

## Civil Rights Documentation Project 1964

1964 January 6

At 5:12 p.m., President Lyndon Johnson called Roy Wilkins about the civil rights legislation. The president stressed the importance of getting 25 Republicans to support cloture in the Senate once the House passed H.R. 7152.

Johnson explained that he had talked to Senate Majority Leader Mike Mansfield for a frustrating 90 minutes to urge him to hold round-the-clock sessions in order to break the likely filibuster. "I can't be too much of a dictator," the president said, "but I'll help you [Wilkins] in any way I can." He continued, "you're going to have to persuade Dirksen and why ... this is [in] the interest of the Republican party and I think the Republican goes along with you on cloture, that you all ought to tell him that you're going to go along with him and help him." "I'm a Democrat," Johnson said, "but I think that a fellow will stand up and fight with you. You all can cross party lines."

Johnson doubted that cloture could succeed with only Democratic votes because Richard Russell (D-GA) had told him that he, Russell, had enough commitments to block the move. Johnson made it clear to Justice Department officials and to Mansfield that he favored wearing senators down by holding round-the-clock sessions, as he had done in 1960.

Mansfield, however, refused to pursue this strategy, fearing that marathon sessions might literally kill some of the Senate's older members. Johnson's strategy suffered another flaw, too. Bill McCulloch had extracted a pledge from the administration that H.R. 7152 would go through the Senate unchanged. Wearing down southerners to obtain some sort of compromise would violate that pledge. Consequently, the only way to force a Senate vote on the bill was through cloture.

Source: Telephone notes, January 6, 1964, Dirksen Telephone Conversations with LBJ, Collection 129, The Dirksen Congressional Center

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), 243-247.

---

1964 January 6

**The cloture challenge.** Cloture, or Rule 22, was adopted by the Senate on March 8, 1917, after what President Woodrow Wilson described as a "little group of willful men" had wrecked his proposal to arm U.S. merchant ships against German submarines. Rule 22 permitted sixteen or more senators to file a petition with the clerk of the Senate against a bill or amendment. The petition had to be acted upon within two days of its submission, and then, if approved by two-thirds of those members present and voting, it limited debate to one hour per member. Of the 28 cloture votes taken since 1917, only five had succeeded. Tried eleven times on civil rights bills, it had failed eleven times.

---

1964 January 7

The second session of the 88<sup>th</sup> Congress convened.

---

1964 January 8

President Johnson, in his first State of the Union Address, stated, "Let this session of Congress be known as the session which did more for civil rights than the last hundred sessions combined."

[Learn more](#) "Annual Message to the Congress on the State of the Union" (includes audio) [link to <http://www.presidency.ucsb.edu/ws/index.php?pid=26787&st=&st1=#axzz2ficzQYF1>] From *The Public Papers of the President*, The American Presidency Project

---

1964 January 9

The House Rules Committee's public hearings on H.R. 7152 began in Room H-313 in the Cannon House Office Building. Chairman Howard Smith (D-VA) said the bill

was "as full of booby traps as a dog is full of fleas."

The committee's job was to consider a resolution that established the rules of debate for the bill before it went to the House floor. The resolution, prepared by the House parliamentarian, spelled out (1) the exact number of hours for general debate; (2) the allocation of these hours between the majority and minority; and (3) any restrictions on the introduction of amendments.

If the committee approved the resolution, the bill would be sent to the Speaker of the House, who would schedule it for floor debate.

The Rules Committee held nine days of hearings on H.R. 7152 between January 9 and 29. Five members of the House testified in favor of the bill, and 28 members, almost all southerners, spoke against 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) 90-94

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 150-153

---

1964 January 15	William McCulloch (R-OH), ranking member of the House Judiciary Committee, testified before the Rules Committee, terming the bill "comprehensive in scope but moderate in application."
1964 January 18	At 11:00 a.m., President Johnson met with Roy Wilkins, James Farmer, Martin Luther King, Jr., and Whitney Young to discuss strategy for his "war on poverty" legislation, which would spend billions of federal dollars on better schools, housing, job training, and community development.
1968 January 18	The petition to discharge the civil rights bill from the Rules Committee still lacked enough signatures. President Johnson called Charles Halleck to the Oval Office. The bill needed to get to the House floor soon, for Halleck's sake. "If I were you, Charlie," Johnson said, "I wouldn't dare ... go out and try to make a Lincoln Birthday speech; they'll laugh you out of the goddamned park when Howard Smith's got his foot on Lincoln's neck." Johnson also repeated his promise to try to land a science center at Purdue University, which happened to be located in Halleck's district.  Source: Clay Risen, <i>The Bill of the Century: The Epic Battle for the Civil Rights Act</i> (New York: Bloomsbury Press, 2014) 154
1964 January 20	Lawrence O'Brien, head of White House congressional liaison, told the president that 220 House members supported the bill's passage, two more than needed for a discharge petition to succeed and for the bill to pass in that chamber.  <a href="http://help.lexisnexis.com/tabularasa/congressional/dischargepetition_ref-glossary?lbu=US&amp;locale=en_US&amp;audience=all">Learn more</a> Discharge petition [link to <a href="http://help.lexisnexis.com/tabularasa/congressional/dischargepetition_ref-glossary?lbu=US&amp;locale=en_US&amp;audience=all">http://help.lexisnexis.com/tabularasa/congressional/dischargepetition_ref-glossary?lbu=US&amp;locale=en_US&amp;audience=all</a> ] From LexisNexis  Source: Todd Purdum, <i>An Idea Whose Time Has Come</i> (NY: Henry Holt and Co., 2014) 178
1964 January 21	Following his regular Tuesday breakfast meeting with Democratic congressional leaders, Johnson met with Joseph Rauh and Clarence Mitchell, two leading civil rights activists and members of the Leadership Conference on Civil Rights. Johnson told them that he opposed any effort to strengthen H.R. 7152 (which might threaten its passage in the Senate). On the other hand, he would not be intimidated by a filibuster when the bill reached the Senate:

I don't care how long it takes. I don't care if the Senate doesn't do one other piece of business this year, you've got to keep this bill on the floor. You can tell Mansfield, you can tell anybody, the President of the United States doesn't care if this bill is there forever. We are not going to have anything else hit the Senate floor until this bill is passed.

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) 96-77

---

1964 January 21	The House Rules Committee continued to take testimony on H.R. 7152. During the next three days it heard from 12 House members.
-----------------	--

---

1964 January 22	Richard Bolling (D-MO) told chairman Smith that the end was near: if Smith did not conclude the hearings before the Rules Committee within a week, a bipartisan group of representatives would take over the committee.
-----------------	---

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 155

---

1964 January 23	The 24th amendment to the Constitution was ratified by the requisite number of states (38). The amendment prohibited both Congress and the states from conditioning the right to vote in federal elections on payment of a poll tax or other types of taxes.
-----------------	--

---

1964 January 23	At the end of the Rules Committee meeting, Chairman Smith announced that 26 witnesses remained to be called and that hearings would continue to January 30. The House Democratic leaders announced that floor debate on H.R. 7152 would begin on Friday, January 31.
-----------------	--

---

1964 January 24	President Johnson persuaded NASA to give grants totaling over \$1,000,000 to Purdue University, the most prominent university in Charles Halleck's district. Halleck was minority leader of the House and key to passing H.R. 7152 in the House with bipartisan support.
-----------------	--

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 180

---

1964 January 28	The Joint Senate House Republican Leadership meeting included discussion of civil rights. When asked if he would support "any major changes in the civil rights bill" when it came to the House floor, House Minority Leader Halleck replied, "Well, the bill will be coming to the floor under an open rule, and I never said—and I never promised anybody, that every line in it is perfect. I think it's a matter for the House to determine in the light of the debates that will be had."
-----------------	--

Source: Dirksen Papers, Republican Congressional Leadership File, f. 45

---

1964 January 30	<p>The Rules Committee held its tenth and final hearing in executive session. The committee voted 8-7 against specific clearance for an amendment to bar discrimination by sex as well as because of race, color, or religion. By a 12-3 vote the committee refused to clear an amendment by George W. Andrew (D-AL) to create a federal resettlement commission to move blacks out of the south.</p> <p>After accepting a single amendment to the bill extending civil rights to Native Americans, committee members voted on Resolution 616, which set down the rules for the consideration of H.R. 7152 on the House floor. The vote was 11-4 in favor of passage, with only southern Democrats opposed.</p> <p>The House Rules Committee cleared H.R. 7152 for floor action under an open rule: after 10 hours of general debate, the bill would be read, title by title, for</p>
-----------------	---

debate and voting on proposed amendments. Nine days of debate followed.

---

1964 January 30

About 60 southern Democrats attended a closed-door caucus to develop opposition strategy to the bill. They decided to concentrate their attack on the public accommodations, employment, and federal funds cutoff titles of the bill. They also agreed to limit their speeches and avoid delaying tracts because they did not want to alienate wavering members who might otherwise support their weakening amendments. In practice, however, "they approached the debate pell-mell, throwing up amendments with no apparent plan of how to get them passed."

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 155

---

1964 January 31

The House readied itself to take up the most far-reaching civil rights bill since the Emancipation Proclamation.

H.R. 7152 would go through the same six-step process followed by all bills that had preceded it since 1789. The House would, in 1964, (1) pass a resolution setting the guidelines for consideration of the bill (the "rule"); (2) resolve itself into a Committee of the Whole to engage in general debate; (3) offer, consider, and take unrecorded votes on amendments; (4) resume sitting as the House to take recorded votes on any accepted amendments if one-fifth of the members requested it; (5) permit a minority party member to offer a recommittal motion, enabling the minority to obtain a recorded vote on any defeated amendment; and (6) vote on final passage.

Steps one and two were completed on this day. Resolution 616, authorizing the terms for debate, passed overwhelmingly on a voice vote, and the House resolved itself into a "Committee of the Whole."

The challenge for civil rights forces now was to prevent the bill from being weakened by amendments from segregationists. As the Committee of the Whole, the House could permit members to vote on proposed amendments without recorded votes. Because 100 members constituted a quorum in the Committee of the Whole, a hostile amendment could easily be passed with a handful of votes, unless enough pro-civil rights members were present to block it. That required the pro-civil rights forces to make sure there were enough pro-civil rights members on the floor whenever a vote was near, to head off the opposition.

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) 101

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 185-186

---

1964 January 31

Despite the risks, eventual passage of the bill seemed assured. There were only 100 or so reliable southern Democratic votes. As long as the Republican leadership stuck with the bill, they would combine with the unified northern Democrats to produce a bipartisan, affirmative vote.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 156

---

1964 February 1

Debate continued on the bill.

---

1964 February 2

Gallup released a poll showing a 61 percent approval rating for H.R. 7152, up from 49 percent in June 1963.

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) 155

---

1964 February 2

Appearing on NBC's *Meet the Press*, Halleck and Dirksen answered questions related to provisions of H.R. 7152.

Halleck: "The Republican position on civil rights has been good for a hundred years and it is good today in spite of what people have undertaken to say of us as Republicans."

Dirksen in response to a general question about his relationship with the president with regard to legislating: "But a message comes to the Congress with respect to a given thing. I may be for it. I may be against. If at the very outset I feel that I am going to oppose it then I speak my piece and start getting my ducks in a row and then we work from there. And of course you don't use sponges to throw at somebody when you go into that kind of contest."

Halleck also said that the House would pass a bill that would prove acceptable to the Senate. He did not want to put effort into a bill that the Senate would block. He also pointed out that Democrats controlled both chambers, and they would dictate the course of events.

Source: Dirksen Papers, Remarks and Releases

---

1964 February 3

Step 3, the offering of amendments to H.R. 7152, began. The Clerk of the House read the bill, title by title, line by line. After each title was read, members could offer amendments to that section under the so-called five minute rule which limited the remarks of the amendment's sponsor, its proponents, and its opponents to five minutes each.

Step 3 was a crucial part of the battle: whether H.R. 7152 retained its strength or was substantially weakened depended on the amendments.

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) 108

---

1964 February 3

An amendment to Title I (voting rights) in federal elections proposed to give defendants in cases of alleged voting rights violations the same rights as the attorney general to request a hearing before a panel of three federal judges. It passed, 100-68. Another amendment to include Puerto Rico under the terms of the bill was also accepted. Neither weakened the bill.

---

1964 February 4

The *New York Times* reported that Dirksen was admitted to the hospital for treatment of a bleeding ulcer. He was discharged to recover at home on February 11 and returned to the Senate on February 17.

---

1964 February 4

The fourth day of House debate saw three amendments to Title I (voting rights) defeated as the debate turned to Title II (public accommodations). Two amendments to Title II clarifying what constituted discrimination passed by voice vote after Justice Department officials said the amendments would not weaken the bill. Other amendments, including one by Howard Smith to provide that no one could be compelled to render labor or service without his consent, failed.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 190-191

---

1964 February 5

During the fifth day of debate, no amendments to Title II (public

accommodations) passed. George Meader (R-MI) proposed an amendment to limit Title II's coverage only to those businesses situated or advertised immediately adjacent to interstate or major highways. Opponents pointed out that such a measure would cover only 7 percent of roads in the U.S. It was defeated 68 to 153.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 192

---

1964 February 5 The Senate Labor and Public Welfare Committee reported an amended bill (S. 1937, S. Report 867) to promote equal opportunities in employment without regard to race, color, religion, or national origin and to establish an independent Equal Employment Opportunity Board to adjudicate complaints of discrimination. No formal action followed.

---

1964 February 6 Consideration in the House of amendments to Title III (public facilities) began. Of the ten amendments proposed by southerners to the Title III, only one passed. It provided for defendants' attorney fees to be included in the cost assessed the federal government when it lost a suit to desegregate public facilities.

Of the eight amendments offered to Title IV (public education), two were accepted.

Next, the House considered amendments to Title V (Civil Rights Commission) before concluding the day's business at 9:34 p.m.

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) 111-12

---

1964 February 7 The seventh day of House debate on H.R. 7152 began at Noon with five titles remaining to be considered for amendment, beginning with Title VI (federally assisted programs), which allowed for the cutoff of federal funds to states and localities found to be practicing discrimination.

Just before 5:00 p.m., Oren Harris (D-AR) proposed to restore language from the Kennedy administration's original bill, which would have repealed existing provisions in federal law that permitted segregation in federally supported programs, and given the president discretionary authority to withhold funds from discriminatory programs. The original bill also gave the president the sole power to prescribe the conditions needed to assure non-discrimination, and did not provide that the withholding of aid should be subject to review by the courts. McCulloch, who had insisted on no weakening of the bill, had demanded that any cut-off of funds be subject to judicial review. The Harris amendment lost 80 to 206.

The day ended at 8:20 p.m. with the defeat of seven amendments to Title VI.

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) 114

---

1964 February 8 The eighth day of House debate on H.R. 7152 began with Emanuel Celler introducing ten "perfecting" amendments to Title VII (equal employment), all of which were accepted by Republicans.

Howard Smith then offered an amendment to insert the word "sex" on pages 68, 69, 70, and 71 of the bill, thereby adding it to the list of discriminations (race, creed, color, and national origin) prohibited in employment. It would affect every employer, labor union, governmental body, and employment agency in the nation. In the words of one House member, "It would be one of the most radical

civil rights amendments in U.S. history.”

Smith counted on the amendment passing and making H.R. 7152 so controversial that it would fail to pass either in the House or in the Senate. Smith’s amendment passed, 168-133, on a teller vote. In a teller vote, members file past tellers and are counted as for, or against, a measure, but they are not recorded individually.

The House accepted three more amendments to the title, one preventing job discrimination in job retraining programs and another allowing church-related colleges or groups to hire employees on the basis of their religious beliefs. Four additional amendments fell in defeat.

Debated ended at 9:00 p.m.

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) 116

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 160-161

---

1964 February 10

The ninth and final day of debate began at 10:55 a.m. By 1:00 p.m., the House had considered 26 additional amendments to Title VII (equal employment), defeating 22 of them. None of the remaining four was controversial.

All four amendments to Title VIII (registration and voting statistics) were defeated as was the single amendment to Title IX (judicial appeal).

Other amendments were quickly dispatched, some accepted, some rejected.

At 7:00 p.m. Step Four in the process took place. This step provided for the possibility of recorded votes on any amendments previously accepted in the Committee of the Whole if one-fifth of the members requested it. The one-fifth threshold was not met.

At Step Five, the House could permit a minority party member to offer a recommittal motion by which he could obtain, if he so chose, a recorded vote on any defeated amendment. A motion to recommit H.R. 7152 to the Committee on the Judiciary was voted down by voice vote.

Then came Step Six: The final question put to the House by the Speaker, “Shall the bill pass?”

After nine days of debate, the House of Representatives passed an amended version of H.R. 7152 by a bipartisan majority of 290-130.

Of the 256 House Democrats, 152 (59 percent) voted in favor of the bill and 96 against. Seven Democrats were absent and the Speaker normally does not vote. Northern Democrats supported the bill, 141-4. Southern Democrats opposed the bill, 11-19. Of the 177 Republicans, 138 (78 percent) voted for the bill and 34 against. The 34 Republicans included 12 southern Republicans.

Of the 124 amendments offered (excluding amendments to amendments), only 34 were written into the bill. Most were technical revisions. Not a single amendment opposed by the bill’s managers was adopted.

[Learn more](#) Page 1 of the 56-page H.R. 7152 [link to <http://www.congresslink.org/civil/cr7.gif>]  
From Dirksen Papers, Working Papers, f. 243

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) 121

Source: *Congressional Quarterly Almanac 1964*: 344

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 161-162

---

1964 February 10 At 4:00 p.m., in the midst of the House debate, President Johnson called Clarence Mitchell and Joseph Rauh to ask, "What have you done to get the bill on the floor of the Senate? You've got to see Mansfield right away and talk about all of this."

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) 119

---

1964 February 10 The Senate Commerce Committee reported the public accommodations bill (S. 1732, S. Report 872) it had approved on October 8, 1963. S. 1732 forbade discrimination in essentially the same accommodations as noted in Title II of H.R. 7152 but was based exclusively on the commerce clause with no reference to the 14<sup>th</sup> Amendment. No formal action followed.

---

1964 February 10 Shortly after the House vote, Johnson placed congratulatory phone calls to Carl Albert, Charles Halleck, John McCormack, and Emanuel Celler.

At 6:30 p.m., the president called Attorney General Kennedy to say that Senators Richard Russell and Everett Dirksen might have struck a deal on cloture that would make it impossible for cloture to succeed. He worried that Mansfield would take the bill through the Judiciary Committee, where it would surely die. Johnson wanted it to be put on the Senate calendar immediately. Johnson ordered Kennedy to persuade Mansfield to follow the administration's strategy.

Source: Telephone notes, February 10, 1964, Dirksen Telephone Conversations with LBJ, Collection 129, The Dirksen Congressional Center

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), 258-260.

---

1964 February 11 President Johnson met with Attorney General Kennedy, Nicholas Katzenbach, Burke Marshall, Larry O'Brien, and Pierre Salinger to map out strategy for Senate consideration of H.R. 7152.

The president wanted to pass the bill through the Senate by holding round-the-clock sessions intended to wear out the southerners who would filibuster the bill. Others advised seeking cloture under Rule 22. Majority Leader Mike Mansfield favored the second approach and proceeded along those lines.

---

1964 February 11 Still skeptical that the civil rights forces could obtain cloture in the Senate, Johnson grilled the more optimistic Katzenbach who responded, "I think we can get 57 to 60 votes for cloture fairly easily. We have 51 Democrats and some liberal Republicans from New York, California, Pennsylvania, and New England who will support the bill. But not all will vote for cloture. We need at least half of the 33 Republicans. Based on the cloture vote on the Communications Satellite Act [in 1962 a bipartisan coalition had defeated a liberal filibuster against a plan to encourage investment in space-based telecommunications] there are 74 [sic—67 votes were required, so 74 were more than enough] potential votes for cloture. We need at least seven more from the 14 senators who have voted at least once for cloture. That should be possible."

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 163

1964 February 14 At 2:00 p.m., the "Bipartisan Democratic and Republican Staff for the Civil Rights Act of 1964" met in Room 1300 of the New Senate Office Building. Five Democratic senators and seven Republican senators participated in a discussion about Senate parliamentary procedures for considering the House-passed civil rights bill; the timing of consideration in terms of a tax bill and wheat and cotton bill; the prospects for cloture on civil rights; and legislative strategy for proponents and opponents.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, February 14, 1964, 2-5, Collection 97, The Dirksen Congressional Center

---

1964 February 15 *CBS News* reported that President Johnson had told two southern senators he was willing to limit public accommodations sections of the bill. Such a deal would have violated the pledge to McCulloch to pass the bill unchanged by the Senate. The White House denied the charge the next day.

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) 196

---

1964 February 16 Republican senators Hugh Scott (PA) and Thruston Morton (KT) said they suspected a "deal" had been struck by President Johnson to gain southern Democratic votes for the tax reduction bill, recently passed in the Senate, in exchange for weakening the civil rights bill. Humphrey denied the charges the following day.

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) 187-188

---

1964 February 17 The House-passed bill was delivered to the Senate at Noon. Senate consideration of H.R. 7152 would follow eight parliamentary steps. The bill would be

1. Read for the first time.
2. Read for the second time, unless an objection was heard.
3. Assigned to a committee or, in rare circumstances, placed by majority vote directly on the Senate calendar to avoid a hostile committee chairman.
4. Heard by the committee and, depending on the chairman, allowed to die or to be acted upon.
5. Put on the Senate calendar of pending bills.
6. Scheduled for floor action, subject to majority consent.
7. Debated with no time limits (amendments could be offered at any point but only debated when called up by the sponsor).
8. Read for the third time and given a final vote.

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) 131

---

1964 February 17 The Bipartisan Democratic and Republican Staff for the Civil Rights Act of 1964 met to discuss the Justice Department's evaluation of the House-passed bill and its position on the Senate Commerce Committee bill, the relative merits of a bill based on the 14<sup>th</sup> amendment or the commerce clause, and the breadth of coverage of public accommodations.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, February 17, 1964, 8-10, Collection 97, The Dirksen Congressional Center

---

1964 February 17 Senate Majority Leader Mike Mansfield rose from his desk in the front row and requested that the bill be read the first time. He then said, "Mr. President, I object to the second reading of the bill today." By postponing Step 2, he could control

the bill's course.

Mansfield announced that he would propose that H.R. 7152 be placed directly on the Senate calendar without first going to the Judiciary Committee whose chairman, James Eastland of Mississippi, had blocked previous civil rights bills.

"We hope in vain," he said, "if we hope that this issue can be put over safely to another tomorrow, to be dealt with by another generation of senators. The time is now. The crossroads is here in the Senate." He then turned to his right to face the minority leader, Everett Dirksen. "I appeal to the distinguished minority leader whose patriotism has always taken precedence over his partisanship, to join with me, and I know he will, in finding the Senate's best contribution at this time to the resolution of this grave national issue."

Dirksen replied:

I trust that time will never come in my public career when the waters of partisanship will flow so swift and so deep as to obscure my estimate of the national interest. If and when that time comes, then perhaps I shall have lost whatever talent and justification I have for public service and should make an exit or make way for others to carry on the responsibility I presently hold.

... I have never seen the time in any crisis when the Senate has not sagaciously worked its will and risen to its responsibilities as part of the deliberative branch of government. That has been true in every generation.

... So I make an appeal to my fellow Senators to consider this issue in the light of the national interest. ... I want to do what is in the interest of the present and future well-being of probably the only real, true free republic that still remains in God's footstool. ... I shall cooperate. I shall do my best. When the time comes, when the deliberations are at an end and all facets of the matter have been carefully considered and discussed, I shall be prepared to render judgment and I shall have no apology to make to any man or group anywhere, anytime, for the cause I shall ultimately pursue.

The minority leader also let it be known that he felt free to offer amendments to the House-passed bill: "Already some amendments have occurred to me. I shall try to shape them. I shall try to put them in form. If I think they have merit, I shall offer them."

Source: Dirksen Papers, Working Papers, f. 253

Source: *Congressional Record*, February 17, 1964, 2884-2885

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) 132

---

1964 February 17

Three Senate factions would determine the bill's fate: pro-civil rights (a.k.a. "national") Democrats, southern Democrats opposed to the bill, and Republicans.

Senator Hubert H. Humphrey (D-MN) led the Democrats who supported the bill. As Senate majority whip, Humphrey enjoyed the support of Mike Mansfield, his leader. Together they were determined to pass the legislation and arranged grueling twelve-hour daily sessions to wear down the opposition. Mansfield, however, did not follow the president's advice to hold round-the-clock sessions. As floor manager for the bill, Humphrey's task was to line up supporters to defend

the bill in debate, to persuade reluctant members of his party to vote for passage, to encourage publicity, and to count votes. The senator from Minnesota labored hard for passage and sought cooperation from many sources, including the Republicans.

---

1964 February 17 The numbers made it impossible for the Democrats, who held an overwhelming majority in the Senate, to carry the day on their own, however. Twenty-one of the 67 Democrats came from southern states. Twenty of them, the so-called "southern bloc," would oppose the measure vigorously. At most, then, there were 47 Democrats likely to vote for cloture—a tactic necessary to end debate on the bill and move to a vote. Humphrey needed support from at least 20 of the Senate's 33 Republicans, and a few more to guard against defections of national Democrats. Dirksen was the key. "I've only got thirty-three soldiers," Dirksen remarked. "The Democrats have sixty-seven. That's why the administration has legislative indigestion."

Source: Frank H. Mackaman, *The Long Hard Furrow: Everett Dirksen's Part in the Civil Rights Act of 1964* (Pekin, IL: The Dirksen Congressional Center, 2006) 44

Source: Neil MacNeil, *Dirksen: Portrait of a Public Man* (New York and Cleveland: The World Publishing Company, 1970) 208

---

1964 February 17 Senator Richard Russell, Democrat from Georgia, led the opposition forces, the "southern bloc." Although a hopeless minority, the group exerted much influence because Senate rules virtually guaranteed unlimited debate unless it was ended by cloture.

[Learn more](http://www.libs.uga.edu/russell/) Richard B. Russell Library for Political Research and Studies [link to <http://www.libs.uga.edu/russell/>]

---

1964 February 17 The Democratic leadership and Humphrey could not control the southern wing of the party. Many of Russell's forces feared their southern constituents would vote them out of office if, as senators, they voted for equal rights for blacks. Election imperatives trumped loyalty to their party's majority.

The "southern bloc" held out hope that presidential candidate George Wallace, the segregationist governor from Alabama, would do well in the early presidential primaries. If Wallace seemed popular, Russell would argue that the nation as a whole did not support federal civil rights legislation and that the Senate should not pass an unwanted bill.

Southern senators could not compromise. Only by forcing cloture could they demonstrate to their constituents that they had fought to the end even against hopeless odds. Russell also believed there was a growing backlash against the increasingly radical tactics of civil rights protestors. A filibuster that would postpone legislation as long as possible would give the backlash time to reach a critical mass.

