

## CHAPTER 10

### *FILIBUSTER #2; THE BILL ITSELF*

When the 1957 and 1960 civil rights bills were being filibustered in the Senate, the Southern Democrats had been allowed to speak at length while the pro-civil rights senators said little or nothing. This strategy had been based upon the hope, subsequently unrealized, that the Southerners would eventually run out of things to say. Knowing full well that this old strategy did not work, Senators Humphrey and Kuchel, the bipartisan floor managers for the 1964 civil rights bill, worked out a completely new strategy. They decided to begin the formal debate on the bill itself with a series of major speeches defending the bill.

Thus on 30 March 1964 Hubert Humphrey took the Senate floor and began an impassioned speech in favor of the bill. Humphrey later explained:

I opened the debate followed by Kuchel. Each day a team of our people would take a title, so that for better than 12 days we held the floor giving detailed information about the bill and being able to get the public's attention as to what was in this bill.<sup>1</sup>

Humphrey's opening speech in favor of the bill lasted for over 3 hours. He began by telling the Senate that legislation was the best alternative to the civil rights unrest that had been sweeping the United States:

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Within the past few years a new spirit has arisen in those people who have been so long denied [their basic civil rights]. How will we respond to this challenge? The snarling dogs of Birmingham are one answer. The force of equality and justice is another. That second choice is embodied in the bill that we are starting to consider.<sup>2</sup>

Humphrey illustrated his talk with examples of segregation and its effects. At one point he made a comparison of guidebooks published for people motoring across the country. One guide book was for families traveling with dogs; the other was for blacks. Humphrey noted:

It is heartbreaking to compare these 2 guidebooks. In Augusta, Georgia, for example, there are 5 hotels and motels that will take dogs, and only 1 where a Negro can go with confidence. In Columbus, Georgia, there are 6 places for dogs and none for Negroes. In Charleston, South Carolina, there are 10 places where a dog can stay, and none for a Negro.<sup>3</sup>

Humphrey also cited evidence, compiled by the Senate Commerce Committee, which revealed that, for a black family traveling from Washington, D.C., to Miami, Florida, the average distance between places where they could find sleeping accommodations was 141 miles.

Another major point in Humphrey's opening address was the fact that, in order to use public facilities such as parks, swimming pools, and art museums, blacks had to file expensive and time-consuming law suits. Humphrey said:

It is almost unthinkable to me that a citizen should have to spend three years in litigation and take a case

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to the U.S. Supreme Court, at a cost of thousands of dollars, in order to be able to walk in a city park that he helped pay for; to play on a city golf course that he helped pay for; to enter a city art museum that he helped pay for . . . .<sup>4</sup>

Humphrey concluded his opening address by calling on the Senate to pass the civil rights bill:

The goals of this bill are simple ones: to extend to Negro citizens the same rights and the same opportunities that white Americans take for granted. . . . We know that until racial justice and freedom are a reality in this land, our Union will remain profoundly imperfect. That is why we are debating this bill. That is why this bill must become law.<sup>5</sup>

Humphrey and Kuchel had several reasons for arranging a title by title discussion of the civil rights bill by its proponents. The speeches built a public record for the bill, thus compensating somewhat for the fact that the bill had not been reviewed by the Senate Judiciary Committee. The speeches also gave the Southern Democrats a chance to question the civil rights senators about what was in the bill and how it would all work when finally passed into law. The real goal, however, was to convince senators who were uncommitted about voting for cloture that there had been more than adequate debate and deliberation on the contents of the bill.

Little debate took place during this introductory period, however. The Southern Democrats seemed content to bide their time and enjoy a respite. The uncommitted senators simply stayed away from the Senate floor. It soon became clear that this initial formal defense of the bill by the civil rights senators was being listened to only by the press. When Senator Javits of New York, one of the

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Republican title captains, had finished his major presentation on the bill, not one senator rose to debate or discuss his talk. As Senator Joseph Clark of Pennsylvania later summed up the situation: "It damn near killed Javits when nobody asked him a question after his speech."<sup>6</sup>

In addition to the speeches by the title captains, other senators supporting civil rights gave speeches in favor of the bill during this period. Edward M. Kennedy of Massachusetts, the brother of the recently assassinated president, rose at his desk to give his maiden speech in the Senate. After a strong defense of the bill, he concluded with these words:

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. . . .

