

CHAPTER 1

THE CIVIL RIGHTS ACT OF 1964

Prior to the passage of the Civil Rights Act of 1964, racial segregation was a definite aspect of American life, particularly in the South and the Border States. After the passage of this landmark legislation, the United States turned away from legal segregation and began a convincing and steady movement toward racial integration.

The Civil Rights Act of 1964 was hailed at the time of its passage as the most significant piece of civil rights legislation to be enacted by the United States Congress in almost 100 years. The bill produced the longest continuous debate ever held in the United States Senate, a record which still stood in the 1990s and did not appear likely to ever be equaled.

The reason the debate was so long was that the bill that later became the Civil Rights Act of 1964 was subjected to a filibuster by a determined group of Southern senators. Senate rules normally provide for unlimited debate, which means that a small group of senators can attempt to kill a bill by simply talking it to death and not letting it come up for a final vote. As a result of this Southern filibuster, the Civil Rights Act of 1964 was before the Senate for 83 consecutive legislative days -- from March 9 to June 17, 1964.

This record setting debate was ended by the first successful application of cloture to a civil rights bill. Cloture, a motion to close debate by a 2/3 vote of the Senate, previously had been used only when a small minority of senators, usually less than 10, were filibustering. Since 18 Southern senators were filibustering the civil rights bill in 1964, this cloture vote was the first important limitation

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of debate in the history of the United States Senate. This cloture vote gains even more significance when it is recognized that comprehensive civil rights legislation could not have passed without it.

The Civil Rights Act of 1964 altered the relationship between white and black Americans in United States society. Prior to its enactment, black Americans could be barred from entering and being served at such facilities as restaurants, soda fountains, taverns, motels, and swimming pools. This racial segregation of public accommodations was widely practiced in the American South, but it also could be found in the Northern United States, particularly in Border States such as Maryland, Kentucky, and Missouri.

The new law also banned discrimination against blacks and other minority groups in employment. It provided for the cutoff of United States Government funds to any business, educational institution, or state or local government that practiced racial discrimination. In a minor section that later became very important, the law banned employment discrimination against women. The law also provided for the United States Department of Justice and the Federal Bureau of Investigation (FBI) to intervene in certain situations in the American South where blacks were being denied their civil rights.

The Civil Rights Act of 1964 was a reflection of the great social and political changes that were taking place in the United States in the early 1960s. To some observers, its passage justified the nonviolent political techniques (sit-in demonstrations and protest marches) of Martin Luther King, Jr., and the Southern Christian Leadership Conference (SCLC), thereby making these techniques an acceptable method for attempting to precipitate major legal and social reform in American society. These forms of protest were subsequently copied by the women's movement, the anti-Vietnam War movement, and other groups seeking to effect social and political change in the United States.

The Civil Rights Act of 1964 represented one of the first times

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in American history that major national church organizations abandoned their previous policy of not getting involved in racial issues and came to Washington, D.C., to lobby directly for civil rights. The various religious and political groups supporting passage of the law organized behind one of the first and best examples of a single issue pressure group -- the Leadership Conference on Civil Rights.

While being debated in the Senate in 1964, the civil rights bill became the specific campaign target of a major Southern candidate for the Democratic nomination for president of the United States (Governor George Wallace of Alabama). The bill was guaranteed a successful cloture vote and final passage in the Senate only after Wallace had failed to win any Democratic presidential primaries in the North and the Border States.

The Civil Rights Act of 1964 set a precedent in the Senate for using a cloture vote to stop a Southern filibuster of a civil rights bill. Similar cloture votes were used in 1965 to pass a national law guaranteeing equal voting rights and again in 1968 to pass a national law guaranteeing equal housing.

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