**Title X (Miscellaneous)** retained without change.

[See October 2 for comparison]

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 58-59

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1963 October 28      4:00 p.m. President Kennedy met with 13 Democratic members of the House Judiciary Committee to obtain their support for the compromise and to oppose the Moore motion to report out the strong subcommittee version of H.R. 1752. Although the president needed 10 of the 13 to support him, he had firm commitments from only three.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 59

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1963 October 29      Judiciary Committee Republicans met in Minority Whip Les Arends's office. The four liberals agreed to support the bill and oppose Moore's motion. They were joined by five other Republicans in opposing that motion.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 62

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1963 October 29      Following the meeting, Halleck and McCulloch drove to the White House to meet at 9:30 a.m. with the president, vice president, House Majority Leader Carl Albert, Celler, Katzenbach, and Burke Marshall. Halleck told Kennedy he had at least seven votes. The president claimed nine Democrats.

Those 16 votes were one short of the 17 needed to block the Moore motion. But Halleck had deliberately understated Republican support because he wanted the Democrats to provide at least half of their members so that Republicans would not get the blame for the defeat of the motion. His guarantee of seven votes fulfilled his promise of delivering half the Republicans. Now he wanted to see if the president would produce his half, or ten.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 63

Source: Jonathan Rosenberg and Zachary Karabell. *Kennedy, Johnson, and the Quest for Justice: The Civil Rights Tapes* (New York and London: W.W. Norton & Company, 2003) 192-193

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1963 October 29      At 10:45 a.m., Celler called the Judiciary Committee to order in Room 346 of the Cannon House Office Building.

Leaving no detail to chance, the Justice Department scripted the chairman's performance. The first step was a roll-call vote on Moore's pending motion to

send the liberal bill to the House floor. The number needed to defeat the motion was 17, half of the 34 votes available that morning (one of the committee's 35 members was absent, and a motion fails on a tie vote). Because tradition dictated that the roll of the majority party be called first, the results of the president's lobbying were soon clear. He got his 10 votes. A total of nine Republicans—two more than Halleck had promised—also voted against the motion, which was defeated 19-15.

The next step was for Celler to read the first sentence of the pending liberal bill, and then move to strike everything following it, in favor of the new 56-page compromise measure. Committee members had received copies of the new bill prior to the vote.

The next requirement was the reading of the new bill. The committee's clerk finished that by 11:52 a.m., just eight minutes before the full House would convene and force the committee to adjourn. Celler raced through the remaining steps, giving himself 60 seconds to explain the bill, and McCulloch equal time, before Peter Rodino of New Jersey called for a vote and an end to all discussion.

Celler then ordered a vote on the new bill, which passed 20-14 just as the Noon bell sounded, announcing the start of the House floor session.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 64

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 143-144

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 133

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1963 October 29

The bipartisan bill went beyond the administration's earlier requests by authorizing Justice Department suits to desegregate public facilities; by permitting the department to enter any civil rights suit pending in federal court; by requiring (rather than exhorting) government agencies to seek compliance with a nondiscrimination policy in federal programs; by establishing an Equal Employment Opportunities Commission covering most companies and labor unions; by requiring the Census Bureau to collect certain voting statistics by race; and by making reviewable a federal court action remanding a civil rights case to a state court.

But the full committee also removed some of the most liberal provisions of the subcommittee bill.

Although the Judiciary Committee had approved the bipartisan compromise, the southern Democrats on the committee stalled the writing of the official report of the bill until November 20, 1963.

Source: Joseph L. Rauh, Jr., "The Role of the Leadership Conference on Civil Rights in the Civil Rights Struggle of 1963-1964," in Robert D. Loevy, editor, *The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation* (Albany: State University Press of New York, 1997) 60

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 71, 73-74

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 64-66

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1963 October 29

President Kennedy issued the following statement:

THE House Committee on the Judiciary, in approving a bipartisan civil rights bill today, has significantly improved the prospects for enactment of effective civil rights legislation in Congress this year. The bill is a comprehensive and fair bill.