---

1964 February 17 The Republican Party was not so badly split as the Democrats by the civil rights issue. As it turned out, only one Republican senator, John Tower of Texas, would participate in the filibuster against the bill. In fact, since 1933, Republicans had a more positive record on civil rights in Congress than the Democrats. In the twenty-six major civil rights votes since 1933, a majority of Democrats opposed civil rights legislation in over 80 percent of the votes. By contrast, the Republican majority favored civil rights in over 96 percent of the votes.

Yet Republicans were split on the wisdom of invoking cloture. By the advance hard counts, not more than sixteen Republican senators were likely to support such a move. Opponents were primarily small-state senators who jealously

guarded the procedure as a way to protect themselves from being steamrolled by the majority.

Source: Frank H. Mackaman, *The Long Hard Furrow: Everett Dirksen's Part in the Civil Rights Act of 1964* (Pekin, IL: The Dirksen Congressional Center, 2006) 45-46

---

1964 February 17 Everett McKinley Dirksen (R-IL), the Senate Minority Leader, was the only one who could recruit the half dozen additional Republican votes necessary to quash the filibuster. Ironically considering what lay ahead, when the Senate debated a rules change that would have made it easier to end a filibuster, Dirksen opposed the limitation. According to him, the filibuster functioned as "the only brake on hasty action of which I have any knowledge." Yet Mansfield depended completely on Dirksen to provide the margin to achieve cloture. "Dirksen is the real leader of the Senate," one senator said privately at the time. "He understands Mike, and Mike turns to him."

Source: Neil MacNeil, *Dirksen: Portrait of a Public Man* (New York and Cleveland: The World Publishing Company, 1970) 231

---

1964 February 17 Mansfield announced to the Senate that he had designated Humphrey as floor leader for the bill. Warren Magnuson would manage the debate on public accommodations; Philip Hart (D-MI) on voting and other judicial questions; and Joseph Clark (D-PA) on equal employment opportunity.

1964 February 18 Following his weekly White House breakfast meeting with the Democratic congressional leadership, President Johnson took Hubert Humphrey aside. The president made Dirksen the key to the bill when he commanded of the Senate majority whip,

The bill can't pass unless you get Ev Dirksen. You and I are going to get Ev. It's going to take time. We're going to get him. You make up your mind now that you've got to spend time with Ev Dirksen. You've got to let him have a piece of the action. He's got to look good all the time. You get in there to see Dirksen. You drink with Dirksen! You talk with Dirksen. You listen to Dirksen!

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) 148

---

1964 February 18 For the next week, the Senate turned its attention to the tax cut bill, delaying further consideration of H.R. 7152.

1964 February 18 The Bipartisan Democratic and Republican Staff for the Civil Rights Act of 1964 met at 4:30 p.m. with Clarence Mitchell, Director of the Washington office of the NAACP. Mitchell supported the House-passed bill but preferred strengthening amendments. They discussed the role of the Leadership Conference on Civil Rights, the possibility that anti-civil rights senators might support the bill in order to get the wheat-cotton bill passed, and the pros and cons of seeking amendments to the House bill.

Source: Stephen Horn, *Notes on Civil Rights Meetings, February 18, 1964, 12-14, Collection 97, The Dirksen Congressional Center*

---

1964 February 19 Mike Mansfield and Richard Russell met and agreed to certain principles in preparing for the upcoming debate. The Senate majority leader promised to inform Russell of any major moves ahead of time and that he intended to bypass the Judiciary Committee and place the bill directly on the Senate calendar.

Russell agreed not to delay consideration of the tax bill and to permit committees

to meet during the debate. Russell also alerted Mansfield that he intended to filibuster Mansfield's plan to bypass the Judiciary Committee but that he would end this mini-filibuster after a few weeks. Russell did not want to risk his filibuster on Mansfield's gambit to come to a cloture vote he might lose, thereby making it easier to invoke cloture on the entire bill.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 175

---

1964 February 19 Richard Russell caucused with his southern Democrats and vowed to oppose the civil rights bill as vigorously as possible.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 217

---

1964 February 20 At this point, the Democratic strategy in the Senate consisted of four parts: (1) winning the support of Minority Leader Everett Dirksen; (2) encouraging a reasonable and searching debate of the bill itself; (3) organizing the civil rights forces in the Senate to enable them to survive the rigors of a southern Democratic filibuster for months, if necessary; and (4) coordinating the inside offensive with outside groups supporting the bill.

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) 201-202

---

1964 February 20 The Democratic Policy Committee produced a study of every senator's votes on cloture since 1954. That analysis showed that 55 senators were considered ready to invoke cloture on H.R. 7152 in the form it had passed the House. Thirty-three senators were labeled as "reasonably sure against" cloture. This category included the bloc of 19 southern Democrats, all of whom were unquestionably against. Finally, a dozen senators were named as "crucial." This group included nine Republicans and three Democrats—they held the key to cloture.

The "crucial" senators were Carl Hayden (D-AZ), Gale McGee (D-WY), Herbert Walters (D-TN), Frank Carlson (R-KS), Dirksen, Bourke Hickenlooper (R-IA), Margaret Chase Smith (R-ME), John Williams (R-DE), Len Jordan (D-ID), Edwin Mechem (R-NM), Jack Miller (R-IA), and James Pearson (R-KS).

Cloture on H.R. 7152 would require the affirmative vote of every senator identified by the Democratic Policy Committee as "crucial," assuming no favorable votes were cast by the senators rated as "reasonably sure against" and all 100 senators voted.

"The success of a cloture attempt is precarious at best even with the support of Senator Dirksen," the report concluded. "Once cloture is attempted and support for it is shown to be insufficient it will encourage the Southerners all the more and will identify those Senators who are disposed not to vote for cloture. The trading power wielded by these Southern committee chairman is prodigious and could be used to persuade uncommitted Senators to hold the line."

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) 203, 209

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 175-176

---

1964 February 20 During a press conference following the Joint Senate House Republican Leadership meeting, Dirksen expressed concern about H.R. 7152's public accommodations section and the Fair Employment Practices Commission provision.

1964 February 20 At 3:45 p.m., Robert Kimball, Legislative Assistant to Representative John Lindsay, a key House liberal, called Stephen Horn, Legislative Assistant to Senator Thomas Kuchel, to report that Bill McCulloch recognized that the Senate would make changes in the House bill and that he would not object—"improvements are welcome."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, February 20, 1964, 18, Collection 97, The Dirksen Congressional Center

---

1964 February 20 At 5:28 p.m., Johnson, White House Press Secretary Bill Moyers, and Mike Mansfield participated in a phone call, the result of a story by *Washington Post* reporter Mary McGrory.

Moyers to Mansfield: "Senator, she says she has been on the Hill for the last two days trying to do a story on the strategy of the civil rights bill, particularly the pro-civil rights bill and the Democratic majority. She finds no plan, no strategy, and no one has had any instructions from the White House, that she can find no evidence of any strategic or tactical decisions that have been made, and that there is a great deal of confusion, and that no one seems to know what the other person is doing. She went to the Republicans, she said, and asked them if the Democrats had appointed a liaison with the Republican liberals and pro-civil rights senators to try to work out some strategy, and they said no, that there had been none of this."

Mansfield: "Well, she hasn't been around to see me. She hasn't been around to see Hubert; I don't know. Is this article out?"

Moyers: "No sir, she's writing it."

Johnson: "She's writing it, and she wants somebody to inform her on it. I thought it would be good if you said to her that you understood that she called the White House about this, that you discussed it at breakfast the other morning what the plans for the leadership were. And that they're satisfactory to the White House, but that you make those decisions yourself, that you and your policy committee have decided that you'll put it in the hands of four people—Humphrey and whoever they are—that you're going to be in constant contact with Dirksen on the matter."

Mansfield agreed to take a call from McGrory.

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), 264-265

---

1964 February 21 Dirksen named seven Republicans to assist him when the Senate took up the civil rights bill. Thomas Kuchel (R-CA) would manage the Republicans.

Source: Dirksen Papers, Working Papers, f. 253

---

1964 February 25 Over the next three days, Deputy Attorney General Katzenbach briefed the Senate legislative assistants on the civil rights bill, going title-by-title and exploring hypothetical applications of the legislative language.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, February 25, 1964, 20-22, Collection 97, The Dirksen Congressional Center

---

1964 February 25 President Johnson advised Hubert Humphrey that it made sense to delay

consideration of civil rights until an agriculture subsidy bill (a.k.a., the wheat-cotton bill) could be passed, in part because its passage might appease southern senators whose states depended on these crops.

Johnson wanted to distance himself from the Senate proceedings. He said to Humphrey, "I think that you've got to be awfully careful that you don't leave that [the civil rights issue] at the White House because they'll say that it's a plot of the cotton South." Humphrey agreed to take responsibility.

Johnson: "So, I'm just thinking that it had better be a leadership decision. When they ask you what the White House says about it, I'd just say, 'We make those decisions up here; the White House has never told us how to handle procedures, and we gladly discuss them with them, but they tell us it's a matter for the Senate to decide.'"

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), 266-268

---

1964 February 26

After disposing of a tax cut bill, Mansfield took Step 2 in the parliamentary process for H.R. 7152 by asking that the bill be read for the second time. Afterward, he moved that the bill be placed directly on the Senate calendar as provided under Senate Rule XIV, which required a simple majority vote—this action would bypass Eastland's Judiciary Committee. Thus he skipped Steps Three and Four and went directly to Step Five.

Richard Russell immediately objected on the grounds that Mansfield's ploy went against Senate Rule XXV, which had been passed after Rule XIV, and which called for all bills to be referred to the relevant standing committee. Russell had lost this very point of order in 1957 when the Senate voted to let that year's civil rights bill bypass the Judiciary Committee. The Senate's presiding officer cited the 1957 ruling as precedent in denying Russell's objection.

Everett Dirksen opposed Mansfield's motion, too, preferring that H.R. 7152 go to the Judiciary Committee for further testimony. Between 1953 and 1963, 121 civil rights bills had been referred to the Senate Judiciary Committee. Only one had ever been reported, and that action was taken under instructions by the Senate. The committee held only 11 days of hearings on the bill President Kennedy submitted in 1963 and heard only one witness, Robert Kennedy, who was questioned for nine days. Even then, the committee failed to report a bill.

Mansfield prevailed, however. The Senate voted 54-37 to place the House-passed H.R. 7152 on the Senate calendar rather than refer it to Judiciary. Twenty Republicans voted with Mansfield.

Mansfield then reversed course in an attempt to win eventual support of cloture from Alaska's Ernest Gruening. The majority leader requested unanimous consent that the bill be referred to the Judiciary Committee after all, with instructions that it be reported back "without recommendation or amendment" by March 4. Jacob Javits (R-NY) immediately objected, and Mansfield failed.

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) 136

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 214

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 219-220

- 1964 February 26 Step Six, a vote to bring H.R. 7152 to the floor, would follow Senate debate on the wheat-cotton bill. Democratic floor manager Humphrey planned to trade concessions in the wheat-cotton bill for votes in support of the civil rights bill.
- 
- 1964 February 26 Publicly, Senate Minority Leader Dirksen stated his concern at the scope of Title VII, the equal employment opportunity title. He said that President Kennedy had promised him in 1963 there would be no fair employment practice title in any bill submitted by the administration, and Kennedy had kept his promise. But H.R. 7152, as amended by the House, did contain such a provision.
- After stating that 28 states already had some version of an anti-discriminatory body, Dirksen feared for conflicting actions by federal and state commissions. He criticized as ill-defined the language in the section forbidding the federal commission from bringing action where a state or local fair employment practices agency had "effective power" to halt discriminatory practices.
- Source: *Congressional Record*, February 26, 1964, 3715-3717
- 
- 1964 February 27 The Joint Senate House Republican leadership meeting included a discussion of civil rights. At the subsequent press conference, Dirksen was asked if civil rights demonstrators would affect Dirksen's view of the bill.
- "I'm not looking with disfavor on the Civil Rights bill," he said. "I want to vote for a meaningful bill, but I do not want to see it studded with ambiguities that are going to congest our courts and I try to keep in mind that when you talk about the whole spectrum of civil rights you're not talking about 10 percent of the people, you're talking about ALL of the 190 million people in this country."
- Source: Dirksen Papers, Republican Congressional Leadership File, f. 47
- 
- 1964 February 28 Hubert Humphrey and Thomas Kuchel (CA), Republican whip and the party's floor manager for the bill, met with Clarence Mitchell and Joseph Rauh to plan strategy.
- Humphrey reviewed his ideas for organizing the civil rights forces in the Senate. He and Kuchel emphasized the crucial role that church-related groups could play in generating support for the bill. The two warned against overt efforts to pressure senators like Dirksen into supporting the bill, fearing that such tactics would backfire. The two floors leaders pledged that cloture would not be attempted until its application was certain and that the Senate leadership would not tolerate weakening of the House bill.
- The bipartisan supporters of the bill agreed to meet in the morning a half hour before Senate sessions began. In these meetings the two floor managers, their staffs, and Justice Department officials reviewed plans for the day. On Mondays and Thursdays, Clarence Mitchell and other Leadership Conference officials joined them. Every evening the senators' staffs met from 5:30 to 6:00 to follow up on details.
- 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) 144
- 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) 189-195
- Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 180-182
- 
- 1964 February 28 At 4:00 p.m., the Democratic and Republican floor leaders met with Clarence Mitchell in Humphrey's office. It was agreed that "it was very important to have a

bipartisan effort just as that which occurred on the House side." Humphrey favored cloture within five days. Mitchell advised against cloture "unless we are sure we can win." Kuchel wanted to permit southerners to filibuster "since the American people will get disgusted with them."

The group talked about how to schedule committee meetings; the length of Senate sessions; parliamentary procedures, including the "legislative day" requirements; and controversy over the atheism and sex provisions in the House bill.

Kuchel indicated that "Dirksen told me the other day that he wanted to rethink the bill." Humphrey said: "I told Dirksen that it is not Hubert H. Humphrey that can pass this bill, ultimately it boils down to what you do. Dirksen doesn't want somebody picketing him."

Humphrey: "We need faith and perseverance. I went to see Tommy [Kuchel] and we've got the votes. [Richard] Russell runs a war of nerves. He will yell Benedict Arnold, traitor, and lynch law. ... If he were on a bear hunt, he would let the rabbits out of the cage and have the hounds chase them. He doesn't want us to get bear."

Mitchell: "Negroes in this country have had a tremendous change. They aren't afraid of dogs. They just try to figure out how to keep them from biting. This isn't the old game where one could say rough stuff in the [press] gallery and nobody would pay attention."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, February 28, 1964, 24-26a, Collection 97, The Dirksen Congressional Center

---

1964 February 29

At a press conference, President Johnson said, "the civil rights bill which passed the House is the bill that this Administration recommends. I am in favor of it passing the Senate exactly in its present form." The president was responding to rumors that he had cut a deal with southern Democrats to compromise on civil rights in return for their votes on the tax cut.

**Learn more:** "The President's News Conference,"  
From *Public Papers of the President, The American Presidency Project*  
Link to: <http://www.presidency.ucsb.edu/ws/index.php?pid=26090&st=&st1=>

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) 196

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 182

---

1964 March 1

Appearing on CBS's *Face the Nation*, Richard Russell previewed the argument he intended to use to dissuade senators from voting for cloture. "The public accommodations section, as severe as it is, is not the worst provision in the bill." Instead, he pointed to Title VI (cut off of federal funds) and Title VII (equal employment opportunity) as being "much more damaging" to the American economic and governmental system.

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) 200

---

1964 March 3

Humphrey, Democratic floor manager for the civil rights bill, said he would resist all efforts to change the House-passed bill.

1964 March 3 Dirksen's appointment books recorded a meeting on civil rights at 3:15 p.m.

Source: The Dirksen Timeline

---

1964 March 6 The Senate passed the cotton-wheat bill. Senate leaders had decided to complete action on that bill before moving to civil rights. Mansfield announced that he would call up H.R. 7152 on Monday, March 9.

---

1964 March 6 Following meetings with fellow Democrats Warren Magnuson, Phillip Hart, and Joseph Clark, Humphrey decided upon the following strategy for managing the civil rights bill:

1. Additional "captains" would be appointed to manage each title of H.R. 7152: Hart (MI) for Title I (voting rights), Magnuson (WA) for Title II (public accommodations), Wayne Morse (OR) for Title III (desegregation of public facilities and the attorney general's powers), Paul Douglas (IL) for Article IV (school desegregation), Edward Long (MO) for Title V (Civil Rights Commission), John Pastore (RI) for Title VI (cutoff of federal funds), Joseph Clark (PA) for Title VII (equal employment opportunity), and Thomas Dodd (CT) for Titles VIII, IX, X, and XI (Community Relations Service and miscellaneous provisions).
2. A special whip system would be established to help senators respond promptly to quorum calls. The Democrats agreed to keep at least 35 senators in Washington each day to answer quorums. The Republicans promised 16. These special arrangements were designed to produce 51 senators as quickly as possible whenever a filibustering southern Democrat suggested the absence of a quorum.
3. Senators would be assigned on a rotating basis to monitor the Senate floor throughout the debate to guard against surprises from the southern Democrats.
4. Partly to demonstrate organizational effectiveness, the pro-civil rights forces would publish a daily bulletin, which would be distributed to friendly senators, providing them with the daily schedule, a list of the assignments for monitoring the Senate floor, and rebuttal points to make against the filibusterers.
5. A civil rights bipartisan leadership team meeting would be held in Humphrey's whip office approximately 15 minutes before the Senate convened each day to discuss current plans. Twice a week the lobbyists from the Leadership Conference on Civil Rights would be invited to attend these meetings.

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) 184-185

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) 144

---

1964 March 6 Dirksen met with Nicholas Katzenbach at 4:00 p.m.

Source: The Dirksen Timeline

---

1964 March 7 At a press conference, President Johnson said, "I think we passed a good civil rights bill in the House. I hope that same bill will be passed in the Senate."

**Learn** more The President's News Conference [link to <http://www.presidency.ucsb.edu/ws/index.php?pid=26101&st=&st1=>] From *Public Papers of the President*, The American Presidency Project

---

1964 March 8 Appearing on NBC's *Meet the Press*, Humphrey reaffirmed the president's promise

to work for a civil rights bill that did not change the House-passed bill: "I think it would be desirable for us to take the work that has already been completed in the House and pass it in the Senate. That would avoid, sir, going back through the House again, through conference and bringing it back to the Senate."

Humphrey said about Dirksen:

Senator Dirksen surely will be a very key person in this entire historic debate. ... I have a very high regard for Senator Dirksen. He is the Republican leader. He is a man who thinks of his country before he thinks of his party. He is one who understands the legislative process intimately and fully, and I sincerely believe that when Senator Dirksen has to face that moment of decision where his influence and where his leadership will be required in order to give us the votes that are necessary to pass the bill, he will not be found wanting.

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) 189

Source: *Congressional Quarterly Weekly Report*, May 15, 1964, Dirksen Information File

---

1964 March 8

Humphrey recalled his appearance on *Meet the Press* years later: "I praised Senator Dirksen, telling the nation that he would help, that he would support a good civil rights bill, that he would put his country above party, that he would look upon this issue as a moral issue and not a partisan issue. I believed it then, and my faith has been vindicated." He continued:

In fact, I worked very closely with Dirksen at all times so there would be no split between us. I was told a number of times by Democrats that Dirksen was stealing the show, that I should be out in front. I knew that if I tried to push myself into the spotlight any more than I had, the bill would fail. Dirksen had to be out in front. Dirksen is a leader, he is a great dramatist, and a fine legislator. He had the right to be out in front, and I gave him every opportunity to be so.

Source: Hubert Humphrey, "Memorandum of Senate Consideration of the Civil Rights Act of 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) 86-88

---

1964 March 9

Humphrey met with Leadership Conference principals Clarence Mitchell, Andy Biemiller, Joe Rauh, and Jack Conway; Deputy Assistant Attorney General Joe Dolan; and three Senate staff aides to organize in support of H.R. 7152.

Kuchel aide Horn reported on the list which he and Kuchel drew up on June 19, 1963, in which they felt that "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."

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) 14

Source: Stephen Horn, *Notes on Civil Rights Meetings*, February 20, 1964, 29-31c, Collection 97, The Dirksen Congressional Center

---

1964 March 9

Southerners led by Richard Russell met in a strategy session and agreed to stage a lengthy debate on Mansfield's motion to schedule the 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) 141

1964 March 9

Kuchel and Humphrey met to review the plan for monitoring debate in the Senate. Like Humphrey, Kuchel reported, Dirksen had designated Republican floor captains: Kenneth Keating (NY) for Title I (voting rights), Roman Hruska (NE) for Title II (public accommodations), Jacob Javits (NY) for Title III (desegregation of public facilities and the attorney general's powers), John Sherman Cooper (KY) for Title IV (school desegregation), Hugh Scott (PA) for Title V (Civil Rights Commission), Norris Cotton (NH) for Title VI (cutoff of federal funds), and Clifford Case (NJ) for Title VII (equal employment opportunity). Hruska and Cotton later declined to serve and were not replaced.

Humphrey and Kuchel believed a thorough title-by-title presentation by bipartisan teams on the Senate floor would help discredit the argument by southerners that the bill was being rushed through the Senate.

Kuchel also agreed to collaborate in publishing the daily civil rights newsletter and to invite the Republican title captains to the daily staff meetings in Humphrey's office.

Source: Dirksen Papers, Working Papers, f. 253

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 9, 1964, 29-31c, Collection 97, The Dirksen Congressional Center

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) 190

---

1964 March 9

**The challenge posed by the filibuster:** A filibuster would place the greatest burden *not* on the southerners, who would simply have to show up one or two at a time to talk endlessly in shifts. The pro-civil rights forces, however, would have to be able to produce 51 senators on the floor at any time the southerners called for a quorum in order to keep the Senate from grinding to a halt.

Mansfield believed that the round-the-clock sessions in 1960 eventually weakened that civil rights bill not because it had worn down southerners, who could hold the floor with only a handful of well-rested colleagues, but "rather the exhausted, sleep-deprived, quorum-confounded" proponents of civil rights, who were only too happy to compromise in the end. Hence, Mansfield's opposition to President Johnson's preference for forcing round-the-clock sessions.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 225-226

---

1964 March 9

**The challenge posed by quorum calls.** Calling quorums when fewer than 51 senators were on the floor was a favorite device of the southern members. Not only did frequent quorum calls kill time but they also gave filibusterers some rest while the clerk called the roll of 100 names.

This strategy posed a parliamentary risk for the pro-civil rights senators. Under the Senate's rules, each member was allowed to deliver just two speeches on the same subject in a single "legislative day." If a quorum could not be obtained, however, the Senate would have to adjourn—instead of recessing, as was its more typical practice—thus starting a new legislative day. Beginning a new legislative day would allow the southerners to make even more speeches in opposition, thereby delaying final action even further. For example, if each filibusterer made two 12-hour speeches, that alone could use up eight to ten weeks.

Moreover, if the Senate adjourned while a motion to consider the civil rights bill were pending—as Mansfield had announced the motion to consider H.R. 7152

soon would be—the motion would die, and the process of calling the bill up would have to start all over again the next legislative day.

Bottom line: the civil rights supporters would have to deliver a quorum on demand in order to keep the current legislative day alive.

To confront the challenge, Humphrey devised a new system to bring senators to the chamber quickly to respond to quorum calls. Humphrey appointed six Democrats each of whom was expected to produce four to six colleagues on the floor as soon as a quorum call was issued. Republicans were expected to produce 16 of their colleagues.

Russell divided his faction into three-man groups to conduct quorum calls. The southerners aimed their attack on Title I (voting rights), Title II (integration of public accommodations), Title VI (cutoff of federal funds), and Title VII (equal employment opportunity).

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) 144

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 225-226

---

1964 March 9

**The challenge posed by the “morning hour” procedure.** Morning hour was the period at the beginning of each workday reserved for routine housekeeping tasks—the reading of the previous day’s journal, the presentation of memorials and committee reports, for example. Because the Senate usually convened at Noon, morning hour usually began then and lasted for two hours, ending at 2:00 p.m.

During the morning hour, a motion to consider a bill—that is, to make it the pending business of the Senate—was *not* debatable. If the majority leader wanted to call up a bill as the first order of business, he could do so in seconds under the procedures allowed during morning hour.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 232

---

1964 March 9

At Noon, the Senate began debate on Mansfield’s motion to proceed to the consideration of H.R. 7152, a debate that lasted 16 days. A few minutes after Noon, during morning hour, Mansfield offered a routine motion to dispense with the reading of the previous day’s journal. If successful, this gambit would provide an opening for Mansfield to make the bill the pending business of the Senate.

Russell jumped up, asking that the journal be read “slowly and clearly enough for all members of the Senate to understand.” This was Russell’s way of consuming the two hours of the morning hour in order to prevent Mansfield’s motion to consider the bill *without* debate. After 2:00 p.m., the motion to consider the bill would be debatable.

Two hours and five minutes later, Mansfield took the floor again to make his motion to consider H.R. 7152 as the Senate’s pending business.

Southerners began talking in what amounted to a pre-filibuster on the question of whether to simply take up the bill—this filibuster did not address the substance of the bill itself. Civil rights supporters feared that Russell’s forces might just keep talking, preventing the Senate from even beginning to consider H.R. 7152, until Congress adjourned for the Republican Convention in July.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 233-234

1964 March 9	<p>Senate Republican staff members met for lunch with Stephen Horn, Kuchel's legislative assistant. Horn invited William H. Copenhaver, Associate Counsel, House Committee on the Judiciary, to present information about the House-passed bill. The Senate staffers wanted to know how much change Bill McCulloch would accept to H.R. 7152. Copenhaver believed "it's nonsense to hold the bill intact as Senator Humphrey says." All present agreed that no amendment would be offered unless at least 15 Republican senators agreed to co-sponsor it or to vote for it.</p> <p>Source: Stephen Horn, <i>Notes on Civil Rights Meetings</i>, March 10, 1964, 32-33, Collection 97, The Dirksen Congressional Center</p>
1964 March 10	<p>After Dirksen let it be known that he was working on amendments to the public accommodations, cut off of federal funds, and equal employment opportunity sections, Humphrey said that backers of H.R. 7152 and Dirksen were "not too far apart" on the public accommodations sections.</p>
1964 March 10	<p>The Senate bipartisan civil rights staff met at 4:30 p.m. to discuss strategy. They agreed to meet at 5:00 p.m. on Mondays, Wednesdays, and Fridays.</p> <p>Source: Stephen Horn, <i>Notes on Civil Rights Meetings</i>, March 10, 1964, 34-35, Collection 97, The Dirksen Congressional Center</p>
1964 March 11	<p>The Senate bipartisan civil rights staff met at 5:30 p.m. in Capitol S-118, the Office of the Senate Democratic Policy Committee. The discussion centered on amending strategy, on cloture, and on the Senate's independence from the House.</p> <p>Source: Stephen Horn, <i>Notes on Civil Rights Meetings</i>, March 11, 1964, 36-37, Collection 97, The Dirksen Congressional Center</p>
1964 March 11	<p>At 6:15 p.m., most of the bipartisan civil rights staff moved to S-309, Humphrey's office, to meet with Clarence Mitchell and Joe Rauh. Mitchell announced that the Leadership Conference would oppose any weakening amendments. Although Justice Department officials asked Mitchell to make a statement against strengthening amendments (which they feared would create a backlash against the bill), Mitchell refused to do so. Rauh and Mitchell described how they would like to improve the bill.</p> <p>They discussed lobbying strategy, the need to clear any amendments with McCulloch and Celler, and the timing of cloture.</p> <p>Source: Stephen Horn, <i>Notes on Civil Rights Meetings</i>, March 11, 1964, 37-39, Collection 97, The Dirksen Congressional Center</p>
1964 March 12	<p>The Joint Senate House Republican Leadership meeting included a discussion of civil rights. Both Halleck and Dirksen responded to questions in the press conference following the meeting. Dirksen, for example, said that 155 amendments to H.R. 7152 had been presented in the House, of which 39 were adopted. "Now we just carry out our part of the legislative process," he continued, "and amendments will be offered. I shall add some amendments. There will be others. I understand that it requires some technical changes in order to perfect the language and make it clear—on which there's possibly agreement."</p> <p>Source: Dirksen Papers, Republican Congressional Leadership File, f. 47</p>
1964 March 12	<p>The Senate bipartisan civil rights staff met. "It was a very jocular crowd. Department of Justice representatives are no longer present!"</p>

Discussion topics focused on parliamentary procedures.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 12, 1964, 40-41, Collection 97, The Dirksen Congressional Center

---

1964 March 14 President Johnson taped a television interview with the three major networks to be broadcast the following day. "The Negro was freed of his chains a hundred years ago," he said, "but he has not been freed of the problems brought about by his color and the bigotry that exists. I know of nothing more important for this Congress than to pass the Civil Rights Act as the House passed it."