It will provide effective legal remedies for racial discrimination in voting, education, public accommodations, employment, and Federal programs. It will provide the basis for men of good will in every city in our land to work together to resolve their racial problems within a framework of law and justice.

The bill must now pass through the House Rules Committee, be approved by the House, then by the Senate. I am hopeful this can be done as rapidly as possible.

From the very beginning, enactment of an effective civil rights bill has required that sectional and political differences be set aside in the interest of meeting an urgent national crisis. The action by the Committee today reflects this kind of leadership by the Speaker of the House, John McCormack, House Minority Leader, Charles Halleck, the Committee Chairman, Emanuel Celler, and the ranking Minority Member, William McCulloch.

**Learn more:** President Kennedy's statement following the House Judiciary Committee's action

Link to: <http://www.presidency.ucsb.edu/ws/index.php?pid=9503&st=&st1=>

From "*Public Papers of the President, The American Presidency Project*"

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1963 October 29

Deputy Attorney General Nicholas Katzenbach later described the situation:

We very nearly failed because of a liberal-conservative coalition in the House Judiciary Committee, when the Southerners agreed to vote out the bill the liberals wanted. And they obviously agreed to it because they knew that when it got to the floor it would be recommitted, and there would be no civil rights bill. By working with the moderate and liberal Republicans and then getting enough of our Democratic liberals, we were able to defeat that ... .

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 71-72

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1963 October 29

Civil rights activists criticized the compromise bill. Roy Wilkins, executive secretary of the NAACP said: "Today's events are no cause for rejoicing but are a challenge to work to strengthen the bill."

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 73

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1963 October 30

Sixty-eight Republicans—40 percent of the party's conference—held a secret meeting to castigate Halleck and McCulloch for permitting the Democrats to escape political embarrassment. They had wanted a strong bill, with no chance of passage, to prevent the Democrats from fulfilling their promise to pass a civil rights bill before the 1964 presidential election.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 67

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1963 November 7

The Joint Senate House Republican Leadership meeting included discussion

of civil rights. In the press conference following, Dirksen was asked if he would support the bipartisan compromise bill produced by the House. The senator repeated his preference for a voluntary approach to public accommodations "where you don't give the Attorney General power to employ injunctive relief." With regard to the other seven titles "of the original bill, I said—with some refinement—"I think I could go along with that."

Source: Leadership Press Conference, November 7, 1963, Dirksen Papers, Republican Congressional Leadership, f. 43

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1963 November 14 President Kennedy, at a press conference, complained that Congress had not yet passed either the civil rights or the tax cut bills.

**Learn more:** President Kennedy's press conference (video)  
Link to: <http://www.presidency.ucsb.edu/ws/index.php?pid=9519&st=&st1=#>  
From "*Public Papers of the President, The American Presidency Project*"

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1963 November 20 Although the House Judiciary Committee had approved the bipartisan compromise civil rights bill on October 29, southern Democrats on the committee stalled the writing of the official report of the bill until November 20.

The Judiciary Committee formally reported the bipartisan bill (H.R. 7152, H Report 914). Chairman Celler asked House Rules Committee Chairman Howard W. Smith (D-VA) to schedule an early hearing on a rule for floor debate on H.R. 7152. But Smith, an opponent of civil rights legislation, showed no signs of planning action.

**Learn more:** Howard W. Smith (D-VA)  
Link to: <http://bioquide.congress.gov/scripts/biodisplay.pl?index=S000554>  
From *Biographical Directory of the United States Congress*

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1963 November 21 The Joint Senate House Republican Leadership meeting included discussion of civil rights. In the subsequent press conference, Dirksen said:

Kennedy has been guilty of two major blunders.

First, he proposed that taxes be cut while he increased Federal deficit spending. This unprecedented proposal not only met heavy opposition in Congress, but reliable samples of public opinion showed the American people were also opposed to a tax cut without a cut in spending.

Second, the President, who had promised major civil rights legislation in 1961, failed to live up to his promise. It was not until June 19, 1963 that he submitted a civil rights program, only after the crisis of demonstrations and violence forced his hand. Then he expected Congress to act in a few months on a program he had delayed for two and one half years.

Historically, the passage of civil rights legislation is a long, drawn-out affair. This is because many members of Mr. Kennedy's own political party are opposed to civil rights legislation. Had the President kept his campaign pledge and sent his program to Congress in 1961, new civil rights statutes would have been on the books before

demonstrations and violence were ever precipitated.

Source: Leadership Press Conference, November 21, 1963, Dirksen Papers, Republican Congressional Leadership, f. 43

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1963 November 22 President Kennedy was assassinated in Dallas, Texas.

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1963 November 24 At 5:55 p.m., Lyndon Johnson called Whitney Young, executive director of the National Urban League, to seek his advice about moving civil rights legislation through Congress.

Source: Jonathan Rosenberg and Zachary Karabell. *Kennedy, Johnson, and the Quest for Justice: The Civil Rights Tapes* (New York and London: W.W. Norton & Company, 2003) 199-202

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1963 November 25 In an interview with NBC three days after the assassination, Dirksen said that Republicans would work well with the new president: "We have been friends over a long period of time ... and we always managed somehow to compose our differences and at the same time make the points, so far as our party responsibility was concerned."

When asked about civil rights legislation, Dirksen recalled the apocryphal story of a man who broke into author Phillip Brooks's study, saw him pacing up and down, and asked, "What's the matter with you?" Brooks replied, "I'm in a hurry but God isn't." The lesson for Dirksen was "to take our time because only by hewing out on the anvil of discussion do you get solid and durable results."

Source: NBC, "LBJ Report No. 1," November 25, 1963, Dirksen Papers, Remarks and Releases

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1963 November 25 Johnson addressed 35 of the nation's governors in Room 274 of the Old Executive Office Building: "We have to do something to stop that hate, and the way we have to do it is to meet the problem of injustice that exists in this land, meet the problem of inequality that exists in this land, meet the problem of poverty that exists in this land, and the unemployment that exists in the land."

**Learn more:** "Remarks to State Governors After President Kennedy's Funeral"

Link to:

<http://www.presidency.ucsb.edu/ws/index.php?pid=26753&st=&st1=#axzz2fS49iN1N>  
From *Public Papers of the President, The American Presidency Project*

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1963 November 25 At 9:20 p.m., Johnson called Martin Luther King, Jr., to pledge his support for civil rights legislation.

Source: Jonathan Rosenberg and Zachary Karabell. *Kennedy, Johnson, and the Quest for Justice: The Civil Rights Tapes* (New York and London: W.W. Norton & Company, 2003) 203-204

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1963 November 26 President Lyndon Johnson moved into the Oval Office.

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1963 November 27 12:30 p.m. In an address before a Joint Session of Congress, Johnson renewed the call for passage of a civil rights bill: "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." The new president began intense lobbying with Congress members and activists.

**Learn more:** Lyndon Johnson's Address Before a Joint Session of the Congress (audio)

Link to: <http://www.presidency.ucsb.edu/ws/index.php?pid=25988&st=&st1=>

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1963 November 27 Richard Bolling (D-MO), a liberal member of the Rules Committee, introduced a resolution to dislodge the bill from Rules. Under House procedures, it was then possible for Judiciary Committee Chairman Celler, on December 9, to file a petition to discharge the Rules Committee from further consideration of the rule, and, in effect, bring the bill to the floor.

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1963 November 29 On the afternoon after Thanksgiving, President Johnson began to meet with civil rights leaders to reassure them of his commitment to civil rights. He met with Roy Wilkins, executive secretary of the NAACP, at 12:30 p.m.

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1963 December 2 President Johnson met with civil rights activist Whitney Young. During that meeting, Johnson called G. Mennen Williams, the assistant secretary of state for African Affairs and former governor of Michigan:

I want to get any ideas you've got on what we can do with our Negro community, too, and additional things in the field of equal opportunity, and what our goals ought to be. We've got to have new plans, new programs, new ideas of our own ....

And we're going to go all out on this civil rights bill. We're going to give our blood, sweat, and tears. But the President did that from May to December and they hadn't made any progress .... Now, I think we'll win, but Howard Smith refused the Speaker even an opportunity to be heard. He said, 'I'll see you in January.' And we've got to go the petition route and that's a mighty hard route, as everybody knows. But we've got to put the Republicans on the spot. [Charles] Halleck put it on yesterday, saying, [*mimicking, in a whining tone*] 'Well, we've got to have hearings, and the bill was rushed through.'