**Learn more** "Transcript of Television and Radio Interview Conducted by Representatives of Major Broadcast Service," (and audio) [link to <http://www.presidency.ucsb.edu/ws/index.php?pid=26108&st=&st1=#axzz2fjczQYF1>] From *Public Papers of the President*, The American Presidency Project

---

1964 March 15 Dirksen appeared on *Issues and Answers* [No transcript was located]

Source: The Dirksen Timeline

---

1964 March 16 The agenda for the conference of Democratic civil rights floor leaders included the following item, which testified to the important of publicity:

Senator [Jennings] Randolph [D-WV] has informed the leadership that if the Morse motion is delayed until late this week or early next, his doctor may allow him to be wheeled into the Senate Chamber on a reclining stretcher-chair to vote. The value of Senator Randolph's generous offer to proponents of the bill might well be immeasurable, not only in terms of publicity and drama but in terms of psychological forces in the Senate as well. It is suggested that if possible the vote on this motion be delayed until Senator Randolph is permitted by his doctor to make this trip, and to preserve its dramatic impact it should be kept in the highest measure of secrecy.

The "Morse motion" referred to Senator Wayne Morse's (D-OR) intention to move that H.R. 7152 be referred to the Senate Judiciary Committee rather than be placed on the Senate calendar [See March 26, 1964].

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 16, 1964, 42a, Collection 97, The Dirksen Congressional Center

---

1964 March 16 A handful of civil rights proponents met at 10:30 a.m. to check up on the views of the midwest and mountain state Republican senators "and whether or not they will switch to provide a vote on cloture." They talked about other legislative business that might impinge on civil rights.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 16, 1964, 42b, Collection 97, The Dirksen Congressional Center

---

1964 March 16 Stephen Horn learned from Congressman John Lindsay's legislative assistant that Bill McCulloch "is getting progressively worried. He claims that they would lose 25 percent of the votes they had if a vote were to occur in the House on the Civil Rights legislation."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 16, 1964, 43, Collection 97, The Dirksen Congressional Center

---

1964 March 16 Richard Russell introduced a proposal to give southern blacks \$1.5 billion in incentives to relocate to parts of the country where few of them lived. It went nowhere.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 185

---

1964 March 17 More than 100 members of the United Church of Christ visited Washington to urge support of the civil rights bill.

---

1964 March 17 Pro-civil rights senators and staffers met at 10:30 a.m. They discussed the difficulty of getting a hard count on votes, of the timing of the wheat-cotton bill and the civil rights bill, and the challenge of meeting evening quorum calls (on March 16, 15 Republicans answered on time, but it took 67 minutes to round up Democrats, and Senate President Pro Tempore Carl Hayden "was aroused out of bed").

Said Humphrey: "Their duty is to be here. I could be away for speeches for 40 years with 50 invitations a day and I might be if you don't watch it. [Laughter]"

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 17, 1964, 45-46, Collection 97, The Dirksen Congressional Center

Source: John Stewart, "The Civil rights Act of 1964: Tactics I," in Robert Loevy, editor, *The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation* (Albany: State University Press of New York, 1977) 223

---

1964 March 17 William Copenhaver, minority counsel to the House Judiciary Committee representing Bill McCulloch, met with Horn, legislative assistant to Kuchel, and the legislative assistant to John Lindsay at Noon:

Copenhaver believes that he has a Republican package which the House could accept. He would include state and federal elections in Title I; he would extend the Fourteenth Amendment to Title II; he would add due process to Title III; he would strike the requirements re findings on Title IV; he would give the Civil Rights Commission an indefinite extension and put the Community Relations Service under the Civil Rights Commission in Title V; he would include individual right to sue under Title VI; he would phase firms with 100-50-25 employees into Title VII over a three-year period; he would permit the Census Bureau to go into all the districts under Title VIII; and he would permit appeals and remands under Title IX.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 17, 1964, 47, Collection 97, The Dirksen Congressional Center

---

1964 March 17 The Republican civil rights staff met for lunch. Staffers for the following senators attended: Kuchel, Javits, Keating, Cooper, Fong, Hruska, Case, and other staff, including Copenhaver. Dirksen was not represented.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 17, 1964, 47-48, Collection 97, The Dirksen Congressional Center

---

1964 March 17 The *New York Times* reported that Mansfield, Dirksen, Humphrey, and Kuchel had met at 2:00 p.m. and agreed to seek cloture the following week if the southern Democrats continued to debate the motion to consider H.R. 7152.

Humphrey and Kuchel, however, feared that a premature move to cloture would fail and open the bill to weakening amendments.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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, 1977) 221

Source: The Dirksen Timeline

1964 March 17 The bipartisan civil rights staff met but by 5:30 p.m., they “had not decided anything. Some were inhibited by the presence of the three Dirksen assistants (Clyde Flynn, Neal Kennedy, and Bernard J. Waters).” Stephen Horn told the bipartisan group “to relax since Dirksen’s assistants do not know what Dirksen wants either and they are just as inhibited as the rest.” Senator Kuchel told Horn, “Don’t play around with Title II at all. Dirksen will be with us after an honorable licking.”

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 17, 1964, 48, Collection 97, The Dirksen Congressional Center

---

1964 March 18 Pro-civil rights senators and staff met at 10:30 a.m. to discuss the procedures associated with referring H.R. 7152 to the Senate Judiciary Committee with instructions.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 18, 1964, 49-50, Collection 97, The Dirksen Congressional Center

---

1964 March 18 Humphrey sent a memo to President Johnson describing how he would approach Dirksen. The minority leader, Humphrey wrote,

is a man in his later years, probably not intending to serve another term in the Senate, one who is, therefore, not open to direct pressure on the civil rights bill or any other bill. He is increasingly concerned, I believe, about his historical role, about his place in history. He is a brilliant, gifted man, who somehow slipped off the track and wound up with the image of a clown—“The Ev and Charlie Show” routine, for example. In actual fact, he is a skillful, imaginative, and patriotic man, to whom an appeal can be made subtly to win his place in history as a real decision maker on the Civil Rights bill.

The best way to [handle] Dirksen is to have people express confidence in him, to say they believe him to be a patriot, that they believe him to be a man dedicated to right and justice, and they believe that he will use his great power and influence to secure passage of the bipartisan bill passed by the House.

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) 155

---

1964 March 18 By this point, the southerners were dragging out the debate by asking unanimous consent to make off-topic speeches that would not count against their allotted total time on civil rights. They had so far used only 12 of 38 speaking slots available to them under the two-speeches-a-day rule.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 236

---

1964 March 18 The Senate bipartisan leadership staff met with the Leadership Conference on Civil Rights from 2:00 to 4:00 p.m. Discussion centered on the timing of cloture, the status of amendments, the need to avoid a conference committee, the role of lobbying by church groups in senators’ home states, parliamentary strategy, and the status of Wayne Morse’s motion to refer the bill to the Judiciary Committee.

No one representing Dirksen or Mansfield attended the meeting.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 18, 1964, 52-56, Collection 97, The Dirksen Congressional Center

---

1964 March 19 The bipartisan Senate leadership met at 10:30 a.m. with representatives from the

Leadership Conference on Civil Rights. They discussed the Morse motion and the wisdom of seeking cloture. There was a difference of opinion on whether or not an early vote on cloture would help or hurt the prospects for H.R. 7152. The group prepared a post-meeting memorandum on suggested steps to reach a vote on Mansfield's motion to proceed to consideration of H.R. 7152 without resorting to cloture.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 19, 1964, 58-61b, Collection 97, The Dirksen Congressional Center

---

1964 March 20      The bipartisan Senate leadership met at 10:30 a.m. in Humphrey's office. Discussed centered on the strategy for dealing with the Morse referral motion. Concern was expressed about Republican sentiment in the House. In the case of Charles Halleck, for example, "Sixty of the House Republicans put a black Neville Chamberlain umbrella on Halleck's desk" after he voted for H.R. 7152.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 20, 1964, 63, Collection 97, The Dirksen Congressional Center

---

1964 March 20      Dirksen prepared the following letter to respond to constituents who wrote him about the civil rights bill:

The Civil Rights bill, if enacted in the form as it passed the House of Representatives, will have a tremendous impact upon the way of life of this country. It contains so many imperfections and ambiguities that I hope before we get through in the Senate we can rework this measure to keep it within due bounds and also make it conform to our constitutional concepts of the rights of all citizens and not merely a segment of our citizenship.

I anticipate that many weeks will be devoted to this issue and that there is little likelihood that the Senate will impose cloture on itself in the face of this all important issue.

Source: Filibuster Robo, March 20, 1964, Dirksen Papers, Chicago Office, f. 2149

---

1964 March 23      On March 23, it was still the "Legislative Day of Monday, March 9," and the southerners kept talking. The House, on the other hand, had taken just nine days to debate, amend, and pass H.R. 7152. The Senate had already taken two weeks just debating a motion on whether to consider the bill.

1964 March 24      At 10:00 a.m., Dirksen met with the National Association of Social Workers to discuss civil rights. The meeting was widely reported in the press, particularly Dirksen's exchange with seven black members of the organization.

As the *Chicago Daily News* reported, "Dirksen expounded principle; they countered with morality. He began to filibuster with statistics on progress; they cut him off with recent personal experiences of discrimination. They sought to lecture him; and the Senate's quickest wit fired back with Supreme Court precedents and historic arguments, resonantly stated."

Source: *Chicago Daily News*, March 25, 1964, Dirksen Papers, Scrapbooks, 2.6

---

1964 March 24      The bipartisan Senate leadership met at 10:30 a.m. in Humphrey's office. It appeared that Morse might offer his referral amendment on March 25, and the participants discussed how to line up votes to oppose the motion. Humphrey reported that he had told the administration to "motivate some of the religious groups" to "liven up the people on the Democratic National Committee."

"Humphrey stresses that the Southerners use dramatic words and phrases. We have to bring out the gruesome details. Show what has happened to educated Negroes who have been deprived of their rights and quit arguing about details. The opposition is saying this is a bad bill and these incidents are local. We need to build up a backdrop so people will understand it."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 24, 1964, 65, Collection 97, The Dirksen Congressional Center

---

1964 March 24

Word circulated on Capitol Hill that the southerners were ready to allow a vote on the Mansfield motion to consider the bill. The southern caucus had voted 7 to 5 to let the bill come up. According to students of the process, the precise reason for this about-face has never been clear. The best guess is that Richard Russell had begun to fear that continued foot-dragging on the mere consideration of the bill might prompt more Republicans to support cloture once H.R. 7152 reached the floor.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 237-238

---

1964 March 25

The bipartisan Senate leadership met at 10:30 a.m. in Humphrey's office. Discussion centered on the best way to use President Johnson's influence and the Morse referral motion. "Horn suggests that we let Senator Dirksen make a speech and get it out of the way on Thursday. When Dirksen speaks, we should just smile and have patience."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 25, 1964, 66, Collection 97, The Dirksen Congressional Center

---

1964 March 25

At 4:30 p.m., the Senate bipartisan leadership staff met. "There is a feeling that Martin Luther King should stay out of the gallery when the vote [on the Morse referral motion] is underway."

At 5:30 p.m., Horn and other staff met with Clarence Mitchell to assess votes on the referral.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 25, 1964, 67, Collection 97, The Dirksen Congressional Center

---

1964 March 26

Dirksen committed his thoughts about H.R. 7152 to paper. Alluding to Bill McCulloch's description of the House Subcommittee No. 5 bill as a "pail of garbage," Dirksen wrote that the House-passed version was "not salvage or garbage but can be improved. ... I have been and still am studying every aspect of Title II of this bill and I will have a substitute for this Title which I will present later."

Under the heading "Impatience," Dirksen wrote: "If this measure is the most important in several generations, is it not time to show patience and do a workmanlike job?"

In dealing with the subject of "Threats," he observed: "How worthy can we be as a deliberative body if threats of demonstrations and taking to the streets moves us to hurried and careless craftsmanship?"

Source: Dirksen Papers, Working Papers, f. 257

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) 154-55

---

1964 March 26

After convening at 9:00 a.m., the Senate voted 67-17 to take up H.R. 7152. The southerners had ended the pre-filibuster.

Senator Wayne Morse then moved to refer the bill to the Judiciary Committee with instructions to report it back to the Senate not later than April 8. Morse defended his motion on these grounds: (1) the committee would have an opportunity to hold hearings, and (2) the committee could file majority and minority reports on the legislation, which Morse believed would be needed by the courts to determine the bill's legislative history.

Dirksen supported Morse's motion to refer the bill to Judiciary and said that it needed "the most careful scrutiny." "If this bill is as important as the zealots say," Dirksen said, "that is all the more reason that it should be referred." "This bill is going to remake the social pattern of this country ... nobody should be fooled on that score," he said.

Majority Leader Mansfield opposed the motion and noted that the bill, upon its return from the Judiciary Committee on April 8, would have to be motioned off the calendar, providing the southern Democrats with still another opportunity to filibuster the motion to take up the bill. Mansfield moved to lay Morse's motion on the table. His motion carried easily, 50-34. The last impediment to the Senate's consideration of the bill itself had been overcome.

Source: *Congressional Record*, March 26, 1964: 6445+

Source: "The Morse Motion on Civil Rights," Dirksen Papers, Notebooks, f. 206, 68-71

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 224-227

---

1964 March 26

Selected Senate Republican staff members met for lunch.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 26, 1964, 68, Collection 97, The Dirksen Congressional Center

---

1964 March 26

The Senate adjourned for the Easter weekend.

---

1964 March 26

The Rev. Martin Luther King, Jr., held a press conference in the Capitol building. He said that if a filibuster on the bill itself lasted more than one month, beyond May 1, his Southern Christian Leadership Conference would "engage in a direct action program here in Washington and around the country."

---

1964 March 29

Richard Russell planned strategy for the southern senators. He counted on the filibuster to allow time for public sentiment to rise against the bill. Various factors were seen as contributing to anti-civil rights sentiment: (1) continued racial unrest and disruptions throughout the country; (2) the entry of Alabama's governor, George C. Wallace, in the Wisconsin, Indiana, and Maryland presidential primaries; and (3) the national campaign against the bill sponsored by the Coordinating Committee for Fundamental American Freedoms.

Russell also hoped that the pressure brought by civil rights proponents would alienate Dirksen, who, as time passed, might urge the Senate to adopt major amendments to the House-passed bill, forcing a parliamentary crisis when the bill returned to the House. Russell imagined a war of attrition resulting in a significantly weaker bill.

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) 198-201

---

1964 March 29

The Reverend Billy Graham held a service for 35,000 intermingled black and white

congregants in a football stadium in Birmingham, Alabama, the largest integrated audience in the history of Alabama.

---

1964 March 30

At 11:30 a.m., the bipartisan Senate leadership met in Humphrey's office with representatives from the Leadership Conference on Civil Rights. They talked about strategy for giving speeches and allowing interruptions. About Humphrey: "Since there was no legislative history in committee, he feels that it must be done in a committee of the whole. We should not be running because 'lynch mob' and 'tyranny' are being yelled by Senator Russell."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 30, 1964, 69-70, Collection 97, The Dirksen Congressional Center

---

1964 March 30

Formal debate on H.R. 7152 began in the Senate. Hubert Humphrey opened debate with a three-hour-and-ten-minute exposition of the entire bill, followed by Thomas Kuchel (R-CA), Republican floor manager for the bill, who spoke from a 56-page text.

At this point, the southern filibuster on the bill itself began. The floor captains appointed by Dirksen and Humphrey occupied the Senate debate until April 9 with a title-by-title discussion of H.R. 7152.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 229

---

1964 March 30

Eighty leaders from the 74 member organizations of the Leadership Conference on Civil Rights met for an all-day strategy session.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 193-194

---

1964 March 30

Pro-civil rights forces in Congress and outside the institution were not content to rely on congressional processes and politics to achieve their legislative goals. They worked with church groups which had joined the civil rights movement in full force for the first time in 1963.

Churches provided the only possible civil rights constituency for most of the uncommitted senators, those whose votes Dirksen needed for cloture. These senators typically represented small population or rural states without a black constituency or, consequently, a civil rights problem at home. Absent that, these senators feared that voting for cloture would set a dangerous precedent and erode their ability to protect small-state interests.

According to Andrew Young, who worked at Martin Luther King, Jr.'s side during this period, the pressure exerted by churches in the home states of senators from Iowa, Nebraska, North and South Dakota, and Kansas proved decisive:

When it no longer became a matter of right and left or liberal and conservative, but when it was demonstrated by this group of church and civil rights leaders that there were clear moral and religious issues involved, you gave those senators, eight of the ten of whom were Republican, a clear rationale for opposing something [unlimited debate] that they felt to be a lifelong part of the democratic tradition and very important in the case of a minority in a constitutional body.

Hubert Humphrey agreed. "We needed the help of the clergy, and this was assiduously encouraged," Humphrey noted. "I have said a number of times, and I repeat it now, that without the clergy, we couldn't have possibly passed this bill."

Source: Frank H. Mackaman, *The Long, Hard Furrow: Everett Dirksen's Part in the Civil Rights Act of 1964* (Pekin, IL: The Dirksen Congressional Center, 2006) 60-61

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 2, 1964, 77, Collection 97, The Dirksen Congressional Center

---

1964 March 31 Richard Russell had his first opportunity to speak to H.R. 7152, and the point-counter-point debate over the bill began in earnest.

---

1964 March 31 The bipartisan Senate leadership met at 10:40 a.m. in Humphrey's office. They discussed the timing of applying pressure to Senator Roman Hruska (R-NE), a conservative Republican; the pace of debate; the schedule for bringing up the bill's titles; and Democratic absentees from quorum calls.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, March 31, 1964, 72, Collection 97, The Dirksen Congressional Center

---

1964 March 31 At the weekly meeting of the Republican Policy Committee, Dirksen explained the basic elements of the amendments under consideration to H.R. 7152. He brought subsequent modifications of these amendments to the next three Policy Committee luncheons.

Dirksen outlined, for example, some possible amendments to Title VII (equal employment opportunity) that might keep the bill from "harassing businessmen," as he put it. These included proposals intended to ease employment record-keeping requirements, plus other measures intended to avert conflict between state and federal fair employment rules, and to give precedence to states with effective laws already on the books.

He also floated the far more controversial idea of revising Title II of the bill, the all-important public accommodations section, to allow for voluntary compliance within one year before the attorney general could sue for an injunction to block discriminatory practices.

Dirksen's strategy in previewing his changes with the Policy Committee was to court the conservatives in his party who used the committee as their power base. The *New York Times* reported that Dirksen said he had found "substantial support" among his party colleagues for the amendments he would offer to the civil rights bill.

His colleagues persuaded Dirksen to hold off on any changes in Title II for the moment, however.

Source: *Washington Star*, April 1, 1964, Dirksen Papers, Scrapbooks, 2.7

Source: *New York Times*, April 1, 1964, Dirksen Papers, Scrapbooks, 2.7

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 248-249

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 248

---

1964 April 1 The bipartisan Senate leadership met at 10:30 a.m., in Humphrey's office. "Katzenbach is optimistic about Senator Dirksen and his amendments. He thinks that they can be helpful. The FEPC amendments might be okay."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 1, 1964, 76, Collection 97, The Dirksen Congressional Center

1964 April 1	Johnson and Dirksen discussed civil rights in a taped telephone conversation.
	Source: The Dirksen Timeline [no transcript available]
1964 April 2	At 10:55 a.m., the bipartisan Senate leadership met in Humphrey's office to discuss how to use church groups to influence senators. It was clear from the conversation that the group had checked the religious affiliations of all senators and "were working based on them."
	Source: Stephen Horn, <i>Notes on Civil Rights Meetings</i> , April 2, 1964, 77, Collection 97, The Dirksen Congressional Center
1964 April 2	At 11:45 a.m., a handful of staff members met. They learned that the civil rights forces may not be able to produce a quorum on April 4 because of Democratic absences.
	Source: Stephen Horn, <i>Notes on Civil Rights Meetings</i> , April 2, 1964, 77, Collection 97, The Dirksen Congressional Center
1964 April 3	The bipartisan Senate leadership met at 10:30 a.m. in Humphrey's office to discuss the wisdom of having a Senate session the next day because 30 Democrats and Senator Kuchel would be absent.
	Source: Stephen Horn, <i>Notes on Civil Rights Meetings</i> , April 3, 1964, 78, Collection 97, The Dirksen Congressional Center
1964 April 4	<p>Since March 30, the Senate floor had been virtually empty as a handful of senators explained the complex provisions of H.R. 7152. Southerners employed the tactic of "suggesting the absence of a quorum" to force the bill's proponents to round up 51 bodies and to slow down proceedings even more.</p> <p>The Senate convened at 11:00 a.m., and Mansfield, following standard procedure, noted the absence of a quorum, and the clerk began to call the roll. Only 39 senators (23 Democrats and 16 Republicans) responded to the quorum call. Of the absentees, 44 were civil rights supporters.</p> <p>The presiding officer declared the absence of a quorum.</p> <p>If the Senate lacked a quorum, the rules allowed two options: adjourn or take action to produce a quorum. Since adjournment would allow the southerners to start a new legislative day [See also entry at March 9], Mansfield immediately moved that the Senate sergeant at arms be directed "to request the attendance of absent Senators."</p> <p>Knowing full well that even such a move would not produce a quorum with so many senators out of town, Mansfield cut short that process by asking the presiding officer whether a motion to recess until Monday would be in order, so that the two-hour clock would not have to start all over again on a new legislative day, allowing the southerners to prolong the filibuster.</p> <p>Because the roll had not yet started, the presiding officer ruled that the motion was in order.</p> <p>For the first time in nearly two years, the Senate was forced to recess. An irate Humphrey warned his colleagues, "the only way we can lose the civil rights fight is not to have a quorum when we need it."</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) 158</p>

Source: 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) 68-69

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 248-249

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 196-197

---

1964 April 6	The Senate began its fifth week of debate on H.R. 7152 with the team captains appointed by the floor managers describing the bill line by line.
1964 April 6	<p>At 10:30 a.m., the bipartisan Senate leadership met in Humphrey's office together with representatives of the Leadership Conference on Civil Rights. Senator Hart suggested to Humphrey "that it is urgent that we bring together the pro-Civil Rights Democrats and tell them they have a duty to be here for a quorum."</p> <p>Humphrey believed that the Dirksen amendments should be "scrutinized." In Humphrey's words, "My position is no amendments, but I want to praise Dirksen. He's trying to be constructive. There's no chance of getting cloture unless we have Everett Dirksen." Later he added: "We considered Dirksen to be acting in good faith. Nothing will be done in conference without Dirksen. Nothing."</p> <p>Source: Stephen Horn, <i>Notes on Civil Rights Meetings</i>, April 6, 1964, 79, Collection 97, The Dirksen Congressional Center</p>
1964 April 6	<p>At 11:30 a.m., Horn met with Robert Kimball, legislative assistant to Representative John Lindsay and someone who met frequently with Horn and Senate civil rights forces:</p> <p>Kimball shows Horn a line in Senator Dodd's proposed floor speech on Civil Rights which will be given later today. He notes that it looks like the Democrats might be willing to "give a little" to Everett Dirksen by agreeing that public accommodations complaints would first go to the Community Relations Service. He recalls that Lyndon Johnson proposed that idea years ago. Kimball notes that Representative McCulloch would have added Dirksen's amendments re employer definitions and reporting requirements if there had been time in the House.</p> <p>Source: Stephen Horn, <i>Notes on Civil Rights Meetings</i>, April 6, 1964, 80, Collection 97, The Dirksen Congressional Center</p>
1964 April 6	<p>Dirksen's notebook entry listed five possible factors favoring cloture:</p> <ol style="list-style-type: none"><li>1. Faced with log-jam legislation.</li><li>2. 1964 an election year. Members will want some time to campaign.</li><li>3. July 13, 1964—Republican Convention—Hope it not necessary to dispose of unfinished business after convention.</li><li>4. Factor of weariness.</li><li>5. Group pressures—emotionalism.</li></ol> <p>Source: Everett M. Dirksen Papers, Notebooks, f. 207.</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) 159</p>
1964 April 6	Dirksen recorded his weekly <i>Your Senator Reports</i> . This segment was entitled "What is Cloture?" and Dirksen explained the filibuster and cloture processes. He predicted that the current civil rights filibuster "will run along for at least another ten or fifteen days" before senators "get very serious about amendments." He proceeded to explain the amending process.

1964 April 7 At 10:30 a.m., the bipartisan Senate leadership met in Humphrey's office. Of the 36 Democrats who were supposed to have been available for quorum calls on Saturday, April 4, 13 had been absent. "[Senator Claiborne] Pell (D-RI) should be kicked in the ass for going off to the beach for two weeks."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 7, 1964, 81, Collection 97, The Dirksen Congressional Center

---

1964 April 7 Hubert Humphrey inserted into the *Congressional Record* a defense of the constitutionality of H.R. 7152's Title II (public accommodations) and Title VII (equal employment) by 22 lawyers.

---

1964 April 7 Senate Minority Leader Dirksen presented 40 amendments to Title VII (equal employment) of H.R. 7152 to his Republican colleagues at the weekly luncheon of the Republican Policy Committee in an effort to persuade his reluctant colleagues to support the bill.

He explained a provision under which no federal action could be taken to resolve an employment discrimination complaint where a state law or fair employment agency already existed, without first giving state authorities 90 days to resolve the matter.

Dirksen also would limit the powers of the federal Equal Employment Opportunity Commission to seek voluntary compliance with its findings. He did not want federal record-keeping requirements to be superimposed on existing state agencies. He would include union hiring halls among the "employment agencies" covered by the bill, to make sure that employers would not be blamed for hiring decisions that were, in fact, dictated by unions. Dirksen would specify that the results of technical studies by the commission would be made public but that the findings of individual efforts at conciliation would not. He would give all enforcement powers under Title VII to the federal courts, and not to the commission itself.

He also proposed to delete Howard Smith's "sex" provision from the House bill. At a press briefing after the private luncheon, Dirksen surprised reporters and other senators alike by declaring that he might just like to strike Title VII altogether.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 254

---

1964 April 7 Conservative Republicans applauded the modifications proposed by Dirksen. However, a liberal revolt broke out on both sides of the aisle in the Senate. Two Republicans and one Democrat said that if the Senate accepted Dirksen's amendments, they could not vote for the bill or for cloture. Senator Kenneth B. Keating (R-NY) said that three of the Dirksen amendments "would seriously weaken the effectiveness of the bill." Republican Clifford Case of New Jersey proclaimed it might be necessary "for those of us who favor a strong civil rights bill to take the position from now until Kingdom Come that he will not go along with closure [sic] or with anything else other than an effective bill." There was consternation among several Republican civil rights leaders in the House, too, who expressed doubt that House conferees could accept such changes.

Liberal and moderate Republicans' fury only mounted when they saw language for the amendments. They said a study of the official prints confirmed that the amendments not only watered down the fair employment section but also practically gutted it. "The Senator from Illinois may not be Mack the Knife but he's

certainly Ev the Dirk," one remarked in pique.

Source: *New York Times*, April 9, 1964, Dirksen Papers, Scrapbooks, 2.7

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 6, 1964, 79, Collection 97, The Dirksen Congressional Center

---

1964 April 7                    George Wallace, the segregationist governor of Alabama who was running for the Democratic presidential nomination, exceeded expectations by winning a third of Wisconsin's primary votes.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 197

---

1964 April 8                    At 9:30 a.m., the bipartisan Senate leadership met in Humphrey's office. "Senator Humphrey arrives bubbling over. He reports that he met with the Attorney General this morning. He feels that we are starting to move on the public relations."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 8, 1964, 83, Collection 97, The Dirksen Congressional Center

---

1964 April 8                    Kuchel advised Horn to keep the various Dirksen amendments confidential and added, "I'll vote against all of them if I have to."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 8, 1964, 83, Collection 97, The Dirksen Congressional Center

---

1964 April 9                    Secretary of the Senate Frank Valeo wrote Mike Mansfield that 38 senators, including Dirksen, opposed cloture, and another 11 were strongly leaning against it.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 196

---

1964 April 9                    In his maiden speech to the Senate, Ted Kennedy (D-MA) spoke to civil rights: "My brother was the first president of the United States to state publicly that segregation was morally wrong. His heart and soul are in this bill. If his life and death had a meaning, it was that we should not hate but love one another; we should use our powers not to create conditions of oppression that lead to violence, but conditions of freedom that lead to peace."

No Republicans were on the Senate floor to hear Kennedy's speech; they were meeting with Dirksen to hear him outline his proposed amendments to the civil rights bill.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 255-256

---

1964 April 9                    Dirksen presented his amendments to all Republican senators in the Senate Republican Conference. Protests immediately rang out, reflecting the diversity of opinion among the Republicans. Of the 33, 21 (including Dirksen) were conservatives, only 5 counted as moderates, and 7 (including floor manager Kuchel) were liberals.

After two hours and 20 minutes, the quarreling colleagues adjourned with no agreement on any issue, but Dirksen had succeeded in testing his colleagues' sentiments. He told the press that he was trying to make Title VII as "palatable as possible" and, therefore, might see many of his 40 amendments "go down the drain." But he felt that "the remaining residue will help get this passed. My position is negotiable."

Source: *Time*, June 19, 1964, 17, Dirksen Information File

Source: Wendy Wolff and Donald A. Ritchie, eds. *Minutes of the Senate Republican Conference, 1911-1964* (Washington DC: U.S Government Printing Office, 1999) 975-976

---

1964 April 9

At 10:30 a.m., the bipartisan Senate civil rights leadership team met in Humphrey's office, a meeting that included several representatives of the Leadership Conference. Joe Rauh set the tone when he termed Dirksen's amendments "diabolical" and stated that the group could no longer consider Dirksen's approach "constructive." Humphrey urged restraint, advising the group to "follow the course of not being openly antagonistic to Dirksen. The Republicans must carry the fight. Let the Republicans argue it out with their own leader." Kuchel staffer Stephen Horn added: "Our theory is that Dirksen will go through his public acting process, take a licking, and then be with us." The group also agreed that they probably had enough votes to block any serious weakening amendments.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 9, 1964, 84, Collection 97, The Dirksen Congressional Center

---

1964 April 9

"It is our intention," Hubert Humphrey announced, "to step up the tempo of the debate, in the hope of being able to bring about an orderly disposition of the bill through the legislative process."

The bill's proponents had just completed their ten-day explanation and discussion on the Senate floor of the bill's 11 titles, a project they began after the legislation became the Senate's pending business on March 26.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 228

---

1964 April 10

The *New York Times* reported that Dirksen "appeared today to have a better-then-even chance of winning Senate approval of significant changes in the fair employment section of the civil rights bill...."

An almost complete poll of the 33 Republican senators conducted by the *New York Times* on April 10 showed that 20 either favored or were somewhat inclined toward Dirksen's two most controversial amendments, those giving states primary jurisdiction under most circumstances and requiring suits to be filed by individuals instead of an agency. Six liberals were unqualified in their opposition.

Source: *New York Times*, April 11, 1964, Dirksen Papers, Scrapbooks, 2.10

---

1964 April 10

Dirksen continued to work piecemeal, holding constant meetings, mostly with liberals such as Javits and Case. "I have a fixed Pole Star to which I'm pointed," he explained in mid-April. "This is, first, to get a bill; second, to get an acceptable bill; third, to get a workable bill; and, finally, to get an equitable bill."

He began to indicate a willingness to soften his stance in response to liberals' objections. He dropped his proposal about extending the period for voluntary compliance, for example. Dirksen knew he did not have the votes to pass all of his amendments in the Senate, even with the likely support of southern Democrats who would welcome a chance to modify the bill. He hoped to persuade a few of the six liberals to support some changes, however, to preserve party unity as he made a pitch to the conservatives.

Dirksen took his time with the legislation not because he wanted to block the bill, or delay other Great Society legislation, or to outwait the Republican presidential

nomination process, all theories advanced at the time. One of Dirksen's staffers, Bernard J. Waters, captured the real reason:

It took so much time because we were working on the details of the bill as they affected various interest groups. There was a consistent effort to involve all the various groups concerned in the process. We tried to create a spirit of cooperation. We wanted to "take care" of all the various problems with the bill and see that everything was "worked out." We tried to work it so that no big thing was either granted or denied to any particular party. We collected a great deal of input into the final version of the bill, but no one voice prevailed.

Source: Neil MacNeil, *Dirksen: Portrait of a Public Man* (New York and Cleveland: The World Publishing Company, 1970) 234

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) 247

---

1964 April 10

Clarence Mitchell sent a memo to NAACP chapters warning them that Dirksen's amendments could be the first step toward weakening the bill. "Senator Dirksen's amendments are poison for the most part. We must work hard to make sure all senators oppose them."

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 202

---

1964 April 12

The Leadership Conference on Civil Rights held a large day-long meeting to coordinate their plans for the coming weeks.

---

1964 April 13

At 10:30 a.m., the bipartisan Senate leadership met in Humphrey's office to discuss Dirksen's amendments. Representatives from the Leadership Conference on Civil Rights participated. Humphrey reported that he had "talked Dirksen down" from 70 amendments to 15. He also said he would like "the cloture vote to occur on the 15<sup>th</sup> or 20<sup>th</sup> of May. I will try to find the maximum numbers of votes we can get. We will wait until the people are anxious. That means after the first week in May."

"Katzenbach stresses that we must have 60 votes before we should think of cloture. He would not wait until we have 67. However, anything less than 60 is a black eye." Joe Rauh reported that civil rights groups wanted cloture only when the votes are there.

Humphrey felt that "we need a barrage of propaganda on our side. People may disagree on the substance of the bill, but how can they disagree on the right to vote? It is outrageous that the business of government is held back because some people cannot vote. We need the right to vote not just in Mississippi, but also in the Senate of the United States."

Clarence Mitchell said, "If we let the Dirksen amendments prevail, it will be a disaster. There will be a Negro revolution around the country."

Humphrey responded: "We don't plan on letting them pass. Don't you break out in a sweat, Clarence. I believe we should analyze the Dirksen amendments and then move to table them. By a tabling motion, you get the brave and the cowardly at the same time. That has been true ever since the tabling process was used on the Communications Satellite legislation. I don't worry. It is like murdering half the family."

Mitchell: "The Dirksen amendments are offered as a way out for the South. We

need to let the country know that we are willing to fight to the end.”

The meeting notes indicated that House members were contacted frequently to lobby senators from their state.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 13, 1964, 86-88, Collection 97, The Dirksen Congressional Center

---

1964 April 13

Roy Wilkins, Executive Secretary of the NAACP, wrote Dirksen, enclosing his testimony eight months before on the public accommodations title before the Senate Commerce Committee:

The situation has not changed. The title is needed by the millions of American citizens who are told daily—even hourly—that while others are welcome in places open to the general public, they are either circumscribed or barred. This is an affront to American citizenship, but more importantly and more penetratingly, it is a deeply wounding affront to a person as a human being.

Source: Wilkins to Dirksen, April 13, 1964, Dirksen Papers, Alpha 1964

---

1964 April 13

Dirksen, Mansfield, Humphrey, Russell, and 13 other senators joined President Johnson for the opening day baseball game between the Washington Senators and the Los Angeles Angels. Shortly after 2:30 p.m., the public address announcer called out, “Attention please! All senators must report back to the Senate for a quorum call.” Southerners who had remained on the floor to conduct the filibuster had suggested the absence of a quorum.

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 201-202

---

1964 April 14

At 10:30 a.m., the bipartisan Senate leadership met in Humphrey’s office to discuss the timing of cloture. The Justice Department favored an early vote. Horn objected “to any attempt to look like we are running a ‘machine.’ We have to permit discussion. The Senate is not a mob-ocracy like the House over there.”

Katzenbach said he was against any amendments.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 14, 1964, 90-91, Collection 97, The Dirksen Congressional Center

---

1964 April 14

For the third consecutive week, Dirksen took his redrafted amendments to the Republican Policy Committee luncheon. Republican liberals rejected some of the changes but agreed to others. Both sides stressed the desire to continue negotiations. Dirksen decided, therefore, to introduce ten of his less controversial amendments on April 16. He would withhold the amendments dealing with enforcement and jurisdiction for the time being.

Source: John Stewart, “The Civil Rights Act of 1964: Tactics I,” 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) 250-251

---

1964 April 15

A memorandum of a bipartisan civil rights leadership meeting summed up the situation in these words: “It is absolutely essential that we not make any concession to Dirksen at this time. ... At the same time, it was agreed that in order to get cloture, we must get Dirksen.”

Source: John Stewart, “The Civil Rights Act of 1964: Tactics I,” 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) 250

1964 April 15

Hubert Humphrey and Thomas Kuchel issued a press statement warning that "illegal disturbances and demonstrations which lead to violence or injury" would hamper efforts to enact the civil rights bill. "Civil wrongs do not bring civil rights," they said, and the cause of civil rights was not helped by "unruly demonstrations and protests that bring hardships and unnecessary inconvenience to others."

Source: *Congressional Quarterly Almanac 1964*, 359

---

1964 April 16

At 10:30 a.m., a bipartisan group of staff assistants, Leadership Conference lobbyists, and Justice Department officials met to estimate support for cloture. They thought that by mid-May a minimum of 58 senators would vote to invoke cloture, short of the 67 required.

They ranked an additional six as "highly probable," including Peter Dominick (R-CO), Howard Edmondson (D-OK), Roman Hruska (R-NE), Everett Jordan (R-ID), Jack Miller (R-IA), and Thruston Morton (R-KY). Six Republicans were identified as the "Dirksen group," including Dirksen, Carl Curtis (R-NE), Norris Cotton (R-NH), Karl Mundt (R-SD), Bourke Hickenlooper (R-IA), and Edwin Mechem (R-NM).

The group estimated that the civil rights forces could ultimately get 64 of the 67 votes needed for cloture, although not all those votes were nailed down.

Joe Rauh reiterated that the Leadership Conference on Civil Rights opposed moving for cloture unless the votes were there. "We had that pledge from Hubert in this room. ... We need to hold Dirksen off re his amendments."

Mitchell, arguing for aggressive action to end debate: "To date, the South has the advantage. We are not winning, not because we are strong but because we are gentlemen."

Humphrey: "We want them to make fools of themselves. If they run out of speeches on this, then they will have amendments. We will have to plan on cloture. Nobody won a war starving the enemy. We must shoot them on the battlefield."

Mitchell: "You are shooting your friends if you trade with Dirksen."

Humphrey: "We don't have 65 votes for cloture."

Rauh: "Public discussion of cloture leads to talk of compromise with the Dirksen amendments. Some of those are just as bad as the Southerners. He's not moving."

Humphrey: "We made no deal. We have to talk out loud."

Mitchell: "There are 19 Southern senators who are not convinced."

Humphrey: "Dirksen may offer some amendments. He will kill that stuff of mine with 500 amendments. We cannot get a quorum this Saturday. All those brave fighters for civil rights are elsewhere. ... Democratic senators have told me that 'if the life of the nation depends on my vote, then I say to hell with it.'"

Humphrey: "Unless we are ready to move in our clothes and our shavers and turn the Senate into a dormitory—which Mansfield won't have, we have to do something else. The President grabbed me by the shoulder and damn near broke my arm. He said, 'I'd run the show around the clock.' That was three weeks ago. I told the President he is grabbing the wrong arm. I have the Senate wives calling me right now asking, 'Why can't the Senator be home now?' They add: 'The place

isn't being run intelligently.' Sometimes I'm working far longer hours. The President says, 'What about the pay bill? What about poverty? What about food stamps?' Clarence, we aren't going to sell out. If we do, it will be for a hell of a price."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 16, 1964, 92-95, Collection 97, The Dirksen Congressional Center

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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): 284

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 263

---

1964 April 16

Dirksen prepared to go to Senate with ten amendments to the House-passed bill.

In his remarks on the Senate floor, Dirksen said, "I do not wish to save any pockets of prejudice for the future." He also noted: "I have ... had conversations with people who express the hope that the bill will be approved without a single amendment. I am afraid that people who utter that hope have no familiarity with the real legislative process. I believe the Senate is duty-bound carefully to examine all legislation."

Of the amendments he said they were "the fruit of long study and staff work and consultation with people in business, in industry, in the contracting field, and in early nearly every other field of economic activity."

The most important of the ten amendments would forbid interested organizations from bringing charges of unlawful employment practices—only an aggrieved person or a member of the Employment Commission could bring the charges.

In more detail, his proposal would

Allow the new Equal Employment Opportunity Commission to take jurisdiction in discrimination cases after six months, if a state agency had done nothing. Six months after that, if conditions had not changed, an aggrieved employee could file a lawsuit and the commission could intervene to compel compliance with a court order.

Include union hiring halls in the definition of an employment agency to ensure that employers would not be punished for discrimination that had been required by labor unions.

Make the EEOC's technical studies on discrimination available to the public.

Delete a provision from the House-passed version of Title VII that would allow a third party—such as the NAACP—to file an employment discrimination complaint on behalf of an individual. Under Dirksen's proposal, the employee himself would have to file.

Forbid the EEOC from making public anything said or done by it or an aggrieved employee during efforts to resolve the complaint.

Restrict the filing of employment discrimination suits to the jurisdiction where the alleged offense had occurred, and delete a provision allowing for suits in the location of a company's home office.

Strike out the House-passed proposal allowing employers to refuse to hire

atheists.

Require courts to find that any illegal act of discrimination had been willful, not inadvertent.

Delete a provision allowing courts to appoint a special master to investigate the facts of discrimination cases.

Stipulate that in states having fair employment laws, employers and unions need keep only the records required by existing state law, not a separate set of records under the federal law, and allow federal courts to require employers to comply with the EEOC's request for evidence when they refused to provide it voluntarily.

Since they were designed primarily to test support, Dirksen announced that he would not yet call up his amendments.

Further, alluding to the public accommodations issue, he indicated that he intended to offer other, perhaps more controversial amendments as negotiations proceeded. "I do not believe these amendments which will be submitted directly would impair, weaken, or emasculate the pending measure. They are not so designed and they are not so inspired," he stated.

Dirksen's goal was to protect the 30 states that already had their own fair employment laws. Seventeen of those states were represented by a total of 23 Republican senators, whose votes would be needed for cloture.

**Learn more:** An amendment, even though introduced, cannot be considered by the Senate until its author "calls it up," or formally asks for its consideration.

Source: *Congressional Record*, April 16, 1964, 8192+, Dirksen Papers, Remarks and Releases

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 251

Source: *New York Times*, April 17, 1964

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 261-262

---

1964 April 16

Following the luncheon of the House and Senate Republican policy committees, Dirksen met with Congressman William McCulloch to review his amendments. McCulloch found some of them unobjectionable, but he found several objectionable, such as the proposal to take the Fair Employment Practices Commission out of the business of filing suits. He did not like the delay involved but he would live with it. As Stephen Horn recalled in his log, "Senators Case and Keating have spoken with McCulloch. Basically, House Republican Leader Halleck doesn't give a damn. McCulloch will object but probably not."

Horn and Robert Kimball, Representative John Lindsay's assistant, commented on Dirksen's role "and agreed that he is dramatic and wants to show when he finally lands on our side that the matter has been thoroughly considered."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 16, 1964, 95, Collection 97, The Dirksen Congressional Center

---

1964 April 16

At 5:45 p.m., the bipartisan Senate leadership met in Humphrey's office to review the list of senators and estimated 64 votes for cloture and 29 against, except that the 64 votes "might not be available now."

Clarence Mitchell "thinks the statistics show the Republican situation looks good, but the Democratic vote does not."

Horn's notes include a tally sheet of senators.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 16, 1964, 96-100, Collection 97, The Dirksen Congressional Center

---

1964 April 17

The bipartisan Senate leadership met with Justice Department officials for two hours beginning at 9:30 a.m. Horn reviewed degrees of probability of votes for cloture from Senators Cotton, Dominick, Hickenlooper, Hruska, Jordan of Idaho, and Mechem.

Katzenbach believed "that Dirksen has the temporary pulling power by asking some of the senators to delay making a commitment [to vote for cloture] until he works something out."

Horn: "Dirksen is a tent under which a lot can crawl on foreign policy matters. The Midwesterners can get under it and not be accused of being 'Commies' .... Dirksen, however, does not have that much pulling power on domestic issues."

More discussion ensued of Dirksen amendments, the timing of cloture, and ways to use the press to influence senators.

"Humphrey recalls that Dirksen said that under no circumstances would he vote for cloture in the near future. June is possible. Dirksen has amendments and he will not vote for cloture until the fate of those amendments is decided. We have to get at those amendments and the sooner the better. We have to table Dirksen's amendments."

One staffer asks "why we simply can't say that we will take certain amendments offered by Senator Dirksen."

Humphrey replied that "it is like the lighfalutin Greenwich Village stuff where you are shifting the scenery around and you will lose them if you are too cute about it. You lose guys. There are a few slow learners."

When told by Katzenbach that the Leadership Conference on Civil Rights might not be happy, Humphrey replied: "The worst thing they can do with me is tell me what to do. I want a bill. I think I'm smarter than they are. It is a matter of trust and confidence. You can't give people blood tests [on their pro-civil rights purity] every 15 minutes."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 17, 1964, 101-103, Collection 97, The Dirksen Congressional Center

---

1964 April 18

Humphrey, Kuchel, Attorney General Kennedy, Larry O'Brien, and other Justice Department and White House staff met to consider their response to Dirksen's ten amendments.

They generally agreed on their tactics to deal with the minority leader. First, they would have to see all of the senator's amendments, including his proposals on public accommodations, before deciding whether any were acceptable. The "no amendments" policy insisted upon by President Johnson, and the basis for the Democrats' initial strategy, could not be abandoned unless the bipartisan leaders could evaluate the full consequences of accepting amendments.

A deal with Dirksen on his amendments, moreover, would have to include his

commitment to work unreservedly to apply cloture to the entire bill. The leaders had no problem with Dirksen leaving his mark on the bill so long as this did not jeopardize any essential aspect of the legislation and so long as he could deliver the missing votes for cloture.

They also agreed to do their best to restrain the Leadership Conference lobbyists from attacking Dirksen publicly during this delicate period. Criticism from this direction would likely harden the minority leader's position on Title VII and drive him toward the more conservative members of his party.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 251-252

---

1964 April 19	Trios of Catholic, Protestant, and Jewish seminarians began a round-the-clock vigil at the Lincoln Memorial that would continue until H.R. 7152 cleared the Senate.
1964 April 20	The seventh week of Senate debate on H.R. 7152 began.
1964 April 20	In their strategy meeting, the bipartisan floor leaders appreciated that Title VII (equal employment opportunity) had always been one of the most controversial parts of the bill—especially because of the way it was included at the last minute as part of the administration's compromise with Bill McCulloch in October 1963.  Source: Todd Purdum, <i>An Idea Whose Time Has Come</i> (NY: Henry Holt and Co., 2014) 264
1964 April 20	Dirksen's <i>Your Senator Reports</i> program was entitled "Civil Rights and the Legislative Process." He reported that he was receiving about 1,000 letter each day on civil rights. He also received delegations from all over the country in his office. "I am sorry to say that the columnists and authors seem to impute to me some influence and powers over this civil rights measure pending in the Senate that perhaps I do not possess and it seems just like an overabundance of flattery."  He responded to those who said the Senate should accept the House-passed bill without changes: "I'm sorry but I am a legislator. I have to deal with words that go on paper, that become law, and apply to the whole country and ultimately those words will be interpreted by a federal commission or by a United States court and I must be very careful about this to make sure that what we do is practical, that it is workable, that it is equitable and that it is fair to all people."  Source: Dirksen Papers, Remarks and Releases
1964 April 21	The Joint Republican Leadership met again in the minority leader's office. Dirksen presided and called the meeting to order at 9:10 a.m. He informed the group of his amendment concerning enforcement under Title VII, the so-called "mysterious" eleventh amendment to the equal employment title.  The eleventh amendment resulted from negotiations between Dirksen and Republican liberals. It was regarded by some as a possible route to compromise. Instead of Dirksen's original proposal that the new Equal Employment Opportunity Commission be stripped of its authority to bring enforcement suits in courts, the new version would cede jurisdiction to state fair employment agencies for a limited period.  After a late conference on April 20 <sup>th</sup> with Dirksen, one of the negotiators, John Sherman Cooper, offered this opinion to a reporter: "As I see it, what he

[Dirksen] proposes is not to reduce conciliation but to provide more opportunity for conciliation. ... It did not seem unreasonable to me." Dirksen elaborated: "It is not weakening, if anything, this is going to be a substantial amendment in developing sentiment for the bill, not only here, but throughout the country. It is going to have appeal."

The final language of the Dirksen amendment gave more authority to the five-member federal commission than his earlier drafts. But it fell far short of the power accorded the commission in the House-passed bill. Dirksen acknowledged that his amendment would make the fair employment section a "largely voluntary" instrument for dealing with job discrimination. "It keeps the spirit local," he said. "It starts back at home." Of his colleagues' opinions, he remarked that he had found "some rather substantial people not too deeply offended," presumably a reference to key Republican senators and to William McCulloch on the House side.

Source: *Washington Post*, April 21, 1964, Dirksen Papers, Scrapbooks, 2.13

Source: *New York Times*, April 22, 1964, Dirksen Papers, Scrapbooks, 2.14

---

1964 April 21

At 9:45 a.m., the bipartisan Senate leadership met. Katzenbach reported that Senator Hugh Scott had told him he was "making progress with Dirksen." Katzenbach believed "that Dirksen is trying to bring Republicans along. Representative McCulloch also believes that. Senators Kuchel and Case plan to work on Dirksen today."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 21, 1964, 108, Collection 97, The Dirksen Congressional Center

---

1964 April 21

At the press conference following the joint leadership meeting, the first two questions went to Dirksen and concerned reports about the "mysterious" 11<sup>th</sup> amendment. He said that he would offer it after the press conference ended. As if to confirm Dirksen's secretiveness, House Minority Leader Halleck said he didn't even know what Dirksen's amendments were, that Dirksen hadn't consulted with him on them, and that Halleck didn't think such consultation was necessary. Dirksen, taken aback momentarily, said his "mysterious" 11<sup>th</sup> amendment had been discussed by the leadership enough to know his intentions.

As promised, Dirksen left the press conference, walked to the Senate floor, and submitted his amendment. He did not "call it up," however. In fact, 35 amendments had been introduced by mid-afternoon, but none had been called up for debate. This meant that for twenty days the extended discussion in the Senate had focused on the House-passed bill itself, not possible amendments.

Source: Dirksen Papers, Republican Congressional Leadership File, f. 48

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) 166

---

1964 April 21

At 12:05 p.m., Frances Henderson, Executive Secretary to Senator Case, reported to Stephen Horn that no one had consulted with Charles Halleck concerning the Dirksen amendments at the time of their introduction.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 21, 1964, 109a, Collection 97, The Dirksen Congressional Center

---

1964 April 21

According to John G. Stewart, the top legislative assistant to Humphrey, a pivotal conversation took place between Humphrey and Dirksen on the afternoon of 21<sup>st</sup>. On the Senate floor, Dirksen told Humphrey he realized it was his duty to lend his weight to the civil rights measure, and to that end he had only one more

amendment in mind, a minor one to Title II, public accommodations.

Dirksen then took the opportunity to test the administration's commitment to the bill by suggesting a strategy to gain a vote without obtaining cloture, thereby relieving Dirksen of the need to produce those two dozen or so Republican votes. Humphrey said cloture was the only option; it was the only way for southern forces to get themselves off the hook, according to Humphrey.

Dirksen interpreted Humphrey's reply to mean the administration would go all the way to obtain cloture, and that he, Dirksen, would not be undercut as he continued to hunt for Republican votes.

Source: John G. Stewart, "Thoughts on the Civil Rights Bill," 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) 94-95

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 251

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 22, 1964, 111, Collection 97, The Dirksen Congressional Center

---

1964 April 21

That afternoon the southerners talked past the old 37-day record for civil rights filibustering. Richard Russell admitted to the NAACP's Clarence Mitchell that "the jig was up," that Lyndon Johnson would never compromise with the southerners.

Source: John G. Stewart, "Thoughts on the Civil Rights Bill," 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) 94-95

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 251

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 22, 1964, 111, Collection 97, The Dirksen Congressional Center

---

1964 April 21

Late in the evening and unexpectedly, southerners switched tactics and, for the first time, proposed a real amendment of their own.

Herman Talmadge (D-GA) introduced an amendment that would entitle defendants in criminal cases to jury trials and asked that "it be read and made the pending business." His move accomplished two things. It narrowed the debate to one question: the right of trial by jury, effectively blocking further consideration of the comprehensive bill. And it placed civil rights supporters in the difficult position of explaining why, in the case of contempt of court, the defendant should not be granted a jury trial.