Rushed my ass—it was there from May till November. But he was telling how it rushed. [Everett] Dirksen was on explaining why *he* couldn't quite get the job done. So we've got to find some way ...."

Source: Jonathan Rosenberg and Zachary Karabell. *Kennedy, Johnson, and the Quest for Justice: The Civil Rights Tapes* (New York and London: W.W. Norton & Company, 2003) 208-210

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1963 December 2 Rules Committee Chair Smith said that he would not schedule hearings. Civil rights forces had three options to overrule Smith.

Rule 11, for example, allowed any three members of the Rules Committee to request that Smith hold a meeting. If, after three days, he had not scheduled one, a simple majority of the committee could compel a meeting at a specified date and time, to consider the bill. Because so many southerners served on Rules, however, any such move would require Republican support. House Republican leader Halleck had always resisted moves to undercut a chairman's authority with his committee.

Calendar Wednesday provided that, on any Wednesday, the Speaker of the House could call the roll of committees in alphabetical order, and any chairman could order a bill already reported out of his committee directly to the floor. This meant, for example, that chairman Celler could have demanded consideration of the Judiciary Committee's compromise bill. But the bill would have to be disposed of by day's end, and eleven other committees would be called on before the roll reached "J" for Judiciary. Half of these committees were chaired by southerners who would be more than

willing to run out the clock.

Finally, Smith could be outmaneuvered via a discharge petition. If a majority of the House members, or 218, signed a petition, the bill would go to the House floor.

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1963 December 3      8:45 a.m. At his first weekly Tuesday breakfast with Democratic congressional leaders, President Johnson told them that he would back a discharge petition to remove the bill from the Rules Committee.

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 90-91

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1963 December 3      10:15 a.m. President Johnson met with Martin Luther King Jr. The president's briefing points suggested that Johnson discuss (1) the practical difficulties inherent in moving legislation rapidly through Congress; (2) the role black leadership could play to ensure the bill's favorable reception on Capitol Hill by avoiding violence, as it did so effectively during the August 28 March on Washington; and (3) voter registration, employment, and the Civil Rights Commission.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 82

In his memoir, Johnson wrote: "I spoke with black groups and with individual leaders of the black community and told them that John Kennedy's dream of equality had not died with him. I assured them that I was going to press for the civil rights bill with every ounce of energy I possessed."

Source: Lyndon B. Johnson, *The Vantage Point* (New York: Popular Library, 1971) 29

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1963 December 4      President Johnson met with Dirksen for breakfast. Dirksen assessed the prospects for passage of H.R. 7152, saying the Senate "certainly would act on the bill early next year."

Later, the president met with James Farmer, head of the Congress for Racial Equality, with 20 members of the executive council of the AFL-CIO, and with 90 members of the Business Advisory Council—all intended to gain support for the civil rights bill.

**Learn more:** President Johnson's Remarks at a Meeting With the AFL-CIO Executive Council

Link to: <http://www.presidency.ucsb.edu/ws/index.php?pid=26110&st=&st1=>  
From "Public Papers of the President, The American Presidency Project"

**Learn more** President Johnson's Remarks to Members of the Business Council

Link to: <http://www.presidency.ucsb.edu/ws/index.php?pid=26121&st=&st1=>  
From "Public Papers of the President, The American Presidency Project"

Source: Dirksen quoted in the *New York Times*, December 5, 1963, 26.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 82

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1963 December 4      The Leadership Conference on Civil Rights met in Washington to plan a campaign to support the discharge petition.

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1963 December 4      President Johnson continued his lobbying effort on behalf of civil rights by meeting separately with House Minority Leader Charles Halleck and with A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters.

1963 December 4 The president met with the leadership of the AFL-CIO and the Business Advisory Council to lobby for the bill.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 165

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1963 December 4 The ranking Republican on the Rules Committee, Clarence Brown (R-OH), visited chairman Smith that evening to tell him that enough Republicans on the committee would vote under Rule 11 to force a hearing on a rule to govern debate of H.R. 7152.