**The jury trial issue.** Civil rights proponents suspected that southerners sought the Talmadge amendment believing that most southern juries, which were all-white, would not convict someone, likely to be white, too, on charges of criminal contempt in civil rights cases. In other words, jury trials did not necessarily guarantee justice to victims of civil rights violations.

The southern strategy boxed in civil rights proponents who found it hard to explain why anyone should oppose such a seemingly basic right. The 1957 civil rights bill had allowed non-jury trials for criminal contempt—the defiance of court orders—in cases of voting rights or public accommodations. But it had limited punishment in such cases to a \$300 fine or 45 days in jail. The House-passed version of H.R. 7152 had retained this provision in Titles I and II (voting rights and public accommodations) but had given no jury trial protection for any of the

bill's other sections. Talmadge's amendments would extend mandatory jury trials to all cases of criminal contempt.

The Talmadge amendment appealed to all southern Democrats as a way of limiting the federal government's role in enforcing the bill. At the same time, the amendment would likely win significant support from Republicans and some northern Democrats because of its attractiveness as a civil liberties issue. The pro-civil rights Senate leaders doubted their ability to defeat the Talmadge amendment on a straight up or down vote.

Source: *Congressional Quarterly Almanac* 1964, 360-361

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 266-276

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 209

---

1964 April 21	Late in the evening, Mansfield brought together a group to evaluate Dirksen's eleventh amendment. The group included Hubert Humphrey, Nicholas Katzenbach, Larry O'Brien, and O'Brien aide Mike Manatos. Afterward, Humphrey told a reporter that he found the amendment "a bit troublesome."  Source: <i>New York Times</i> , April 22, 1964, Dirksen Papers, Scrapbooks, 2.14
1964 April 22	At a meeting called by President Johnson to brief the bipartisan congressional leadership on the war in Vietnam, Johnson agreed to meet with Dirksen about civil rights on April 29.
1964 April 22	President Johnson met with civil rights bill floor leaders Humphrey and Kuchel.
1964 April 22	Justice Department officials met with Clifford Case (R-NJ) and Joseph Clark (D-PA), Humphrey, and various congressional staffers to evaluate the Dirksen amendments. It was decided that substitute language for some of the amendments would have to be drafted. If Dirksen could go along with the substitute amendments, then there would be some area to negotiate on other amendments.  Source: John G. Stewart, "Thoughts on the Civil Rights Bill," 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) 100
1964 April 23	William McCulloch, ranking member of the House Judiciary Committee, issued a lengthy statement defending the civil rights bill in rebuttal to a newspaper advertisement sponsored by the Coordinating Committee for Fundamental American Freedoms.  <b>Learn more:</b> Coordinating Committee for Fundamental American Freedoms Link to: <a href="http://www.slaverybyanothername.com/other-writings/silent-partner-how-the-souths-fight-to-uphold-segregation-was-funded-up-north/">http://www.slaverybyanothername.com/other-writings/silent-partner-how-the-souths-fight-to-uphold-segregation-was-funded-up-north/</a> From Slavery by Another Name
1963 April 23	Mansfield met with Humphrey, Robert Kennedy, Nick Katzenbach, Burke Marshall, Secretary of the Senate Democrats Frank Valeo, and Mike Manatos to evaluate Dirksen's position on H.R. 7152. They feared that the Senate might adopt the Talmadge amendment.  As an alternative, they thought that it would be smart to work with Dirksen on a substitute jury trial amendment. This arrangement would add valuable support for the substitute on a roll call vote. More importantly, it would involve Dirksen for the first time actively with the civil rights leadership in seeking a common tactical

objective—to head off a positive vote on the Talmadge amendment.

Dirksen met with Mansfield and agreed to cosponsor the substitute. Dirksen first proposed a maximum penalty of a \$300 fine and 10 days imprisonment that could be imposed without a jury trial. Humphrey countered with a limit of \$300 and 45 days to all appropriate sections of the bill. The negotiators compromised at \$300 and 30 days and applied the provision to the entire 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) 169

Source: John G. Stewart, "Thoughts on the Civil Rights Bill," 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) 100

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 234-235

---

1963 April 23

The negotiations moved on to Dirksen's 11<sup>th</sup> employment amendment. Dirksen finally agreed to retain the Equal Opportunity Commission's right to file suit. Attorney General Kennedy said following the meeting that "generally" Dirksen's eleven amendments "are changes we could accept" with some language refinements. But he cautioned that any agreement would require seeing all amendments to determine what "the full bill might look like." Humphrey agreed "that you can't build a house until you know all the materials that will go into it."

Kennedy aide Katzenbach agreed to prepare new language in cooperation with Humphrey and Republican Clifford Case.

Source: *Washington Post*, April 29, 1964, Dirksen Papers, Scrapbooks, 2.15

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) 169

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 234-235

---

1964 April 23

At 2:00 p.m., the bipartisan Senate staff met to review the various Dirksen amendments. Additional meetings took place at 3:00 p.m., 4:00 p.m., and 6:40 p.m.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 23, 1964, 114-118, Collection 97, The Dirksen Congressional Center

---

1964 April 24

At 9:30 a.m., the bipartisan Senate leadership met. Part of the discussion involved producing an advertisement. Humphrey suggested "that an ad be placed which is split down the middle. One half of the picture would have Governor Wallace, police, dogs, and cattle prods. The other half of the picture would have the Constitution, President Kennedy, and President Johnson. The lead would be: 'Which do you want?'"

Kuchel felt that the question was: "'Are we appealing to reason or to emotion?' For those citizens—whether black, white, Oriental—we should appeal with emotion."

Discussion continued on the jury trial amendment and Mansfield and Dirksen's alternative.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 24, 1964, 119-120, Collection 97, The Dirksen Congressional Center

1964 April 24

Dirksen submitted the Mansfield-Dirksen substitute jury trial amendment (Amendment No. 516) to the Senate. Dirksen asked for its immediate consideration, and it replaced the Talmadge proposal to become the "pending business" of the Senate. If the Mansfield-Dirksen substitute passed, it would replace the Talmadge amendment in its entirety.

If southern Democrats voted against the Mansfield-Dirksen substitute, they would probably pass up their one chance to go on record in support of some jury trial provision. But if they supported the substitute, they would, in effect, be surrendering to the flanking action by the civil rights leaders. Their opposition might also foreclose any future chance to cooperate with Dirksen.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 235-236

---

1964 April 27

The Senate began the eighth week of debate on H.R. 7152.

---

1964 April 27

At 9:30 a.m., the bipartisan Senate leadership met for further discussions about provisions of a jury trial amendment.

"Katzenbach sees the key as Dirksen and Mansfield working together."

"Most in the room agree that we should not have a conference between the two Houses since the result of such a conference would come back to the Senate and would once again be debatable."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 27, 1964, 122-124, Collection 97, The Dirksen Congressional Center

---

1964 April 27

Richard Russell left a conference with southern Democrats to denounce the Mansfield-Dirksen substitute as "a mustard plaster on a cancer." He stated southerners' intention to discuss the substitute at length, thereby delaying a vote for the near future.

Because the Senate had no way to force action on a measure short of cloture, votes could generally occur only with the unanimous consent of the senators. Because civil rights supporters had refused to allow a vote on the Talmadge amendment, the southerners retaliated by refusing to entertain votes on any other amendments, including Dirksen's proposals, or the Mansfield-Dirksen substitute.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 236

---

1964 April 27

Dirksen met with conservative Nebraska Republican senators Roman Hruska and Carl Curtis at 12:30 p.m.

Source: The Dirksen Timeline

---

1964 April 28

At the Republican senators' weekly policy luncheon, Dirksen said that he planned to give southerners "one week's notice" on the jury trial amendment. If it had not been voted on by the next Tuesday, May 5<sup>th</sup>, he would file a cloture petition.

Later he told the press corps that "this isn't a bluff. I can count. There was an amazing consensus in the policy luncheon that the time had come to move off dead center." Dirksen then expected to have the first of his eleven amendments concerning the fair employment title called up after which he would reveal his

proposals for the public accommodations title.

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) 170

---

1964 April 28

Dirksen's announcement concerned Humphrey and Kuchel. "They continued to believe that cloture should be the ultimate weapon used to destroy the filibuster completely, not to cripple merely a segment of it," according to a Humphrey staffer. It should not be attempted until success was assured, and premature application might result in failure which would embolden others to seek major compromises that would weaken the bill.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 237

---

1964 April 28

At 4:00 p.m., Attorney General Robert Kennedy met with Senate Democratic leaders and with congressional staffers. The discussion focused on the wisdom of seeking cloture either on the jury trial amendment or on the entire bill. No firm decision was reached, but Mansfield agreed to discuss the matter with Dirksen.

Robert Kennedy later left open the possibility of accepting Dirksen's amendments to the fair employment practices section of H.R. 7152 with some refinement.

Source: John G. Stewart, "Thoughts on the Civil Rights Bill," 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) 105

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 238

---

1964 April 28

A staff memorandum to Mike Mansfield: "The time seems fast approaching when cloture should be attempted on the civil rights bill. The many diverse elements that are part of the formula for a successful cloture vote, such as 'fairness to the southerners,' the backlog of legislation in a short election year, and boredom with the filibuster, are combining in a manner that soon should enable us to win the vote when it comes."

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 277

---

1964 April 28

At 5:50 p.m., President Johnson and Larry O'Brien discussed Senate strategy for bringing the civil rights bill to a vote. They talked about Dirksen's amendments, Humphrey's preference for seeking cloture on the entire bill rather than just on a jury trial amendment, the need to see all of Dirksen's amendments in a block, and Dirksen's plans to meet with the president the next day.

Source: Telephone notes, April 28, 1964, Dirksen Telephone Conversations with LBJ, Collection 129, The Dirksen Congressional Center

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), 290-292.

---

1964 April 28

The National Interreligious Convocation on Civil Rights met at Georgetown University to demonstrate that support for the civil rights bill embraced all religious faiths. More than 5,000 people attended, and President Johnson addressed the group.

The clerics took the opportunity to buttonhole their representatives on the Hill. Fresh from an inspirational talk and hand-shaking session with President Johnson,

a group of 13 civil rights-minded priests, rabbis, and ministers from the Chicago area met Dirksen for a stand-up interview in the ornate Senate reception room, just outside the Senate chamber. Dirksen was 20 minutes late. He had been huddling with Mansfield on the strategy to force a vote on the jury trial amendment.

"We want you to make your decisions in terms of your conscience, your concern for the entire country, and the goals of the United States," a priest told him. Dirksen shot back, "I would make it no other way. My anxiety for the welfare of my country is no less than yours."

Said B. Julian Smith, bishop of the Christian Methodist Episcopal Church of Chicago: "If you could just paint your face black, like mine, and go with me into the world for two days, I wouldn't have to say a word." Answered Dirksen, his patience as frazzled as his hair: "Must I do that? After thirty years in Congress, can't I evaluate the importance of legislations [sic]? Really, do I have to do that?"

"I fairly scream and hope that I can get some work done," Dirksen snapped. "Sometimes I wish the public would leave me alone so I could do my job," he said. "I have been over this a thousand times," he told Rabbi Irving Rosenbaum of the Chicago Loop Synagogue, who had begun to discuss Dirksen's amendments. "You aren't the only delegation, you know—there are hundreds like you...."

After a few more such exchanges, Dirksen pushed gently through the encircling clergy, saying, "The best thing you can do is say a prayer for me."

Source: *Chicago Daily News*, April 30, 1964, Dirksen Papers, Scrapbooks, 2.16

**Learn more:** President Johnson's Remarks to a Group of Civil Rights Leaders  
Link to <http://www.presidency.ucsb.edu/ws/index.php?pid=26201&st=&st1=>  
From the *Public Papers of the President*, The American Presidency Project

---

1964 April 29

Hubert Humphrey met with President Johnson to urge the president to stand firm against any move to impose cloture on the jury trial amendment rather than on the entire bill.

Source: John G. Stewart, "Thoughts on the Civil Rights Bill," 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) 109

---

1964 April 29

At 9:45 a.m., the bipartisan Senate leadership met to continue discussions of the Dirksen amendments. The Justice Department had indicated a willingness to accept some of them, irritating Senator Joe Clark since he "thought we had all agreed to say 'no' to those amendments."

The group discussed the wisdom of seeking cloture on the jury trial amendment vs. the entire bill.

Katzenbach believed that "Senator Dirksen is the key," that the "substantive problems have been worked out," and that Dirksen can produce the votes for cloture.

Clark: "Let's not kid ourselves, this has become the Dirksen bill! I deplore it, but that's it."

Humphrey: "I've said this from the beginning. In 1957, we got in the back room and we made a deal."

Javits: "I hope and pray this is Senator Dirksen's bill. This could get away from

Dirksen and Johnson. You are racing history. We are not heated up any more than the country."

Hart: "I don't know if my opponent is Russell or Dirksen."

Javits: "I think the President is the only one who can settle the matter with Dirksen. Johnson must say, 'I want to settle.' If he doesn't do that, I'll settle on my terms."

Humphrey [after describing a meeting yesterday with Johnson]: "I told the President at breakfast and at lunch what needed to be done; and that when President Kennedy was in The White House, he could deal with Dirksen. Kennedy was in the Senate but not of it. It is sort of two kings. Johnson will have to start moving and dealing with Dirksen."

After some comments by Katzenbach, Humphrey added: "I talk to Dirksen every day."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 29, 1964, 128-130, Collection 97, The Dirksen Congressional Center

---

1964 April 29

At 11:32 a.m., President Johnson called Mike Mansfield to ask, "What should I tell Dirksen when he starts trying to put me on the spot down here on this civil rights thing." The two discussed the cloture strategy, with the president noting Humphrey's preference to seek cloture on the entire bill. Mansfield preferred to keep open the option to seek cloture on the jury trial amendment, hoping to "break the ice" on the entire bill. Johnson ended by saying he would tell Dirksen that "these details can't be decided down here in the White House" and whatever was worked out by Mansfield, Humphrey, and the Attorney General, "I'm sure I will be agreeable."

Source: Telephone notes, April 29, 1964, Dirksen Telephone Conversations with LBJ, Collection 129, The Dirksen Congressional Center

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), 293-294.

---

1964 April 29

At Noon, Dirksen met with Johnson at the White House. In late March, the senator had noted in a press conference that he used to see Johnson five or six times a day when they both served in the Senate, but that "it has been quite a while since I've seen him."

Now, in late April, Dirksen intended to strike a bargain, and he took a gamble to do so. He announced to the press what he wanted from Johnson before he left for the White House, a tactic that would not endear him to the president, and Dirksen knew it. "You say you want the House bill without any change," he planned to tell the president. "Well, in my humble opinion, you are not going to get it. Now it's your play. What do you have to say?"

By signaling his intentions, Dirksen meant to test Johnson's resolve. If Johnson agreed to strike a bargain and agree to changes in the House bill, the senator told the press he could deliver 22 to 25 votes for cloture.

President Johnson, however, was in no mood for compromise after his earlier phone call with Mansfield. In addition to talking strategy with the majority leader, Johnson had complained about Dirksen's comments to the press.

He gave out a long interview of what he's going to tell me today, before he comes, which is not like him. I don't know what is happening to him

here lately. He's acting like a shit-ass. ...First thing, he said he wouldn't treat a dog like I treated mine. ... And it's none of his damn business how I treat my dog, and I'm a helluva a lot better to dogs and humans, too, than he is. [Note: The president had been photographed lifting his beagles by their ears because it was god to "let them yelp."]

Johnson did not discuss civil rights at any length with Dirksen in the 20-minute meeting, instead telling him to work it out with Humphrey. Dirksen came away with no concessions.

Source: Telephone notes, April 29, 1964, Dirksen Telephone Conversations with LBJ, Collection 129, The Dirksen Congressional Center

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) 171

Source: Byron C. Hulse, *How a Giant Shaped American Politics: Everett Dirksen and His President* (Lawrence: University of Kansas Press, 2000) 192

---

1964 April 29

Over the course of the afternoon, the southern senators caucused but could not agree on whether to allow the Senate to vote on the jury trial amendment.

Richard Russell joined Dirksen to meet with Mike Mansfield, but no consensus emerged on a course of action.

---

1964 April 29

At 2:00 p.m., the Leadership Conference on Civil Rights met with John Stewart, aide to Humphrey, and Stephen Horn, aide to Kuchel. They discussed cloture options, that is, should cloture be attempted on amendments or only on the entire bill.

Stewart observed "that on the basis on Dirksen's actions to date, when he is confronted with opposition, the Senator has pulled back. There is nothing to suggest that if we preserve our position, we cannot reach some equitable agreement."

Representatives of the various civil rights groups voiced their positions.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 29, 1964, 131-137, Collection 97, The Dirksen Congressional Center

---

1964 April 29

At 4:30 p.m., Mansfield, Humphrey, Kuchel and Dirksen met in Dirksen's office to continue their discussion of the advisability of seeking cloture on the jury trial amendment. At the same time, Richard Russell, Sam Ervin (D-NC), and Thruston Morton (R-KY) met off the Senate floor in the Marble Room, preparing a perfecting amendment to the Talmadge amendment.

Word of Russell's activity reached the senators in Dirksen's office and, given the basic differences over the wisdom of cloture between Dirksen and Mansfield, on the one hand, and Humphrey and Kuchel on the other, this information gave the four a good excuse to postpone a final decision on whether to seek cloture immediately on the Mansfield-Dirksen substitute.

Source: John G. Stewart, "Thoughts on the Civil Rights Bill," 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) 107-08

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) 172

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 239-241

1964 April 29

Dirksen announced that if southerners did not allow a vote on the jury trial amendment soon, he and Mansfield would file a cloture petition to end debate on the amendment. After meeting with Richard Russell later that day, Dirksen told reporters that a vote on the jury trial matter would occur without the need for cloture, signaling an apparent concession by Russell.

Source: John G. Stewart, "Thoughts on the Civil Rights Bill," 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) 104

---

1964 April 29

At 5:45 p.m., Stephen Horn spoke with Frances Henderson, executive secretary to Senator Clifford Case. "Henderson reports that Senator Case says that Dirksen is not buying their suggestions. I told her that Senator Kuchel had informed me that yesterday's results were dismal. Dirksen is not giving on the right to sue or anything. ... Dirksen would allow the Attorney General to intervene but not to bring suit. Only private individuals would bring a suit. Department of Justice Attorney David Filvaroff is downcast and disappointed by the news."

"Horn told Henderson that he was for 'getting the show moving'; and then if Dirksen won't get on board, to hell with it—we will push ahead."

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 29, 1964, 138, Collection 97, The Dirksen Congressional Center

---

1964 April 30

At 9:45 a.m., the bipartisan Senate leadership met with representatives from the Leadership Conference on Civil Rights to discuss whether or not to seek cloture on the jury trial amendment. There was disagreement about the number of senators who would vote for cloture on the amendment. They discussed the challenge of producing quorums, of deciding how much "tinkering" to do with the bill, which of the Dirksen amendments to accept, the wisdom of holding round-the-clock sessions (Clarence Mitchell believed they would wear down the civil rights senators who would then compromise and weaken the bill). The meeting adjourned at 10:45 a.m.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, April 30, 1964, 139-144, Collection 97, The Dirksen Congressional Center

---

1964 April 30

The ball rested with Richard Russell—would he permit a vote early next week on the Mansfield-Dirksen substitute, or would he force the Senate leaders to seek cloture? If he did not permit a vote, there would be no alternative but to file a cloture petition on Monday, May 4. This would set the stage for a cloture vote on Wednesday, May 6.

Source: John G. Stewart, "Thoughts on the Civil Rights Bill," 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) 109

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 233

---

1964 April 30

Hubert Humphrey said he thought President Johnson would be willing to sign a bill with some amendments. This signaled an apparent change in Johnson's position from the previous day.

---

1964 April 30

The bipartisan civil rights leadership group projected 64 to 65 senators as likely to vote for cloture on the jury trial amendment debate, assuming that Dirksen brought along the six Republicans who made up "the Dirksen group" when the vote occurred.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," in Robert D. Loevy, editor, *The Civil*

1964 April 30

Dirksen received the American Good Government Society Award. His counterpart, Majority Leader Mansfield, said of his colleague:

I have known Senator Dirksen for many years. I have known him as a personal friend as well as a legislative colleague. The Senate is one of the great institutions of the nation. But the Senate functions, on occasion, in bizarre and almost incomprehensible ways, as you have undoubtedly noticed in connection with the current debate on civil rights. I am frank to admit that one of the strangest aberrations in Senate behavior is that the institution can get along without a Majority Leader, but it cannot possibly function without a Minority Leader. Moreover, he must be a Minority Leader of exceptional tact, forbearance and cooperativeness, a Minority Leader willing to put the basic operation of the Senate above all considerations of party.

Mansfield spoke for several minutes about Dirksen's skill, calling him "a tower of national strength" and concluding that when the issues involved the fundamental precepts of the Constitution, "there is no partisanship, no sectionalism in Senator Dirksen. There is only a profound reason and a dedicated patriotism enshrined in a man of deeply human experience."

Source: Remarks of Senator Mike Mansfield, American Good Government Society, April 30, 1964, Dirksen Papers, Alpha 1964, "Mansfield." The Majority Leader sent Dirksen a copy of his remarks with this handwritten inscription: "To Everett Dirksen, a great leader, a great American, a great colleague – with admiration and respect."

---

1964 May 1

The cloture crisis disappeared. Russell's perfecting amendment had been drawn up, and the southern Democrats agreed informally to permit a vote. Mansfield, Dirksen, and Russell met on the Senate floor to pledge to one another that a vote would take place on Wednesday, May 6. This discussion took the place of any formal agreement, which would have been subject to a formal challenge.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 240

---

1964 May 1

Thruston Morton, working closely with Russell, then introduced the perfecting amendment, which restricted the right of jury trials to criminal contempt cases arising solely from the provisions of H.R. 7152. Since a moderate Republican was sponsoring the amendment, the civil rights forces could not attack it solely as an effort by southerners to weaken the legislation. Given the historical attractiveness of the jury trial issue under any circumstances, the vote on the Morton perfecting amendment seemed likely to be close. Russell, in short, had made an impressive recovery in countering the advantage assumed by the civil rights forces upon the introduction of the Mansfield-Dirksen substitute.

Morton called up his amendment, which meant that it had precedence over the Mansfield-Dirksen jury trial amendment, as would a similar perfecting amendment offered by John Sherman Cooper (R-KY), which would order automatic jury trials for some sections of the bill but give judges discretion in others.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 240

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 271-272

1964 May 1 In a 20-minute exchange, Jacob Javits (R-NY) suggested that white southern juries were unlikely to administer even-handed justice in civil rights cases. Russell immediately leapt to his feet, Javits protested the interruption, and an increasingly bitter exchange took place. Russell said that Javits always managed to suggest that there was "something fundamentally evil and sinful about people living in the South," and always made his comments about southern juries with "a little sneer on his face." Javits insisted he meant no offense, and the two men shook hands. But the encounter reflected the increasingly rancorous mood in the chamber.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 272-273

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 233

---

1964 May 1 Dirksen introduced Amendment No. 559 to H.R. 7152: "... to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes."

Source: *Congressional Record*, May 1, 1964, 9762

Source: Dirksen Papers, Working Papers, f. 257

---

1964 May 4 The Senate began its ninth week of debate on H.R. 7152.

---

1964 May 4 At 9:30 a.m., the bipartisan Senate leadership met with representatives from the Justice Department and the Leadership Conference on Civil Rights. They discussed Dirksen's Amendment No. 501—a provision to include union hiring halls—and the way to phrase the language. They also discussed the "atheist amendment." After the meeting "Katzenbach, Marshall, Biemiller, Harris, and Horn sign-off on the following changes: Amend Dirksen's Amendment No. 501 to read that on page 29, line 123, after 'organization' insert '(including the labor organization having a hiring hall or hiring office).' Make the appropriate change on page 30, line 9, after 'organization.'"

Source: Stephen Horn, *Notes on Civil Rights Meetings*, May 4, 1964, 152-155, Collection 97, The Dirksen Congressional Center

---

1964 May 4 Dirksen's *Your Senator Reports* segment was entitled, "The Jury Trial Amendment to the Civil Rights Act." He made the case that there was no constitutional right to a jury trial for civil or criminal contempt of court. He explained that he and Mansfield proposed that as long as a fine for contempt was not over \$300 and so long as the jail sentence was not over 30 days, there would be no right to a trial by jury.

Source: Dirksen Papers, Remarks and Releases

---

1964 May 5 At 9:45 a.m., the bipartisan Senate leadership met to continue discussions about the jury trial amendment—the Morton amendment was the pending business. Katzenbach continued to defend Dirksen: "I think it is important to get into a discussion with Dirksen. Dirksen is not anxious to weaken the bill." Other senators wanted to offer strengthening amendments, which Justice opposed.

Senator Clark: "I had a somewhat significant conversation with Dirksen at the

well yesterday. I asked him when his hydrogen bomb on Title II would be set off. Said Dirksen: 'Joe, it is not a hydrogen bomb, it is more like a firecracker that a 12-year old boy would set off.' I replied: 'Will it be set off by a nice boy or by a juvenile delinquent.'"

Source: Stephen Horn, *Notes on Civil Rights Meetings*, May 5, 1964, 157-158, Collection 97, The Dirksen Congressional Center

---

1964 May 5

At mid-morning, the six members of Democratic and Republican leadership and Justice Department officials, including Attorney General Kennedy, began negotiations on Dirksen's proposed amendments. The meeting was held in Dirksen's ornate office under the tinkling glass chandelier that once belonged to Thomas Jefferson. This session followed the leadership's regular Tuesday White House breakfast at which President Johnson handed both Dirksen and Thomas Kuchel a bipartisan pat on the back for their work on the bill. The fate of H.R. 7152 was about to be decided. If the bill had to be redrafted, the chore would fall to Dirksen's and Mansfield's legal advisers, along with Justice Department officials Nicholas Katzenbach and Burke Marshall. Dirksen's staffers were Cornelius Kennedy, Clyde Flynn, and Bernard Waters. Mansfield's were Kenneth Teasdale and Charles Ferris.

The meeting was to be the first in a series, and the composition of the negotiating team was of interest. Reporter Elizabeth Drew later called it "a process almost unprecedented in the annals of legislative history." A sort of ad hoc committee of senators with an interest, senators who were friends of senators with an interest, senators' aides, and Justice Department officials took the place of a regular legislative committee. As she described it, some senators drifted in, some out, and some were pointedly excluded.

Source: *Washington Post*, May 6, 1964, Dirksen Papers, Scrapbooks, 2.17

Source: Elizabeth Brenner Drew, "The Politics of Cloture," *The Reporter*, July 16, 1964, 20

---

1964 May 5

Dirksen surprised the group by submitting 40 additional amendments instead of the single amendment he had promised. He divided them into Track A (technical), Track B (semi-technical), and Track C (substantive).

The group agreed on the technical changes but postponed consideration of the other two tracks until the next day. The issue which had separated Dirksen from the civil rights forces in the beginning still remained unsettled, that is, his 11 amendments dealing with the procedure for enforcing the prohibitions against discrimination in public accommodations and employment.

Dirksen seemed particularly concerned that the federal government be kept from harassing individual businessmen by requiring complex and detailed reports or threatening them with court action in disputes which otherwise might be settled voluntarily. Dirksen continued to push for a procedure which placed the principal burden of court enforcement upon the individual complainant. His lead staffer, Neal Kennedy, believed there should be no need to prove that a hotel owner, for example, intended to discriminate. The discrimination should be self-evident, and the punishment self-enforcing, as with a speed limit. An offender should be easily judged to have exceeded the limit or not.

The Justice Department, on the other hand, believed that unless the authority existed to confront businessmen of a given geographical area with enforceable orders to desegregate or stop discriminatory hiring practices, there would be strong competitive advantages for individual firms to hold out as long as possible and few incentives for voluntary action. In the department's eyes, enforcement which relied on private individuals initiating court action against a single firm

would become an endless process. The Justice Department attorneys argued for federal government authority to combat massive resistance as the most effective way not only to achieve enforcement in situations of last-ditch opposition but also to promote voluntary compliance on a broader scale.

As if to confirm Dirksen's dilemma, Iowa Senator Bourke Hickenlooper, a leader of Republican conservatives, announced his opposition to any enforceable Title II (public accommodations) or Title VII (equal employment) in the bill and stalked out of the meeting, never to return.

Source: John G. Stewart, "Thoughts on the Civil Rights Bill," 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) 113

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 255-257

---

1964 May 5

Senator Kuchel told Stephen Horn "that the morning meeting in Dirksen's office had not gotten very far. ... Mostly they spent their time going over what the language meant. There were two piles of amendments. Pile A included the 'non-controversial' and Pile B included the 'controversial' amendments. Dirksen is not giving on enforcement or effective cession for the FEPC [to be renamed the Equal Employment Opportunity Commission]. They will go back at it tomorrow." Horn predicted that 62 to 63 senators would vote for cloture on May 15 or 18, including Dominick and Cotton. "Kuchel was pretty disgusted with the Dirksen slowdown."

Source: Stephen Horn, *Notes on Civil Rights Meetings, May 5, 1964, 159, Collection 97, The Dirksen Congressional Center*

---

1964 May 5

According to notes recorded by John Stewart, aide to Hubert Humphrey:

There is some feeling that perhaps Dirksen may be overplaying his hand with this grandiose scheme of amendments. It is also possible that Dirksen's staff has presented him with these various changes and that Dirksen is going along with them to see what happens. I would suppose that Dirksen's earlier statement to Humphrey that he had no great number of amendments to offer reflects more accurately Dirksen's true personal attitudes. But we must nevertheless weed through these various proposals and get down to bedrock to what Dirksen really wants. But I must say this weeding process has dragged along for a rather extended period of time.

It should not be overlooked that Dirksen is not totally a free agent in this battle either. He has the Republican Party to be concerned about, and if the Senate is close to voting cloture and Dirksen does not so vote, it will put him in a rather embarrassing and difficult situation.

Source: John G. Stewart, "Thoughts on the Civil Rights Bill," 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) 113

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 255-257

---

1964 May 5

Predictably, the minority leader's ambitious changes angered civil rights proponents. But Dirksen and the pro-civil rights senators were making progress. True, these early May negotiations represented a collapse of the Democratic leadership's original hopes that the Senate would pass the House bill without change, thereby removing all of the parliamentary dangers of House-Senate

disagreement.

But the mathematics of a cloture vote, plus Dirksen's principled refusal to accept the House bill as is, made compromise necessary. Only if some of Dirksen's objections were dealt with, would he or could he possibly produce the votes that would make the difference on cloture. Dirksen apparently felt at this point that he had 22 Republicans for cloture. Only substantial changes would attract Karl Mundt (R-SD) or Carl Curtis (R-NE), he believed, but Dirksen held out hope that more modest compromises would bring along Hickenlooper and Len B. Jordan\_(R-ID).

---

1964 May 6

President Johnson held a press conference and expressed hope that the civil rights bill would soon pass so that the nation could turn its attention to other priorities. The president continued to lobby senators to vote for cloture, focusing on Republicans, including Hickenlooper, and trading favors for votes.

**Learn more:** "The President's News Conference Held on the South Lawn at the White House"  
Link to:

<http://www.presidency.ucsb.edu/ws/index.php?pid=26217&st=&st1=#axzz2ficzQYF1>

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

---

1964 May 6

Mike Mansfield sent a memo to the president estimating that he was still three or four votes short of the number needed to achieve cloture. He suggested that the president line up Bourke Hickenlooper's support. The Iowa senator was unhappy with the administration for rejecting his choice for an ambassadorial appointment. If Hickenlooper could be won over, the memo argued, he might carry with him Senators Curtis, Pearson, and Hruska. The president took the advice.

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) 175

---

1964 May 6

Walter Reuther of the United Auto Workers sent a telegram to Humphrey and Kuchel rejecting "both as unwise and unnecessary current suggestions that concessions must be made to Senator Dirksen in order to purchase his vote for cloture. We firmly believe that the compelling urgency of this great moral issue of civil rights will persuade Senator Dirksen to vote for cloture in June whether his proposed amendments are adopted or not."

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) 70

---

1964 May 6

The Senate took its first votes on amendments to the civil rights bill by considering the Morton jury trial amendment. Four roll call votes were required to settle this one issue and to defeat the coalition of Republicans, southern Democrats, and western Democrats supporting it.

The initial vote produced a 45-45 tie. Needing a clear majority, the amendment had failed. But when Dirksen moved routinely to table Mansfield's routine motion to reconsider the Morton amendment, the opponents of the whole bill won by defeating the tabling motion—the civil rights forces, including Dirksen, were defeated 44-47. The Senate then voted immediately on the motion to reconsider the Morton amendment and again the civil rights coalition lost, 46-45. Finally, the floor leaders rallied their forces and managed to defeat the Morton amendment on its reconsideration, 46-45.

The four votes on the Morton amendment revealed that most of the senators evaluated in February as "crucial" to obtaining cloture still were not aligned with

the civil rights forces. Eight of the 12 opposed their party leaders, 3 were favorable, and 1 was absent. Dirksen's leadership had not converted any of the dozen Republicans to the civil rights cause.

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) 176

Source: John G. Stewart, "Thoughts on the Civil Rights Bill," 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) 111-14

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 240-241, 244

---

1964 May 6

Humphrey staffer John Stewart wrote in his diary: "It will be somewhat of a major miracle if the pro-civil rights forces can get themselves back in order and push ahead with some degree of resolution and determination." A few pages later, he added: "It appeared that Senator Dirksen has now fully thrown his weight behind passage of the bill and upon cloture."

Source: Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014) 213

---

1964 May 7

At the Joint Senate House Republican Leadership meeting, Dirksen moderated a 90-minute general discussion of his amendments. To reporters after the session, Dirksen said he had finished classifications A, B, and C dealing with Title II (public accommodations), which added up to 69 suggested amendments. He expected that tomorrow the negotiations on his proposals would wrap up, and then the actual language would be released.

Source: Dirksen Papers, Republican Congressional Leadership Files, f. 49

---

1964 May 7

At the morning meeting of the bipartisan Senate civil rights leadership, Humphrey explained why he had postponed the vote on the Mansfield-Dirksen jury trial amendment. "It is terribly important to get a bigger vote on the Mansfield-Dirksen than on the Morton amendment. I told [Dirksen] the first test is on the Mansfield-Dirksen amendment. If the leaders backed up by their deputies can't produce, then we are in trouble. If we can produce 64 votes, then we are okay. But if we secure 49 votes, then we have had it."

Yesterday's vote to defeat the Morton amendment attracted only 46 votes.

Humphrey reacted strongly to Joe Rauh's comment that no further negotiations should take place with Dirksen. "Whatever we are doing has but one purpose. And that is to secure a civil rights bill," Humphrey exclaimed. "Anybody who has an alternative, I'm glad to hear it. It is not pleasant for Tommy Kuchel and myself to have it appear that Dirksen is writing the ticket. I want the bill passed—the House-passed bill. We will not eliminate any title, purpose, or emasculate the bill. We aren't going to agree or negotiate anything which violates the House view." He concluded, "I'd rather have no bill than the shell of a bill. I'd just as soon politically have no bill than a sham."

Senator Clark: "The more I get into this, the more I agree with Hubert. Arresting senators, tabling amendments, staying here all summer makes no sense. I am satisfied that we need cloture to get the bill. We have two questions: (a) 'What price does he [Humphrey] pay to get cloture?' and (b) 'Is it too high?'"

Humphrey: "The Leadership Conference should be out getting votes. I saw a number of conservative Republicans taking on their own leader [Dirksen] in the

Republican cloakroom last evening. I'm not getting much help on cloture. I'd like a whack on cloture. And this changes my original thinking of no cloture unless the votes are there."

Later in the morning, Kuchel informed Horn that Senator Mundt would vote against cloture and the civil rights bill.

Source: Stephen Horn, *Notes on Civil Rights Meetings, May 7, 1964, 16-162, Collection 97, The Dirksen Congressional Center*

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) 177

---

1964 May 7

After the bipartisan civil rights leadership meeting, negotiations continued for a third day on Dirksen's amendments in the conference room of his office suite. The minority leader objected to the phrase "massive resistance" as a proper description of violations punishable under Title II (public accommodations). Dirksen felt that the bill should be a self-enforcing piece of legislation and that an offense should be clearly described and the judicial action automatic.

Dirksen was concerned about how this section would be enforced. He worried that it would be used to harass individual business owners who might refuse to serve blacks with threats of court action, when a less confrontational approach might work just as well.

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) 177

---

1964 May 7

At the afternoon staff meeting, Dirksen staffer Clyde Flynn suggested that the words "pattern or practice of massive resistance in any geographical area" be substituted for "massive resistance," and the Justice Department readily agreed.

The Justice Department sought a way to sanction communities that supported discriminatory behavior, and Flynn's language met the objective. The phrase "pattern or practice" was incorporated in both Title II and Title VII to define the type of discrimination in public accommodations and employment that would be outlawed by the bill (with Dirksen's caveat that employment discrimination would still have to be "willful.")

According to John Stewart, "With some minor refinements, this formula broke the impasse with Dirksen which had existed since President Kennedy's first proposals came to the Congress almost a year earlier."

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 257

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 281

---

1964 May 7

At 3:25 p.m., Kuchel and Horn discussed the strategy for cloture. "As for cloture, Kuchel is not so sure he would go along with the Humphrey-Horn view that we should have a cloture vote prior to the Memorial Day recess. But he agrees that it is no good voting when Dirksen has some massive resistance amendment on the floor."

Source: Stephen Horn, *Notes on Civil Rights Meetings, May 7, 1964, 163, Collection 97, The Dirksen Congressional Center*

---

1964 May 8

At 9:30 a.m., the bipartisan Senate leadership met in Senator Magnuson's office. "Katzenbach believes some of the language can be worked out to meet Senator

Dirksen's objections. Dirksen appears to want a vote on cloture during the first week of June. [Senator Kenneth] Keating thinks we will be able to get 22 Republican votes now for cloture. If we want more, we will have to make substantial changes. We will not get Mundt or Curtis. Katzenbach believes Dirksen is thinking of getting Hickenlooper and [Len] Jordan to support cloture."

Katzenbach suggested that "we need to put in words as best we can that in individual suits we are talking about patterns of discrimination. The stories are vague enough in the papers to cover the negotiations."

Frances Henderson, aide to Senator Case, "feels that one of the problems is that Senator Dirksen goes to the press gallery and spreads his story before the press and it is not always what happened in a meeting!"

Katzenbach "believes we will reach either impasse or agreement with Dirksen next week. Katzenbach does not 'regard the Harlem Globetrotters as legislative examples of segregation.' He regards it as 'bad for racial relations to have just Negroes on the team.'"

Source: Stephen Horn, *Notes on Civil Rights Meetings*, May 8, 1964, 164, Collection 97, The Dirksen Congressional Center

---

1964 May 8

The fourth day of negotiations on the Dirksen amendments took place. The primary unresolved issue concerning Title II (public accommodations) was whether the Attorney General should have the right, as in the House bill, to file court suits when local and state governments were allegedly discriminating.

Dirksen recorded his objection to the public accommodations title bluntly, capitalizing words for emphasis: "THE PURPORT OF THE LANGUAGE IN THIS TITLE IS simply this: Can Congress destroy FREEDOM of ASSOCIATION in the case of privately owned and operated businesses." Dirksen did not think so. He cited a Supreme Court ruling in 1883 that reaffirmed the rights of states to regulate "ALL PRIVATE RIGHTS BETWEEN MAN AND MAN IN SOCIETY." More than thirty states had such laws, including Illinois. Dirksen felt that the House bill gave the Attorney General carte blanche to traipse all over the country as a federally funded legal aid society, picking and choosing cases at will and jumping into local problems only to harass small businessmen.

Source: "Civil Rights," Dirksen Papers, Notebooks, f. 200

---

1964 May 8

Justice Department officials argued that they could not solve the discrimination problem if they had to wait until many grievances were filed by individuals in order for a "pattern or practice" to be established.

One of Dirksen's aides suggested writing some language into the bill setting limits on the Attorney General's authority. There were other technical changes, too, such as a requirement that a complaint be under oath and that the person making a complaint be able to recite in reasonable detail the alleged facts. "This is a law," Dirksen told Attorney General Kennedy, "which will make important changes in American society. It has to be as perfect as possible."

The negotiators accepted Dirksen's proposals to permit an initial period of state jurisdiction over cases arising under Title II and Title VII.

Source: *Business Week*, May 30, 1964, Dirksen Information File

---

1964 May 8

At 1:00 p.m., the Senate Republican pro-civil rights leadership met with the House Republican pro-civil rights leadership. Kuchel opened the meeting by

indicating that its purpose was “to review and to introduce helpful and strengthening amendments to the House-passed civil rights legislation.” He agreed that if “Representative McCulloch does not agree with the proposals, we should not introduce them.”

McCulloch: “I don’t believe a useful purpose is served to try to make the House-passed bill stronger. The House-passed bill is a strong bill.”

Javits: “There is a real feeling on our part that the only perfecting amendments being offered are Dirksen’s. Let me be practical. There is no use talking in riddles. Keating has an amendment to include state elections. We have one amendment which says that criminal acts are to be spelled out.”

McCulloch replied that “in the House, I offered an amendment to include state and local elections. I receded because we wanted to get the show on the road. That could well be the peg on which we hang ourselves on civil rights in the House.”

William Copenhaver, Counsel to the House Judiciary Committee: “There was a time when a package proposal was a possibility. If the House of Representatives had the bill before it today, it would not pass the present bill. Each day the filibuster goes on, we lose support in the House.”

McCulloch: “We aren’t that pig-headed. We are talking that way—talk’s big, so don’t have a wide hole in the dyke. One hundred forty-seven amendments were offered in the House.”

Discussion continued on the bill’s provisions, the prospects for various amendments, and how the House would react to changes in the House-passed bill.

Source: Stephen Horn, *Notes on Civil Rights Meetings, May 8, 1964, 165-167, Collection 97, The Dirksen Congressional Center*

---

1964 May 8

President Johnson spoke in Atlanta, Georgia: “The rights of no single American are truly secure until the rights of all Americans are secure.”

**Learn more:** “Remarks Upon Arrival at the Airport, Gainesville, Georgia”

Link to:

<http://www.presidency.ucsb.edu/ws/index.php?pid=26234&st=&st1=#axzz2ficzQYF1>

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

---

1964 May 11

The Senate began its 10<sup>th</sup> week of debate on H.R. 7152.

---

1964 May 11

At 9:30 a.m., the bipartisan Senate leadership met with representatives from the Justice Department and the Leadership Conference on Civil Rights.

Katzenbach: “Dirksen knows that his text on Title II is unacceptable. It is text belonging to no one and supported by no one.”

Humphrey: “The worst thing we can do is circulate rumors. Dirksen said last fall that under no circumstances would he support the enforcement of Title II.”

Keating: “I never heard him say it that strongly.”

Humphrey: “I told Dirksen, ‘Better no bill than a weak bill.’”

Concern was expressed about the reception Senate inaction received by the press

and out in the country.

Humphrey: "We need to tell Dirksen, 'Bring us cloture, then we will work on the amendments.' Here's what I am worried about. This is the third week we have spent on the jury trial amendment. Russell said that we would vote last Wednesday. The New York and Washington papers are the only clear air provided once one leaves Washington. There is a need for me to go to the leader [Mansfield]. I said in Des Moines that 'the South is not what is holding up the bill. It is the West, Midwest, and East.' You are not going to change [Richard] Russell, [Lister] Hill, [John] Tower, and [John] Sparkman. Clarence [Mitchell], it is time for the NAACP and the AFL-CIO to put their fingers on 81 other senators around here. The plea should be, 'Give us the right to vote.' People are getting disgusted. ... Out in the country the people wonder what we are doing. Here politics is money. Yesterday on TV, I noted that 'it would be helpful if [Martin Luther] King, [James] Farmer, and [George] Meany get together and let them say, 'Enough of adult delinquency in the Senate.' Every day we wait for cloture is nibbling away at the bill."

Source: Stephen Horn, *Notes on Civil Rights Meetings, May 11, 1964, 170-172, Collection 97, The Dirksen Congressional Center*

---

1964 May 11

Southern Democrats called up a perfecting amendment sponsored by George Smathers (D-FL). Now a vote on the Mansfield-Dirksen substitute had to await the disposal of the Smathers amendment. According to Humphrey's aide, "The southern Democrats apparently had resumed the strategy of total obstructionism."

Source: John Stewart, "The Civil Rights Act of 1964: Tactics I," 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) 242-243

---

1964 May 11

Dirksen drafted his weekly broadcast to constituents, this one entitled "The 59<sup>th</sup> Day," a summary of the negotiations on H.R. 7152. "Sometimes people may say this is an effort to water down the civil rights bill. I assure you it is nothing of the kind. I must say to you as a legislator who takes pride in his own craftsmanship that there are imperfections, there are deficiencies, there are holes in this bill, and what we are trying to do is to develop an area of agreement on these particular proposals and I think we have gone a long ways."

Source: Dirksen Papers, Remarks and Releases

---

1964 May 12

At breakfast with the president, Mike Mansfield told Johnson that progress in the Senate on civil rights was "nil." The president was enraged and insisted that the Senate go into round-the-clock sessions to break the filibuster. Mansfield and Humphrey refused.

Later in the day, Johnson warned,

That bill must be passed. That kind of legislation must become the law of the land. We cannot see our democratic system spend sixty days on a bill like that and fail. But it is going to fail unless the people, in righteous indignation, let them know that they do not have that superior feeling and they do require legislation that protects a person because of his particular color. If the Congress does not act on that legislation, we will have some very dark days in this country.

A nose count by Humphrey indicated 55 sure votes for cloture and eight possibles.

[Learn more:](#) "Remarks at a Meeting of the President's Committee on Equal Employment

Opportunity”

Link to:

<http://www.presidency.ucsb.edu/ws/index.php?pid=26246&st=&st1=#axzz2fjczQYF1>

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

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) 179-80

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 284-285

---

1964 May 12

At 9:50 a.m., the bipartisan Senate leadership met to discuss cloture, which senators would support the action, the idea of holding round-the-clock sessions, and negotiations with Dirksen.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, May 12, 1964, 175-176, Collection 97, The Dirksen Congressional Center

---

1964 May 12

At 12:50 p.m., the bipartisan Senate leadership met in Humphrey’s office. They discussed efforts to convince various senators to support cloture.

Humphrey reported that “he took Dirksen out to dinner last night: I know his views and Mansfield’s concerning holding around-the-night sessions. The President was up in arms at the Congressional leadership meeting this morning.”

The group identified 55 sure “yes” votes and nine “possible” votes [Aiken, Carlson, Dirksen, Long, Miller, Pearson, Lausche, and Cotton were listed, one short of nine].

They identified “doubtful” votes: Bennett, Bible, Cannon, Cotton, Curtis, Hruska, L. Jordan. Mechem, Mundt, Simpson, John J. Williams, Yarborough, and Young. Cotton and Williams appeared on both the “possible” and “doubtful” lists.

Humphrey summed it up: “We have 55 votes for cloture including Senator Claire Engle (D-CA) who has been ill. If Engle cannot make it to the floor, then we have only 54 ‘sure’ votes.” Humphrey believed that President Johnson could help with “Walters, Hayden, Byrd of West Virginia, Bible, Cannon, and maybe Fulbright.”

Source: Stephen Horn, *Notes on Civil Rights Meetings*, May 12, 1964, 177-178, Collection 97, The Dirksen Congressional Center

---

1964 May 12

After his weekly Republican policy luncheon, Dirksen told the press, “There is a feeling the time has come for action, and we’ve just about gotten there.”

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) 180

---

1964 May 12

Mansfield berated Russell for going back on his pledge to permit a vote that week on the Mansfield-Dirksen jury trial amendment.

In retaliation against the southerners’ stubbornness, Mansfield stretched out the day’s session until 12:18 a.m.

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) 181

---

1964 May 12

Dirksen and Humphrey met at dinner. Dirksen promised to deliver 25 Republican votes for cloture.

NOTE: This dinner may have taken place on May 11.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 290

1964 May 12

The Senate tied the longest filibuster in history—two months in 1846 on the Oregon bill which would end the U.S.’s agreement with England on joint occupancy of the Oregon territory.

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) 179

---

1964 May 13

At 9:30 a.m., Humphrey, Robert Kennedy, Senator Joe Clark (D-PA), Larry O’Brien, Mike Manatos, and Frank Valeo met in Mansfield’s office. They agreed that Dirksen had no alternative but to support cloture, and that the minority leader needed Democrats as much as they needed him. Therefore, they decided not to give way so easily to any more of his demands.

Source: John G. Stewart, “Thoughts on the Civil Rights Bill,” 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) 116-17

Source: John Stewart, “The Civil Rights Act of 1964: Tactics I,” 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) 258

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) 182

---

1964 May 13

At 10:30 a.m., the fifth day of negotiations began in Dirksen’s office.

Dirksen suggested the following: (1) If the negotiators reached an understanding on changes to the bill, the new language must be mimeographed and shared with all senators; (2) Republicans and Democrats should meet in their respective caucuses to get agreement on the new bill; and (3) the Senate should vote on cloture title by title. Dirksen backed down on the last point when Humphrey insisted that there be only one cloture vote on the entire bill.

Attorney General Kennedy persuaded Dirksen to abandon the idea of a new Title XII that would define the Attorney General’s powers to handle any resistance to the act; instead, Dirksen agreed to apply the “pattern and practice” language to Titles II (public accommodations) and VII (equal employment).

Next, Kennedy got the minority leader to concede that, in Title II, the civil rights commission be granted specific authority to recommend that the Attorney General take direct enforcement action. Both sides agreed to a minor amendment in order to secure Senator Karl Mundt’s (R-SD) vote for cloture.

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) 182

1964 May 13

The compromise civil rights bill worked out in Dirksen's office did not seriously weaken the original H.R. 7152. The bargainers were careful not to include any changes that might cause the House to reconsider the entire bill once the Senate had finished its work. The "clean bill," as it was known, made somewhat over seventy changes in H.R. 7152, most of them concerning wording and punctuation and most of them designed to win over reluctant Republicans and to allow cloture.

Dirksen won agreement that stripped the Equal Employment Opportunity Commission (EEOC) of its authority to file antidiscrimination suits. Though the commission could make recommendations, only the Justice Department had the power to initiate a suit. This proposal reflected Dirksen's discomfort with executive agencies whose enforcement powers had grown through the years and which fueled conservative opposition to an expansive federal government. Dirksen also insisted that local agencies have the first opportunity to enforce federal law. He emphasized that fair employment "starts back home" and that the EEOC must defer to state Fair Employment Practices Commissions (FEPCs) and their commitment to "local spirit." He recognized, however, that southern states might create paper FEPCs to avoid federal enforcement and agreed that the EEOC could step in after sixty days.

Finally, the bipartisan group modified wording in Titles II and VII. The Justice Department said it needed the authority to initiate suits to deal with a "pattern and practice" of discrimination, rather than isolated cases. An example would be discrimination against blacks by all restaurants in a community. Justice insisted it would be impossible to deal with such a situation if individual African Americans had to be relied upon to bring individual suits against each restaurant. Justice Department officials also explained that many businessmen who wanted to end discrimination did not dare do so unless they had legal backing. Unless the Attorney General had the residual power to take action against a hardened pattern of discrimination, they said, the law would be a "phony."

The compromise gave the Attorney General authority under Title II to bring suit if the state agency or the Federal Community Relations Service created by the bill were unable to gain compliance. The Attorney General would not, however, have the power to *initiate* suits on behalf of individuals. These individuals would have to begin legal suits themselves. Again, this provision protected states, chiefly those in the north and west where Dirksen needed support for the cloture vote, from federal interference without diluting the effort to achieve progress in the South.

In sum, the major change in what came to be called the "Dirksen substitute" was to lessen the emphasis on federal enforcement in cases of fair employment and public accommodations violations. Consistent with his long-held contempt for overlapping bureaucracies and frivolous litigation that stifled individual initiative, Dirksen wanted more emphasis on solving problems by local agencies. Thirty-four states had public accommodations laws; 31 had employment practices laws. Many were stronger laws than the federal measure. He believed they should have priority over federal intrusion. By the same token, the compromise also reserved a period for voluntary compliance before the Attorney General could act in discrimination suits.

Finally, Kennedy countered Dirksen's strong objection to the voting fraud provision of Title V (Civil Rights Commission). The Attorney General had promised Bill McCulloch to keep it in the bill. Kennedy succeeded.

By the middle of the afternoon, all outstanding differences had been resolved. Both sides acknowledged their commitment to the changes. They would join

forces to apply cloture on the full bill. Neither side would ask for additional changes to the major agreements which had been hammered out.

According to Humphrey aide John Stewart, "the day's events probably were vital to the passage or failure of the bill. It appeared that Senator Dirksen has now fully thrown his weight behind passage of the bill and upon cloture. He did recede on most of the important points today and, as a result, the package does seem to be adequate and effective." While acknowledging the accomplishment, Stewart wondered if "the various Leadership Conference people" would agree.

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) 182

Source: John G. Stewart, "Thoughts on the Civil Rights Bill," 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) 117-20

Source: Stephen Horn, *Notes on Civil Rights Meetings*, May 14, 1964, 179-181, Collection 97, The Dirksen Congressional Center

Source: *New York Times*, June 20, 1964, EMDP, Scrapbooks, 2.32

Source: Byron C. Hulse, *Everett Dirksen and His Presidents: How a Senate Giant Shaped American Politics* (Lawrence: University of Kansas Press, 2000) 194-95

Source: *Congressional Quarterly Weekly Report*, May 15, 1964, Dirksen Information File

Source: Stewart, John. "Thoughts on the Civil Rights." In *The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation*. Edited by Robert D. Loevy. Albany: State University Press of New York, 1997, 120

---

1964 May 13

After the day-long talks, Robert Kennedy told reporters, "There's an understanding between all who participated ... this bill is perfectly satisfactory to me." The Attorney General called President Johnson at 4:05 p.m., shortly after the negotiations for the day ended. He reported that agreement had been reached, noting that "Senator Dirksen was terrific" and urging Johnson to call the minority leader.