1963 December 5 Smith reversed position and announced he would schedule hearings on H.R. 7152 reasonably soon after the start of the next session of Congress.

1963 December 9 A discharge petition intended to force the Rules Committee to act was filed by Emanuel Celler, but it required the signatures of a majority—218 in 1963—of the members of the House to dislodge the bill from Rules.

Since 1932, when the current version of the discharge petition was adopted, 333 motions to discharge bills from committee had been filed. Of those, only 32 had received enough votes to be placed on the House calendar, 14 had passed the House, and just two became law.

By December 24, when the House was ready to adjourn for the year, the petition had acquired 173 signatures. Virtually all of the signers were northern Democrats.

The Republican leadership opposed the discharge petition. The only reason the liberal Democrats pursued the petition, Republicans charged, was so that they could get all the credit for getting the civil rights bill out of the Rules Committee. According to Republicans, Democrats wanted to prevent civil rights supporters across the nation from seeing that there was strong Republican backing for the bill in the Rules Committee.

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 92

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 166

**Learn more:** Discharge petition

Link to: [http://help.lexisnexis.com/tabula-rasa/congressional/dischargepetition\\_ref-glossary?lbu=US&locale=en\\_US&audience=all](http://help.lexisnexis.com/tabula-rasa/congressional/dischargepetition_ref-glossary?lbu=US&locale=en_US&audience=all)

From LexisNexis

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1963 December 11 Republicans attempted to force immediate House debate and vote on H.R. 7152 by using “Calendar Wednesday” procedures. But the efforts to force Democrats to act failed when Majority Leader Carl Albert moved to adjourn the House. His motion passed by an almost straight party vote of 214 to 166.

The Republicans had achieved their goal, however. The liberal Democrats had been forced to cast a recorded vote against “immediate” consideration of the civil rights bill in the House. When in the future Democrats charged that certain Republicans were not “really for civil rights” because they would not sign the discharge petition, the Republicans could answer that the Democrats were not “really for civil rights” because they voted against the Calendar Wednesday procedure.

Source: Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham, NY, and London: University Press of America, 1990) 94

1963 December 11 Arnold Aronson, Secretary of the Leadership Conference on Civil Rights, sent the following telegram to Dirksen:

Dear Senator –

On behalf of the 75 organizations in the Leadership Conference on Civil Rights, we urge you to vote for any amendment or support any action that will restore to the Justice Department's appropriation bill sufficient funds to increase the personnel in the Civil Rights Division. Failure to provide the needed manpower will make it impossible for the department to carry out the increasing responsibilities it faces in trying to protect the Constitutional rights of American citizens.

Source: Aronson to Dirksen, December 11, 1963, Dirksen Papers, Alpha Series, 1963 Aronson

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1963 December 13 In his year-end report on Congress, Dirksen acknowledged that no one was happy with the stalemate on civil rights, but he did not apologize: "Can this be regarded as inertia and indifference, or is it a proper regard by Congress for the present and future implications of a proposition which is bound to have a durable impact upon the entire Nation for a long time to come?"

Source: "The Republican Report of U.S. Senator Everett McKinley Dirksen," 88<sup>th</sup> Congress, 1<sup>st</sup> Session, Document No. 47, December 13, 1963, Dirksen Papers, Remarks and Releases

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1963 December 18 Faced with a threat by members of his committee to usurp his authority, Rules Committee Chair Smith announced hearings on H.R. 7152 to begin January 9, 1964.

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1963 December 30 The Senate adjourned at 2:51 p.m., ending the longest session of Congress since the Korean War crisis of 1950.

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1963 December 31 At year's end, a *Newsweek* poll showed that, by nearly two to one, Americans expressed no confidence in Congress, citing its inability to act on John Kennedy's tax cut and civil rights proposals. Public support of H.R. 7152 stood at 62 percent. President Johnson's popularity registered at 79 percent.

Source: Charles and Barbara Whalen, *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John MD/Washington DC: Seven Locks Press, 1985) 89-90