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) 305-309

---

1964 May 13

The president called Dirksen at 4:30. To his old friend he began, "The Attorney General said that you were very helpful and did an excellent job and that I ought to tell you that I admire you ... and I told him that I had already done that for some time..." He and Dirksen commiserated about the schedule for a vote before Johnson concluded: "I saw your exhibit at the World's Fair, and it's the Land of Lincoln, so you're worthy of the Land of Lincoln. And a man from Illinois is going to pass the bill, and I'll see that you get proper attention and credit."

During the conversation, Dirksen said to Johnson, "You've got to take care of your own people, and you're doing that ... we don't want this to be a Democrat bill, we want it to be an American bill, and when these schools are coming out—they're coming out the end of this month—and if we haven't got a bill, we're in a helluva shape."

Source: Telephone notes, May 13, 1964, Dirksen Telephone Conversations with LBJ, Collection 129, The Dirksen Congressional Center

---

1964 May 13

In a call three hours later with Humphrey, Johnson asked if Dirksen could deliver 25 Republicans for cloture. Based on a conversation he had with Dirksen at dinner the night before, Humphrey expressed confidence, "Mr. President, we've got a much better bill than anyone even dreamed possible. We haven't weakened this bill one damn bit; in fact in some places we've improved it. That's no lie; we really

have." Humphrey estimated there would be 55 solid votes for cloture, plus eight possible, including Dirksen.

Source: Telephone notes, May 13, 1964, Dirksen Telephone Conversations with LBJ, Collection 129, The Dirksen Congressional Center

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) 308-309

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 290

---

1964 May 13

Years later, Humphrey evaluated Dirksen's work on the bill this way:

The meetings in Dirksen's office were, as we know, successful. Actually, Dirksen gave a great deal of ground. The bill which he finally supported—the substitute—in my mind is as good or better a bill than the House bill. Dirksen supported with his own amendments an effective enforcement of Title II, integration of public accommodations, but he mainly insisted on some time for conciliation and more involvement of local and state government, both of which were very good ideas, and I vigorously supported them.

Source: Hubert Humphrey, "Memorandum of Senate Consideration of the Civil Rights Act of 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) 87-88

---

1964 May 13

Two questions remained following the final negotiations with Dirksen. First, would the more conservative members of the Republican Party, those senators known to hold the balance of power on cloture, join in Dirksen's support of the substitute? Second, would the activist civil rights supporters of H.R. 7152, both inside and outside the Senate, accept the Dirksen-Mansfield revisions? If either group refused to back the new proposals, the chances of obtaining cloture dimmed.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 278

---

1964 May 13

Within two hours of the end of negotiations, Humphrey called the principal officials of the Leadership Conference on Civil Rights to his office for a briefing on the Dirksen-Mansfield substitute. After hearing Assistant Attorney General Burke Marshall describe the principal elements of the proposal, the group remained noncommittal.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 278-279

---

1964 May 14

Bill McCulloch met for an hour with Dirksen and pledged to support the Dirksen-Mansfield substitute to H.R. 7152.

Source: Stephen Horn, *Notes on Civil Rights Meetings*, May 14, 1964, 182, Collection 97, The Dirksen Congressional Center

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) 183

---

1964 May 14

Discussions continued with the Leadership Conference on Civil Rights. By the end of the day, these officials generally supported the Dirksen-Mansfield substitute.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 279

1964 May 14

At 5:00 p.m., the pro-civil rights Republican Senate leadership met in Kuchel's office. Kuchel opened the meeting by noting that its purpose was to decide on strengthening amendments. "He thinks that we should have several Republican co-authored strengthening amendments."

Keating: "Are you going to refrain from offering any amendments because McCulloch doesn't think the House will approve of them?"

Kuchel: "No, but that is a factor. I'd be prepared to co-author any strengthening amendments that you have."

Javits: "The Southerners may vote for them knowing the reaction which will occur in the House."

Discussion continued on possible amendments and the reaction in the House, and the rules for considering changes in the House-passed bill.

Horn's notes include copies of various amendments.

Source: Stephen Horn, *Notes on Civil Rights Meetings, May 14, 1964, 185-186, Collection 97, The Dirksen Congressional Center*

---

1964 May 15

At 10:00 a.m., Senator Keating, Katzenbach, John Stewart, Horn, and Patricia Connell, counsel to Keating, met.

Katzenbach did not believe Dirksen and McCulloch had talked in three weeks [this is contradicted by an entry on May 14]. "He is worried that McCulloch will be irked at the dropping of Title V from the bill and the fraud provisions which he very strongly backed."

"Someone mentioned an Indian reservation contract quota for Indians. On Monday morning, Dirksen had the language from Mundt as his price!"

Katzenbach said that Dirksen had told him he had 25 Republican votes for cloture. "I can't believe that Dirksen would go as far as he did unless he is able to produce the votes."

Source: Stephen Horn, *Notes on Civil Rights Meetings, May 15, 1964, 197, Collection 97, The Dirksen Congressional Center*

---

1964 May 18

The Senate began its 12<sup>th</sup> week of debate on the civil rights bill.

---

1964 May 18

At 9:45 a.m., the bipartisan Senate leadership met to discuss various amendments.

Source: Stephen Horn, *Notes on Civil Rights Meetings, May 18, 1964, 198-199, Collection 97, The Dirksen Congressional Center*

NOTE: This is the last entry in the Horn notes series. He left Washington to assist Senator Kuchel in an unsuccessful effort to defeat Barry Goldwater in the California presidential primary.

---

1964 May 18

Dirksen prepared remarks for his broadcast back to Illinois. Entitled "Nothing is Eternal Except Change," Dirksen talked about the many federal programs that initially were resisted but which wound up as integral to American life. He recounted the accomplishments of blacks since World War II. He quoted Victor Hugo, the historian and French philosopher who, on the night he died, supposedly put an entry in his diary to the effect that "stronger than all the armies is an idea whose time has come." With regard to civil rights, Dirksen continued, "I fancy this

idea's time has come and hence there can be no happiness, there can be no freedom from vexation, until the Congress has met this challenge."

Source: Dirksen Papers, Remarks and Releases, May 27, 1964

---

1964 May 19 Democratic and Republican senators met separately in their respective caucuses to consider the May 13 compromise, that is, the Dirksen-Mansfield substitute. As Dirksen had instructed, each senator had received, the day before, copies of the 70-page mimeographed document, which showed the original bill with proposed new language underlined and omissions framed in brackets.

---

1964 May 19 Forty-nine Democrats met in the old Supreme Court chamber. For the Democrats, it was only the third time the Senate Democratic Conference had met in 1964, the last meeting occurring on January 28<sup>th</sup>. Mansfield opened the session with a strong defense of relying on cloture to get the bill passed. He acknowledged the toll taken by the filibuster but claimed they did not have the votes yet for cloture, but that cloture was a part of the Senate rules "and, at this point, it would appear to be about the only recourse open to the Senate to get around the impasse."

He offered the opinion that the Dirksen amendments would be helpful in getting those votes. "For the ardent supporters of civil rights, I would urge you not to allow your feelings to blind you to the realities which confront us. ... I personally believe that the resultant compromises [reached with Dirksen] are not only acceptable but essential for the passage of any civil rights legislation and I underscore the words *any* and *essential*."

Humphrey then proceeded to explain the amendments, contending that the bill was not weakened but acknowledging that they gave greater emphasis to voluntary compliance and to delaying enforcement. A general discussion of cloture followed and the hope was expressed that the vote might come within three weeks.

Although southerners continued to object to the now-modified bill, liberals joined in support and the party emerged with no general opposition to the bill.

Source: Donald A. Ritchie, ed., *Minutes of the Senate Democratic Conference, 1903-1964*, May 19, 1964, (Washington DC: U.S. Government Printing Office, 1998) 634-637

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 279-280

---

1964 May 19 The Republicans, numbering 27, met in S-207, a large conference room near the Senate chamber at 9:24 a.m. Dirksen and staff member Neal Kennedy reviewed 10 of the 11 titles. In contrast to the Democrats' caucus, the Republicans began to quarrel.

Bourke Hickenlooper, widely known to be jealous of Dirksen, led the objectors. Hickenlooper, chairman of the Republican Policy Committee, stormed out of the meeting proclaiming, "I don't know who the minority leader is speaking for! He is not speaking for Hickenlooper!" The Iowan strenuously objected to the powers given to the Attorney General in Title VII, the equal employment opportunity title, deeming its delegated authority "discretionary and coercive." The bill, he said, was "a gargantuan thing" that would multiply bureaucracies. Some of Dirksen's amendments "don't go far enough to meet the real evils of this bill." Hickenlooper was not alone in his disgust. Milward Simpson (WY) told reporters, "They've just warmed it [H.R. 7152] over like hash to make it more palatable." The meeting adjourned at 12:09 p.m. with no formal action.

Source: Byron C. Hulsey, *Everett Dirksen and His Presidents: How a Senate Giant Shaped American Politics* (Lawrence: University of Kansas Press, 2000) 193

Source: *New York Times*, May 19, 1964, Dirksen Papers, Scrapbooks, 2.20.

Source: Wendy Wolff and Donald A. Ritchie, eds. *Minutes of the Senate Republican Conference, 1911-1964* (Washington DC: U.S Government Printing Office, 1999) 976-978

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 280-281

---

1964 May 19

Chastened by the resistance to his compromise bill by his own Republicans, Minority Leader Dirksen went public. He met with reporters immediately after the conference and delivered his first extended public statement about the issues raised by the civil rights bill. He took as his theme the statement Victor Hugo is said to have made on the night he died: "No army is stronger than an idea whose time has come."

Dirksen continued by reciting the history of ideas that were first ridiculed and later became part of American law: the Civil Service system, women's suffrage, the direct election of senators, pure food and drug laws, and regulation of working hours.

He also said: "Civil rights—here is an idea whose time has come. ... Let editors rave at will and let states fulminate at will, but the time has come, and it can't be stopped."

Source: London Wainwright, "Old Ev, the Good Wizard," *Life*, June 5, 1964, Dirksen Information File

---

1964 May 20

At 9:32 a.m., Republicans met for two-and-a-half hours in what was the second of five party conference meetings. Dirksen discussed Title VII (equal employment). Neal Kennedy, Dirksen's chief counsel, read the title line by line. The prolonged discussion yielded no formal action.

Again, Bourke Hickenlooper complained to reporters that he had "serious reservations" about the title.

After the conference, New Hampshire's Norris Cotton went to the Senate floor to introduce an amendment limiting coverage of the act to employers with a minimum of 100 employees, as opposed to the 25-employee limit in the substitute bill.

According to Humphrey aide John Stewart:

Although the minority leader continued to talk optimistically about Republican reaction to the substitute, he had clearly run into difficulty with a number of the crucial senators, principally Hickenlooper and Cotton, who were supported by Mundt, Curtis, Hruska, Miller, and Jordan. These senators were generally opposed to any notion of an enforceable job discrimination statute. Dirksen's advocacy of Title VII and the implication that Republicans had the obligation to support their party leader on this issue was, from their perspective, especially galling. Cotton, in fact, reported privately to Humphrey that at least nine Republicans were unwilling to support Dirksen on Title VII and were prepared to oppose cloture until major changes were made in the provision.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 281

1964 May 20	<p>In meeting with the bipartisan leadership, Humphrey reported that Dirksen had encountered resistance from conservative Republicans. But since Dirksen had not proposed any further concessions to win their support, the civil rights forces could stand pat.</p> <p>Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 281</p>
1964 May 20	<p>Dirksen talked about his work on the bill with a reporter. He said he thought he had a good bill, one that President Johnson would approve, even though it departed some from the House-passed bill. Dirksen had sold Johnson on the compromises. He told Johnson, "You can't have the House bill," as he recounted the conversation. "In this business you become a realist."</p> <p>Source: London Wainwright, "Old Ev, the Good Wizard," <i>Life</i>, June 5, 1964, Dirksen Information File</p>
1964 May 21	<p>Senator Norris Cotton (NH) told Dirksen that Hickenlooper, Roman Hruska, and three or four other conservative Midwesterners had decided not to back cloture on account of their continued discomfort with Title VII. This made Dirksen's task of corralling 25 Republican senators to support cloture that much more difficult.</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) 221</p>
1964 May 22	<p>On Friday morning, the Republican conference met again, this time with the opportunity for senators to comment on the entire Dirksen-Mansfield substitute. The purpose of the meeting was "purely expository" and no binding agreements of any kind were requested.</p> <p>When asked about the form the compromise would take when introduced to the Senate, Dirksen said he was awaiting a memorandum from the parliamentarian before deciding how best to proceed. The package might be introduced as a bill, as a substitute, or as an amendment in the nature of a substitute. Dirksen stressed the fact that it was very necessary to "button up" the whole matter so that a print of the bill could be presented to the Senate in a few days. Discussion continued until 12:15, when the meeting was adjourned until Monday morning at 9:30.</p> <p>Source: Wendy Wolff and Donald A. Ritchie, eds. <i>Minutes of the Senate Republican Conference, 1911-1964</i> (Washington DC: U.S Government Printing Office, 1999) 979-981</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) 186</p>
1964 May 24	<p>An Associated Press survey indicated that 56 senators were committed to vote for cloture in early June. In this survey, 17 senators, including all the Republicans whose support Dirksen and the bipartisan leadership sought, gave only qualified or noncommittal responses. Coming almost two weeks after the end of the negotiations on the Dirksen-Mansfield substitute, this count documented Dirksen's difficulties in gaining the support of the disgruntled Republican conservatives led by Hickenlooper.</p> <p>Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 285</p>
1964 May 25	<p>By now, the civil rights filibuster had become the longest in Senate history, and Hubert Humphrey was angry. "The whole procedure is disgusting," he cried. "All that is being accomplished here is a display of adult delinquency. Any intransigent</p>

minority can run the Senate if a majority stands around with jelly for a spine.”

Humphrey blamed not the southern Democrats, “whose obstructionist tactics were to be expected,” but senators who professed to support civil rights but were opposed to cloture.

Source: *Time*, May 22, 1964, Dirksen Papers, Scrapbooks, 2.21

---

1964 May 25

Republican senators met for a fourth and fifth time on the Dirksen-Mansfield modified bill as the Senate began its 12<sup>th</sup> week of debate. The group proceeded title by title through the bill. Title VII, the employment title, again attracted much attention with staff assigned to work out clarifying language.

Dirksen indicated that Attorney General Robert Kennedy had been keeping the House leaders generally informed of progress on the Senate side. Dirksen further stated that after talking with Mansfield they had determined their floor strategy—to introduce the Dirksen package as an amendment in the nature of a substitute. This option would leave the matter open for further amendment, thereby preserving flexibility to make additional refinements.

Dirksen also expressed the hope that a cloture petition might be filed in the following week and, in the words of the minutes, “it was his personal hope it would be approved. His conclusion was that historically and morally the legislation should be approved.” A handful of senators continued to press for more modifications, and the meeting continued in the afternoon. After nearly four hours of conversation, the conference minutes do not record any formal action. Dirksen continued to lobby 20 recalcitrant Republicans vigorously in an attempt to achieve consensus. As the fifth caucus ended late in the day, departing senators expressed optimism.

Dirksen agreed to seek a variety of minor adjustments to the Dirksen-Mansfield substitute, but he rejected all proposals for major changes, such as Cotton’s amendment to Title VII.

Source: Wendy Wolff and Donald A. Ritchie, eds. *Minutes of the Senate Republican Conference, 1911-1964* (Washington DC: U.S Government Printing Office, 1999) 980-984

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) 187

---

1964 May 25

United Press International reported movement toward an agreement in support of the bipartisan package of civil rights amendments. The UPI quoted New York’s Jacob Javits as seeing a “real consensus” among the Republican senators, though Leverett Saltonstall of Massachusetts cautioned that senators had not been asked to “consent or dissent” during the meeting.

Dirksen called the meeting “pretty agreeable” and said he thought the session “wasn’t too bad” in terms of ginning up support for the changes.

Black leaders recognized the progress, too. Whitney Young, Executive Director of the National Urban League, telegraphed Dirksen with congratulations, reminding the senator that “the free world looks to us to supply the moral leadership which is so badly needed everywhere. Our very survival as a nation is at stake.”

Source: UPI dispatch sent by Walter T. Phair to Dirksen, Dirksen Papers, Alpha 1964, “Dirksen”

Source: Young to Dirksen, May 25, 1964, Dirksen Papers, Alpha 1964, “Young”

---

1964 May 25

In the evening, the bipartisan group of Senate staff assistants and Justice

Department personnel met to see what further refinements were possible to the Dirksen-Mansfield substitute. They agreed to minor modifications but did not change the bill in a meaningful way.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 281-282

---

1964 May 25

According to Humphrey aide John Stewart:

At this point the negotiators were following two relevant principles of party leadership: (1) permitting individual senators to recognize their handiwork in the bill and their interests being served by its passage, and (2) striving to accommodate the interests of the widest cross section of the senatorial parties as a means of reducing the fragmentation which could severely hamper the leadership's ability to control the parliamentary environment. This process of marginal accommodation and adjustment was to continue until the last day before the cloture vote.

For example, Humphrey and Dirksen accepted an amendment by Karl Mundt (R-SD) which exempted businesses maintained on Indian reservations from coverage under Title VII (equal employment opportunity).

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 282

---

1964 May 26

The Joint Senate House Republican Leadership meeting included discussion of civil rights. Dirksen opened the subsequent press conference with a statement on Viet Nam.

In response to a question, Halleck said the joint leadership had not looked over the new compromise civil rights bill the Senate would take up, although there had been some informal consultations with himself and McCulloch. "But there has been no discussion of it in the Joint Senate-House Republican Leadership except in broad general terms." Halleck asked if being consulted "a time or two" was sufficient. He said "yes."

Dirksen then was asked several questions about the changes he intended to propose to the bill later that day. For example:

QUESTION: Are those changes [the amendments Dirksen will offer] made as a result of your ... I'm speaking of the changes made as a result of your Republican conference.

SEN. Dirksen: Well, there have been modifications, as I say, in language; paragraphs have been transposed; there have been word shadings that we had to take account of; sometimes you had to delete a phrase; sometimes you had to add a phrase, but I think as a general thing, all the four [sic] conferences that we had were extremely amiable in atmosphere. Everybody was quite affable about it, and I felt we made some real progress.

QUESTION: Did you make the changes in substance?

SEN. Dirksen: There have been some changes in substance.

Dirksen despaired of explaining all the complexities, however, and promised that

he would have longer speeches about them in the future.

Source: Republican Congressional Leadership Files, May 26, 1964, f. 49

---

1964 May 26

The ever-gracious Hubert Humphrey gave Dirksen the honor of introducing the 74-page revised version of H.R. 7152 (Amendment No. 656), the "Dirksen substitute," to the Senate.

"We have now reached the point where there must be action; and I trust that there will be action. I believe this is a salable piece of work; one that is infinitely better than what came to us from the House," Dirksen explained. "I doubt very much whether in my whole legislative lifetime any measure has received so much meticulous attention."

The amendment was offered as a "clean bill," or as a substitute for the pending measure.

Mansfield, Humphrey, and Kuchel then praised Dirksen for his work on the bill. Richard Russell, who had led and organized the filibuster, immediately attacked the minority leader. "As one who lives in the South, as one who has never been ashamed of being a Southerner, and as one who believes that the people of the South are as good citizens as people anywhere else in the country, I resent this political foray."

Source: *Congressional Record*, May 26, 1964, 11917-11943

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) 189

---

1964 May 26

The general view among civil rights advocates was that Dirksen's amendments did not materially change, much less weaken, the bill. The Leadership Conference took an approving stance in a bulletin to member organizations: "Coverage in all titles is essentially what it was in H.R. 7152 as it passed the House, and the enforcement provisions are still intact."

Clark MacGregor (R-MN), who helped draft H.R. 7152 as a member of the Judiciary Committee, said that Dirksen

basically agreed with us but felt he had to put his stamp of authority on a lot of little niggling amendments that really didn't amount to much, so that the bill would come into law as a Dirksen bill and, more importantly, that he could be perceived as pouring the healing salve on the whole controversy. He did that very well. In other words, he would be perceived as making substantial changes in the bill and, on analysis, most of the amendments didn't amount to much.

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) 189

---

1964 May 27

Sensing the growing restiveness of senators, Mike Mansfield told reporters: "I think, by and large, the senators have just about had enough. They're tired of all this. You have to hit bedrock some time and have a showdown."

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 286

---

1964 May 27

Dirksen met with Humphrey at 4:00 p.m.

Source: The Dirksen Timeline

1964 June 1

The Senate began its 13<sup>th</sup> week of debate on H.R. 7152.

Mike Mansfield and Dirksen announced they would file a cloture petition on Saturday, June 6, and there would be a vote on it the following Tuesday, June 9.

In scheduling the vote for June 9, Humphrey and Kuchel had deliberately waited until after the California Republican presidential primary on June 2, which pitted Barry Goldwater against Nelson Rockefeller. Goldwater had already told Dirksen he intended to vote against cloture. Given this fact, Dirksen wanted to avoid confronting Goldwater's backers in the Senate, especially those senators of the Hickenlooper group, with the necessity of deciding whether to follow the Arizona senator's lead on cloture until the California primary no longer mattered.

Dirksen also wanted to have the civil rights issue settled before the Republican National Convention met on July 13, 1964, fearing the lack of resolution would compound the friction among different factions in the party.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 287-288

---

1964 June 1

Humphrey and Kuchel counted votes for cloture and estimated 66 in favor, including previously doubtful senators Everett Jordan, Thruston Morton, James Pearson, and Frank Lausche. Six conservative Republicans, now known as the "Hickenlooper group," remained in the "possible" category.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 287

---

1964 June 1

Dirksen's *Your Senator Reports* segment was entitled, "The Long, Hard Furrow." He guessed that he had received 100,000 letters on civil rights over the past five months. He recounted yet again the history of civil rights, speaking about the injustices visited upon blacks, including segregation in public accommodations. He justified his position in support of the bill as a moral one: "And it is the moral force that is after all the motive power of human progress and we must carry this along."

Source: Dirksen Papers, Remarks and Releases; Dirksen Papers, Notebooks, f. 206

---

1964 June 2

Richard Russell announced southern Democrats' willingness to halt the filibuster temporarily to permit votes on the jury trial amendments that were still pending. He hoped to slow the momentum for cloture by permitting a vote or two without, however, making any further commitments to finish voting on the entire bill.

The pro-civil rights forces countered with a filibuster of their own to prevent premature votes on the jury trial amendments before the showdown on June 9.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 289

---

1964 June 2

Although he had supported Senate passage of H.R. 7152 unchanged as it came to the Senate from the House, President Johnson said during a press conference that the proposed changes would be acceptable.

**Learn more:** President Johnson's News Conference

Link to: <http://www.presidency.ucsb.edu/ws/index.php?pid=26286&st=&st1=>

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

1964 June 2	<p>The Joint Senate House Republican Leadership meeting minutes noted: "After general discussion of the Civil Rights bill, it was the general consensus that it would be better to have the legislation out of the way before the Republican National Convention."</p> <p>Source: Dirksen Papers, Republican Congressional Leadership Files, f. 59</p>
1964 June 2	<p>Dirksen left the Capitol early complaining of a heavy chest cold. He would not return until June 5</p> <p>Source: The Dirksen Timeline</p>
1964 June 3	<p>Debate on the Dirksen-Mansfield package began with Hubert Humphrey defending the jury trial amendment.</p>
1964 June 4	<p>Russell continued to press Mansfield for votes on jury trial amendments. Mansfield offered to begin voting on amendments to the civil rights bill if southerners would agree to an overall limit on debate. Russell declined.</p>
1964 June 5	<p>Dirksen returned to Capitol Hill following his illness. At 10:30 a.m., Dirksen told Humphrey, "We have trouble."</p> <p>Hickenlooper had met with 20 conservative Republicans that morning who complained that Dirksen had not listened to their concerns and that, before there could be a vote on cloture, they should be allowed to propose their own amendments.</p> <p>It was at this moment, Humphrey recalled later, that he was most doubtful about the outcome. As many as five Republicans previously committed to cloture were beginning to slip—Mundt, Cotton, Curtis, Miller, and Hruska. Dirksen warned that the entire drive for cloture had been jeopardized by Hickenlooper.</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) 191</p> <p>Source: John Stewart, "Thoughts on the Civil Rights," 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) 136</p> <p>Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 288, 290</p>
1964 June 5	<p>Hickenlooper made these demands: (1) that Mansfield move the cloture vote from Tuesday to Wednesday, June 10, because many senators planned to attend the governors' conference in Cleveland on Monday, and (2) that he, Hickenlooper, be granted unanimous consent to vote on three new amendments on Tuesday.</p> <p>In mid-afternoon, the Iowa Republican proposed a unanimous consent request, supported by at least 17 Republicans, that the Senate vote on three amendments before Tuesday: (1) the Morton jury trial amendment which had been narrowly defeated on May 6; (2) Norris Cotton's proposal to restrict coverage of Title VII (equal employment) to employers of 100 or more; and (3) Hickenlooper's own amendment to delete all provisions of the bill relating to assistance for desegregation of public schools.</p> <p>The pro-civil rights leaders understood the meaning of the unanimous consent request: either they agreed to these votes, or a substantial number of Republicans would vote against cloture next Tuesday. In the words of Humphrey aide John Stewart, "The linkage between substance and procedure was never</p>

more evident.”

Action on the unanimous consent agreement was deferred while the civil rights leadership sorted through their options.

Source: John Stewart, “The Civil Rights Act of 1964: Tactics II,” 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) 290

---

1964 June 5                      Over the course of the evening, Humphrey used the Hickenlooper gambit to exact promises from Karl Mundt, Roman Hruska, and Norris Cotton: in exchange for Humphrey’s agreement to the Hickenlooper motion, the three would vote for cloture.

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) 192

---

1964 June 6                      When Hickenlooper again offered his motion, i.e., that three amendments, after four hours of debate on each, be voted on Tuesday, the day before a cloture vote, no objection was raised.

The Hickenlooper agreement called for the Senate to debate Morton’s jury trial amendment on Monday, June 8, and to vote on this amendment early Tuesday. Debate and votes on Cotton’s and Hickenlooper’s amendments would take up the rest of Tuesday. The cloture petition would be filed on Monday, June 8, with the cloture vote to come two days later.

---

1964 June 8                      Majority Leader Mansfield rose on the Senate floor, addressed the presiding officer, and began the process of invoking cloture: “We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the bill.”

The cloture petition was signed by 28 Democrats and 11 Republicans (16 signatures were needed). Under the rules, the vote to close debate was to be taken one hour after the Senate met two days later. That hour would be consumed by speeches by Senators Russell, Mansfield, Humphrey, and Dirksen on June 10.

Source: *Congressional Quarterly Almanac*, 1964, 366

Note: Charles and Barbara Whalen put the count at 27 Democrats and 11 Republicans. See *The Longest Debate: A legislative history of the 1964 Civil Rights Act* (Cabin John, MD/Washington DC: Seven Locks Press, 1985) 195

---

1964 June 8                      The balance of the Senate session was devoted to debate over the Morton jury trial amendment.

---

1964 June 9                      Larry O’Brien reported to President Johnson a head count showing 42 Democrats and 23 Republicans in favor of cloture. They were two votes shy of the required 67. Of the uncommitted (and not opposed), there were three Democrats and seven Republicans.

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) 195

---

1964 June 9                      By a vote of 51-48, the Senate adopted the Morton amendment entitling defendants in criminal contempt cases arising under the civil rights act to a jury trial upon demand, with a limit on the sentences of six months in prison and a \$10,000 fine. The amendment did not cover Title I, on voting rights, and thus left

intact the 1957 Civil Rights Act's jury trial provision which allowed a judge to try a criminal contempt case in voting rights suits without a jury.

---

1964 June 9	The Senate rejected, 40-56, the Hickenlooper amendment that would have deleted from the school integration section (Title IV) authorization for federal funds for institutes and programs for training school personnel to handle desegregation issues.
-------------	---

---

1964 June 9	The Senate rejected the Cotton amendment to limit Title VII, the equal employment section, 33-64.
-------------	---

---

1964 June 9	The Senate defeated a proposal by Sam Ervin to strike Title VII (equal employment) from the bill entirely. It lost, 33-64, by almost the 2-1 margin needed for cloture.  <small>Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 294</small>
-------------	--

---

1964 June 9	At 7:03 p.m., Johnson called Humphrey to determine if he had a reliable count on cloture. Humphrey reported "a minimum of 68" votes. Of that total, 42 were Democrats.  Johnson: "Well, the Republicans are doing a little better than we are, aren't they?"  Humphrey: "Yes sir. Dirksen tells me he's got 28 votes, but I don't think he has. I think he's got 26."  <small>Source: Jonathan Rosenberg and Zachary Karabell. <i>Kennedy, Johnson, and the Quest for Justice: The Civil Rights Tapes</i> (New York and London: W.W. Norton &amp; Company, 2003), 315-317.</small>
-------------	--

---

1964 June 9	At 7:38 p.m., Senator Robert Byrd (D-WV) began a 800-page speech that would continue all night and end at 9:51 a.m. the next day, just nine minutes before the Senate was scheduled to convene for the historic vote on cloture. His 14-hour, 13-minute speech fell short of the all-time record for an unbroken speech by one senator. Senator Strom Thurmond (D-SC) set the record of 24 hours, 18 minutes speaking against the Civil Rights Act of 1957.
-------------	---

---

1964 June 10	Precisely at 10:00 a.m. on June 10 (still the legislative day of March 30, 1964), the Senate was called to order. Mansfield delivered a short speech, lasting about a dozen minutes. "The Senate," he said, "now stands at the crossroads of history, and the time for decision is at hand."  Georgia Democrat Richard Russell, leader of the "southern bloc," offered the final arguments in opposition, consuming thirty minutes. He called the bill "an unbridled grant of power to appointed officials of the Government."  Then Hubert Humphrey rose. "The Constitution of the United States is on trial," he said. "The question is whether we will have two types of citizenship in this nation, or first-class citizenship for all."
--------------	--

1964 June 10

With only fifteen minutes remaining before the scheduled vote, Dirksen rose to address the Senate. Twice he gulped pills handed him by a page. In poor health, drained from working fourteen, fifteen, and sixteen-hour days, his words came quietly. In his massive left hand, his little finger flourishing a green jade ring, he held the speech he had typed the night before on Senate stationery.

He remarked on the sharp opinions, "incredible allegations," "extreme views," and "unrestrained criticism" that had characterized the year since John Kennedy had sent his civil rights message to Congress. As for himself, Dirksen noted, "I have had but one purpose, and that was the enactment of a good, workable, equitable, practical bill having due regard for the progress made in the civil rights field at the state and local level. I am no Johnny-come-lately in this field. Thirty years ago, in the House of Representatives, I voted for anti-poll-tax and antilynching measures. Since then, I have sponsored or co-sponsored scores of bills dealing with civil rights."

He warned his colleagues that "we dare not temporize with the issue which is before us. It is essentially moral in character. It must be resolved. It will not go away. It's time has come." Noting that the day marked the one-hundredth anniversary of Abraham Lincoln's nomination to a second term, Dirksen invoked Victor Hugo and declared, "The time has come for equality of opportunity in sharing of government, in education, and in employment. It must not be stayed or denied. It is here!"

His last words were these: "I appeal to all Senators. We are confronted with a moral issue. Today let us not be found wanting in whatever it takes by way of moral and spiritual substance to face up to the issue and to vote cloture."

Source: *Time*, June 19, 1964, Dirksen Information File

Source: Dirksen Papers, Remarks and Releases; Dirksen Papers, Notebooks, f. 165

---

1964 June 10

After Dirksen finished, and a quorum established, Senator Lee Metcalf, who was presiding, stated: "The chair submits to the Senate, without debate, the question: Is it the sense of the Senate that the debate shall be brought to a close? The Secretary will call the role."

---

1964 June 10

Never in history had the Senate been able to muster enough votes to cut off a filibuster on a civil rights bill. And only once in the 37 years since 1927 had it agreed to cloture for any measure. Yet on June 10, 1964, after 534 hours, 1 minute, and 51 seconds, the longest filibuster in the history of the Senate was broken.

Opponents had proposed over 500 amendments during the five months of debate. With six wavering senators providing a four-vote victory margin, the final tally stood at 71 to 29. Forty-four Democrats and 27 Republicans voted for cloture with 23 Democrats—20 from the South—and only 6 Republicans opposed. When debate first began, the bipartisan leadership figured that the Democrats would have to supply 42 votes and the Republicans 25. Thus each party supplied two more than its target.

Of the seven uncertain votes that Kuchel staffer Steve Horn had predicted in June 1963 might be obtainable, Dirksen lost only one, Edwin Mechem of New Mexico, and he picked up three of the eight that Horn had thought beyond reach: Karl Mundt, Norris Cotton, and Carl Curtis.

Source: *New York Times*, June 11, 1964, Dirksen Papers, Scrapbooks, 2.27

1964 June 10

The vote for cloture left each senator with one hour of speaking time on the bill or pending amendments. Only amendments submitted before the cloture vote were in order. Approximately 560 amendments were eligible to be called up under Senate Rule XXII.

Since only amendments "presented and read" before cloture could be considered, a successful amendment offered by a southerner could not be reversed by another amendment by the pro-civil rights forces because it could not be introduced except by unanimous consent. Presumably, an opponent would object to the unanimous consent request.

In terms of strategy, this meant that the pro-civil rights forces could not let down their guard.

---

1964 June 10

Immediately after the cloture vote, Sam Ervin called up his amendment which prohibited a person who was acquitted or convicted of a specific crime under the bill from also being charged with criminal contempt and vice versa. This "double jeopardy" amendment passed, 49-48. In the post-cloture vote commotion, however, the chair first announced wrongly that the amendment had been defeated, 47-48.

Only when the correct vote had been announced did the bipartisan civil rights leadership realize that Ervin's amendment would compromise the enforcement mechanism by permitting a state to acquit a person for a crime related to the civil rights bill and thereby prevent any subsequent federal prosecution for criminal contempt.

But Ervin had erred. He did not offer his amendment to the Dirksen-Mansfield substitute. Instead, he had amended the House text, which would be eliminated entirely once the substitute was adopted. In other words, Ervin's double jeopardy amendment, despite its adoption, would survive only until final passage of the Dirksen-Mansfield substitute just prior to third reading of the bill.

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 302

---

1964 June 10

The Senate defeated an amendment to delete Title VI (Federally Assisted Programs), permitting cutoff of federal funds, 25-69.

After the Senate defeated Russell's amendment to postpone the effective date of Title II (public accommodations) for two years, Mansfield recessed the Senate until 3:00 p.m. in order to "give us a chance to regroup, rethink and recollect."

Source: John Stewart, "The Civil Rights Act of 1964: Tactics II," 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) 202

---

1964 June 11

At their daily meeting, the bipartisan floor leaders' group agreed to oppose all future amendments, unless they were minor and accepted by the leaders of both parties.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 305-306

---

1964 June 11

At the 9:00 a.m. meeting of the Joint Senate House Republican Leadership, the topic of civil rights did not come up. In the press conference following, however, Dirksen was asked about the bill. His reply:

Well, I said all I had to say on the subject when I made those final

remarks on the cloture petition. And there is nothing further that I need add. What we tried to do ... I made manifest so often and so often ... was to take a bill and get out what I thought were the imperfections and the deficiencies and make it practical and workable. I think it's generally conceded that it had imperfections in it. I thought out of this composite effort there came a very good substitute—not offensive—but it is workable and it will make an excellent start.

Source: Dirksen Papers, Republican Congressional Leadership Series, f. 59

---

1964 June 11      The Senate convened at 10:00 a.m. A compromise amendment to prevent "double jeopardy" under the bill was approved 80-16, but the southerners then suffered 11 straight roll call defeats on other amendments before accepting five others. All were "perfecting amendments" rather than substantive changes.

---

1964 June 12      Martin Luther King, Jr., praised Dirksen's "able and courageous leadership." Clarence Mitchell sent a telegram to Dirksen after the cloture vote offering his appreciation and proclaiming, "This is a great day for the country and for the future of human rights." Writer and poet Archibald MacLeish, a native of Illinois, admitted that "I was not among your admirers when you first came to the Senate," before writing that "my present very great admiration for you is, therefore a true monument to the impressiveness of your achievements in Washington."

Source: Frank H. Mackaman, *The Long, Hard Furrow: Everett Dirksen's Part in the Civil Rights Act of 1964* (Pekin IL: The Dirksen Congressional Center, 2006) 140-141

---

1964 June 12      Dirksen received a letter from Roy Wilkins which read in part:

Let me be the first to admit that I was in error in estimating your preliminary announcements and moves. From my position, I must still regard any genuine palliation of the traditional Southern reliance on the sacredness of state action in Negro civil rights matters as an untenable move.

But there were certain realities which had to be taken into account in advancing this legislation to a vote. Out of your long experience you devised an approach which seemed to you to offer a chance of success. The resounding vote of 71-29 on June 10 to shut off debate tended mightily to reinforce your judgment and to vindicate your procedure.

Your leadership of the Republican party in the Senate at this turning point will become a significant part of the history of this century.

Source: Wilkins to Dirksen, June 12, 1964, Dirksen Papers, Working Papers, f. 259

---

1964 June 12      Dirksen complained about efforts by southerners to gut the civil rights bill via post-cloture amendment. In response to a proposal that the bill be put to a national vote, Dirksen said, "I thought I came here as a legislator and that I was not depending on a referendum for me to determine what I should do in the legislative field."

Source: *Congressional Record*, June 12, 1964, 13660

---

1964 June 13      The Senate defeated an amendment to delete Title I, on voting rights, 16-69. The floor leaders accepted an amendment to Title VII specifying that it would not be an illegal employment practice for an employer to administer and act on any ability test, so long as the test was not "designed, intended or used" to

discriminate on the basis of race or sex—the amendment passed on a voice vote.

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 306

---

1964 June 15

The bipartisan team captains announced in a news release: “To expedite the remaining consideration of the bill, we have agreed to relinquish all of the strengthening amendments which we have proposed.”

The Senate defeated an amendment to delete Title II, public accommodations, 23-63. Southerners lost on all 14 roll call votes that day.

Although Democrats Richard Russell, John Stennis, and Lister Hill, all southerners, were ready to accept the bill and end the delaying tactics, three other southern Democratic senators refused to give up: Strom Thurmond, Sam Ervin, and Russell Long.

Source: John Stewart, “The Civil Rights Act of 1964: Tactics II,” 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) 308

---

1964 June 15

Dirksen’s *Your Senator Reports* segment was entitled, “That Was the Year That Was” in which Dirksen retold the story of the civil rights legislation. This source is the most complete recapitulation of the senator’s role in his own words.

Source: Dirksen Papers, Remarks and Releases

---

1964 June 16

The Senate defeated an amendment to delete Title IV, desegregation of public schools, 15-74.

---

1964 June 16

The Senate defeated an amendment to delete Title IX, authorizing the Attorney General to intervene in pending civil rights suits and permitting appeal from a decision of a district court remanding a case to state courts, 25-66.

---

1964 June 16

The Senate defeated an amendment to delete Title X, the Community Relations Service, 16-69.

---

1964 June 16

In an attempt to wear out Thurmond, Ervin, and Long, Senate Majority Leader Mansfield kept the Senate in session for over 13 hours (from 11:00 a.m., Tuesday, until 12:01 a.m., Wednesday), which resulted in the most roll calls (34) ever taken in the Senate on one day; the defeat of all 33 proposed amendments; and the weakening resolve of the three recalcitrant southern senators.

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) 209

Source: John Stewart, “The Civil Rights Act of 1964: Tactics II,” 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) 309

---

1964 June 17

The Senate defeated an amendment to delete Title VIII, statistics on registration and voting, 19-74.

---

1964 June 17

Strom Thurmond and Sam Ervin agreed to limit the number of amendments they would call up, thus assuring the third reading of the Dirksen-Mansfield substitute to H.R. 7152 that afternoon and final passage no later than Friday, June 19.

In the last day of voting on amendments, the Senate rejected 21 by southerners.

---

1964 June 17

The Senate by a 76-18 roll-call vote adopted the bipartisan Dirksen-Mansfield

substitute bill worked out in the May negotiations. This came 81 days after H.R. 7152 was first put before the Senate on February 26. The Senate took 106 roll call votes following cloture and through adoption of the substitute bill (there were 121 Senate roll calls on the civil rights bill in all).

Forty-six Democrats and 30 Republicans voted in favor of the substitute bill.

Now only one vote remained: final passage of H.R. 7152 as amended.

---

1964 June 18

Richard Russell still had 19 of the 60 minutes available to him under Senate Rule 22. He opened debate that morning by conceding that he and his sympathizers had

used every weapon available. We have sought to appeal to the sense of fairness and justice of the members of this body. Finding that the ears of our colleagues were closed and a majority had already signed in blood to "follow the leaders," we undertook to go over the heads and appeal to the American people.

Until we were engaged, we made no secret of the fact that we were undertaking to speak in detail and at length in an effort to get the message across to the American people. We did not deceive anyone as to our purpose.

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) 211

---

1964 June 18

In his speech to the Senate, Barry Goldwater (R-AZ), who would become the Republican presidential nominee, explained why he would vote against the bill, despite counsel from Dirksen to the contrary:

To give genuine effect to the prohibitions of this bill will require the creation of a federal police force of mammoth proportions. It also bids fair to result in the development of an "informer" psychology in great areas of our national life—neighbors spying on neighbors, workers spying on workers, businessmen spying on businessmen—where those citizens for selfish and narrow purposes will have ample inducement to do so. These, the Federal police force and an "informer" psychology, are the hallmarks of the police state and landmarks in the destruction of a free society.

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) 213

---

1964 June 18

Dirksen's letter to Senator John Williams stating Dirksen's interpretation of the civil rights act was inserted in the *Congressional Record*.

Source: *Congressional Record*, June 18, 1964,14329

---

1964 June 19

The Senate's first order of business was to consider a motion to recommit the bill to the Judiciary Committee with instructions to report it back to the Senate with language prohibiting the federal government from cutting off any school aid funds unless a school district had violated a district court order. The motion was rejected, 25-74.

Hubert Humphrey delivered the next speech, followed by Mike Mansfield.

---

1964 June 19

Minority Leader Dirksen, in his final speech on the pending legislation, stressed the Republicans' contribution to the civil rights cause and stated

On occasion a number of the “boys” up in the gallery have asked me, “how have you become a crusader in this cause?” It is a fair question, and it deserves a fair answer. I am involved in mankind, and whatever the skin, we are all involved in mankind. Equality of opportunity must prevail if we are to complete the covenant we have made with the people, and if we are to honor the pledges we have made when we held up our hands to take an oath to defend the laws and carry out the Constitution of the United States.

There is a moral basis for our case.

So, Mr. President, I commend this bill to the Senate, and in its wisdom I trust in bountiful measure it will prevail. I am prepared to vote.

Source: *Congressional Record*, June 19, 1964, 14509+; Dirksen Papers, Remarks and Releases

---

1964 June 19

Senator Allen Ellender (D-LA) warned that strife would follow adoption of the civil rights bill:

The moral, intellectual and cultural standards of the white race perhaps leave a lot to be desired, but until the American Negro approaches this standard in large numbers, he will not be accepted. It is not possible to force one, by law, to associate with another not of his own choosing. What is not recognized is that in many parts of the nation, and especially in the South, integration is considered immoral.

Source: *Congressional Quarterly Almanac*, 1964, 372

---

1964 June 19

At 7:40 p.m., the clerk announced that H.R. 7152, as substituted by the Dirksen-Mansfield amendment, had passed, 73-27. All but six of the Senate’s 33 Republicans voted for it, compared with just 46 of its 67 Democrats. Two Republicans who had voted for cloture—Cotton and Hickenlooper—voted against the bill, while two who had voted against cloture—Milton Young of North Dakota and Wallace Bennett of Utah—voted for the bill.

The passage vote came exactly one year after the bill was submitted to Congress by President Kennedy.

---

1964 June 19

Dirksen appeared on the cover of *Time* magazine. Why was Dirksen motivated to lead, to help the Democrats overcome the opposition of their own party to the bill? “I come of immigrant German stock,” he explained to a reporter. “My mother stood on Ellis Island as a child of 17, with a tag around her neck directing that she be sent to Pekin, Illinois. Our family had opportunities in Illinois, and the essence of what we’re trying to do in the civil rights bill is to see that others have opportunities in this country.”

Source: *Time*, June 19, 1964, Dirksen Information File

---

1964 June 21

Three young civil rights workers, in Mississippi for the summer voter registration drive, were reported missing after being released from jail. Their bodies would be found on August 4 near Philadelphia, Mississippi.

---

1964 June 22

The Senate-passed bill returned to the House.

Judiciary Committee chairman Emanuel Celler and Republican Bill McCulloch issued a joint press release:

Not all the amendments are to our liking. However, we believe that none of

the amendments do serious violence to the purpose of the bill. We are of a mind that a conference could fatally delay enactment of this measure. We believe that the House membership will take the same position.

All along, the civil rights forces had wanted to avoid a House-Senate conference committee, in which the bill might be amended further, requiring it to go back to the Senate where it would face the threat of yet another filibuster.

Celler requested "unanimous consent to take from the Speaker's table the bill (H.R. 7152), with Senate amendment thereto, and agree to the Senate amendment." His motion required the unanimous consent of the House members. Several southerners voiced objections, however.

Celler immediately filed H. Res. 789 "to provide for the Concurrence of the House of Representatives to the Senate amendment to H.R. 7152." Speaker McCormack referred the resolution to the Rules Committee immediately.

Under House Rule 11, any three members of the Rules Committee could request a meeting and, if the chairman failed to call a meeting within seven calendar days, including at least three legislative days, any eight members of the committee could demand a hearing at a time of their choosing. The civil rights supporters were prepared to force Chairman Smith's hand.

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) 219-20

Source: Todd Purdum, *An Idea Whose Time Has Come* (NY: Henry Holt and Co., 2014) 316-317

---

1964 June 22

Mike Mansfield wrote to Dirksen: "We have come through a most trying period in the Senate. In retrospect, the issues were such that they might have opened schisms which would have been years in closing," Mansfield confided. "That did not happen, and I want you to know how grateful I am for the help, the understanding and the cooperation which you gave to me in striving to prevent it."

Dirksen, who was not generally inclined to write such letters to colleagues, replied in full measure. "I don't know what we would have done about the civil rights struggle if it had not been for your humility, your understanding, your self-effacement and your appreciation of every problem as it arose." Concluded Dirksen, "When all is said and done you are the one who should have had the lion's share of the credit because you are the Majority Leader and because you cooperated so superbly at every step of this tortuous road."

Source: Mansfield to Dirksen, June 22, 1964, Dirksen Papers, Alpha 1964, "Mansfield"

Source: Dirksen to Mansfield, June 24, 1964, Dirksen Papers, Alpha 1964, "Mansfield"

---

1964 June 23

President Johnson and Dirksen spoke twice on the telephone about civil rights and other topics. President Johnson told Dirksen, "You are the hero of the nation. They have forgotten that anyone else is around. Every time I pick up a paper it is 'Dirksen' in the magazines. The NAACP is flying Dirksen banners and picketing the White House tomorrow."

Writing in his memoirs years later, Johnson recalled, "In this critical hour Senator Dirksen came through, as I had hoped he would. He knew his country's future was at stake. He knew what he could do to help. He knew what he had to do as a leader."

Source: Byron C. Hulsey, *Everett Dirksen and His Presidents: How a Senate Giant Shaped American*

---

1964 June 24	<p>After waiting the required three days, Richard Bolling, Democrat from Missouri, filed a formal request that House Rules Committee chair Smith hold a hearing on Resolution 789. Smith knew that he was outgunned and reluctantly scheduled a hearing for the last possible day under the rules—Tuesday, June 30.</p> <p>Source: Todd Purdum, <i>An Idea Whose Time Has Come</i> (NY: Henry Holt and Co., 2014) 317</p>
1964 June 29	<p>The <i>Congressional Record</i> printed several tributes to Dirksen on his role in civil rights.</p> <p>Source: <i>The Congressional Record</i>, June 29, 1964, 15302+</p>
1964 June 30	<p>Chairman Smith began Rules Committee deliberation at 10:30 a.m. with testimony from Manny Celler and Bill McCulloch. After answering a quorum call, the committee returned at 1:30 and, following parliamentary maneuvering by the pro-civil rights members of the committee, voted 7-4 to end all testimony by 5:00 p.m.</p> <p>At 5:00 p.m., the committee went into executive session. A motion to grant a rule to H. Res. 789 passed 10-5. The rule specified one hour of floor debate and that the resolution be reported immediately.</p> <p>The committee took control of the bill out of Smith's hands, assigning to another member the task of reporting the rule to the House.</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) 222</p>
1964 July 2	<p>Shortly after 2:00 p.m., the House cleared H.R. 7152 for President Johnson's signature when it adopted, by a 289-126 (with one voting present) roll call vote, H. Res. 789 to approve the bill as amended. Republicans favored it 136 to 35; Democrats supported it, 153-91.</p> <p>"Already the second invasion of the Southland has begun," complained Chairman Smith bitterly. "Hordes of beatniks, misfits and agitators from the North, with the admitted aid of the Communists, are streaming into the Southland mischief-bent, backed and defended by other hordes of federal marshals, federal agents and federal power."</p> <p>Source: <i>Congressional Quarterly Almanac 1964</i>, 377</p>
1964 July 2	<p>Once the vote was taken, Speaker McCormack signed the official copy of H.R. 7152 and gave it to a clerk who carried to the Senate. There, Carl Hayden, president pro tempore, affixed his signature.</p>
1964 July 2	<p>Following congressional action, President Johnson signed the Civil Rights Act of 1964 (PL 88-352). The signing ceremony was broadcast nationwide on television at 6:45 p.m. from the East Room of the White House.</p> <p>The president used more than 70 pens, dipping each in an inkwell, to sign the bill. He gave the first pen to Dirksen, the second to Humphrey.</p> <p><b>Learn more:</b> President Johnson signs the Civil Rights Act of 1964 (video) Link to: <a href="http://www.youtube.com/watch?v=LK2GdOxz3s0">http://www.youtube.com/watch?v=LK2GdOxz3s0</a> From YouTube</p>

**Learn more:** "Radio and Television Remarks Upon Signing the Civil Rights Bill" (audio included)

Link to:

<http://www.presidency.ucsb.edu/ws/index.php?pid=26361&st=&st1=#axzz2fjczQYF1>

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

---

1964 July 2            The legislation contained new provisions to help guarantee blacks the right to vote; guaranteed access to public accommodations such as hotels, motels, restaurants, and places of amusement; authorized the federal government to sue to desegregate public facilities and schools; extended the life of the Civil Rights Commission for four years and gave it new powers; provided that federal funds could be cut off where programs were administered discriminatorily; required most companies and labor unions to grant equal employment opportunity; established a new Community Relations Service to help work out civil rights problems; required the Census Bureau to gather voting statistics by race; and authorized the Justice Department to enter into a pending civil rights case.

**Learn more:** Civil Rights Act of 1964

Link to: <http://www.ourdocuments.gov/doc.php?flash=true&doc=97>

From Our Documents Initiative

---

1964 July 18            Racial violence broke out in New York City and later spread to Rochester, NY.

---

1964 August 4            The bodies of three civil rights workers—Andrew Goodman, Michael Schwerner and James Chaney—were discovered buried under a new earthen dam near Philadelphia, Mississippi.

---

1964 August 7            In response to an attack on two U.S. destroyers off the coast of North Vietnam, Congress passed the Gulf of Tonkin Resolution giving President Johnson power "to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

---

1964 August 8            The administration's anti-poverty bill went to the president for his signature. The bill called for almost \$950,000,000 for various measures to combat illiteracy, unemployment, and other conditions associated with poverty.

---

1964 October 3            The second session of the 88th Congress adjourned.

---

1964 October 14            Martin Luther King Jr. was honored as an advocate of black civil rights and of world peace by the award of the Nobel Peace Prize.

---

1964 October 30            On October 30, 1964, President Johnson announced the results of a survey by the Community Relations Service showing "widespread compliance" with the Civil Rights Act of 1964. "What is most important," he said, "it shows the law is being obeyed in those areas where some had predicted there would be massive disobedience."

The survey covered fifty-three cities of over 50,000 population in 19 states which had no public accommodations laws. It found desegregation of more than two-thirds of the following facilities: hotels in 51 of the cities, motels in 46 cities, chain restaurants in 50, theaters in 49, sports facilities in 48, libraries in 52, and public parks in 50.

"At long last, we as a Nation have faced up to the most persistent and difficult problem this country has known and the prospects for solving it have never been brighter," the president concluded. "With conscientious effort, patience, and understanding we will move steadily towards that day when all men are judged by

their character and their performance, not by their color, religion, or how they spell their name."

**Learn More:** "Statement by the President on the Results of a Survey of Compliance With the Civil Rights Act"

Link to:

<http://www.presidency.ucsb.edu/ws/index.php?pid=26692&st=&st1=#axzz2q6zuJ7XV>

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

---

1964 November 3 In a landslide win, Lyndon Johnson and Hubert Humphrey defeated Barry Goldwater and William Miller in the presidential race. One-third of House Republicans who voted against the civil rights bill lost their bids for reelection while none of the southern Democrats who voted for the bill was defeated. In the Senate, six Republicans voted against the bill, but only two lost their races, including Barry Goldwater.

Source: *Congressional Quarterly Almanac*, 1964, 344

---

1964 December 10 President Johnson tapped Vice President-elect Hubert Humphrey to coordinate the federal government's civil rights functions.

**Learn more:** President Johnson's Remarks at the National Urban League's Community Action Assembly

Link to: <http://www.presidency.ucsb.edu/ws/index.php?pid=26755&st=&st1=>

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

---

1964 December 14 The Supreme Court unanimously held that Title II of the Civil Rights Act of 1964, barring discrimination in public accommodations, was constitutional.