It is in that spirit that I hope the Senate will pass this bill.<sup>7</sup>

## A SLEEPY AND DREAMY SENATE

Once the title by title presentations by the pro-civil rights senators were over, the floor reverted to the Southern Democrats, who assumed the main burden of carrying the debate. Humphrey and his corporal's guard continued their strategy of immediate answer, but soon the Southerners were repeating themselves and there were no new charges to which to react. The pattern of argument became completely random, and on any given day it was impossible to know ahead of time exactly what was going to be discussed. One analyst wrote that the Senate chamber had become almost a sleepy and dreamy place where there were only the slightest indications that anything significant was taking place:

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It was almost absurd for a visitor to the United States Senate in the late winter or early spring of 1964 to think of himself as witness to a ceremony of revolution. What he could see from the press or visitors' gallery was so unutterably commonplace. . . . By half an hour after the noon opening, normally, there would remain on the floor only four out of the one hundred senators of the United States -- two Southerners and two Northerners, each pair watching the other, while the business of the nation was suspended in the longest filibuster in American history. An Ervin and an Ellender for the South against a Javits and a McGee; a Russell and a Long against a McIntyre and a Keating; a Talmadge and an Eastland against a Case and a Kennedy, assigned by their leaders to patrol the floor, two against two . . . .<sup>8</sup>

#### THE SATURDAY DEBACLE

This atmosphere of boredom and inactivity dominated the Senate floor throughout the month of April 1964 and was broken only once. On Saturday, 4 April 1964, only 39 Senators answered the first quorum call of the day. For approximately the next hour, aides to pro-civil rights senators frantically dialed their telephones in an effort to find the 15 or so senators whose names were on the "quorum duty list" but who were not present in the Senate chamber. Then the aides were all called together for a meeting in Hubert Humphrey's office.

Looking simultaneously somber and exasperated, Hubert Humphrey sat down and read aloud the names of the absent senators and why, despite being on the "quorum duty list," they were not in Washington that morning.<sup>9</sup> Democrat Henry Jackson was back home in Washington state dedicating a new forest service laboratory. Clinton Anderson, a Democrat from New Mexico, was in

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Albuquerque meeting with state Native American organizations. Democrat Frank Moss and Republican Wallace Bennett of Utah were at the annual conference of the Church of Latter Day Saints (Mormon Church) in Salt Lake City. Nebraska Republican Roman Hruska was attending Republican Founders Day ceremonies in Omaha. And so it went through the list of missing Senators. This particular senator was up for reelection and had gone home to campaign; that particular senator had left Washington to give a luncheon speech to a key lobby group. As a Senate aide quietly explained it to the press: "When the siren song of politics calls, they can't resist."<sup>10</sup>

After Humphrey had finished detailing the exact reasons for the failure of the civil rights forces to produce a Saturday quorum, he told Democratic Leader Mansfield there was no hope and, for that day at least, the cause was lost. As grinning and chuckling Southern Democrats put away their speeches and congratulated themselves on a major victory, Mike Mansfield recessed the Senate until the following Monday and called the entire situation "a sham and an indignity upon this institution."<sup>11</sup> Later in the day Hubert Humphrey bluntly asserted: "The only way we can lose the civil rights fight is not to have a quorum when we need it."<sup>12</sup>

The press gave extensive publicity to this Saturday debacle. The names of those senators who should have been present and were not present were run on the front pages of all the major newspapers. The unexcused absentees received particularly rough treatment from the media in their home states. Furthermore, after everyone was back in Washington the following Monday, Senator Mansfield called all the Northern and Western Democrats together and stressed that the final outcome of the debate depended primarily on their behavior. He emphasized that he possessed no more power than the most freshman senator to compel their attendance, and he ended his tongue-lashing by noting: "We have leaned over backwards to accommodate senators in this debate; now you have to meet us halfway."<sup>13</sup>

To reinforce Mansfield's words, Humphrey "turned the Leadership Conference operatives loose to impress upon negligent

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senators the importance of their making future quorum calls."<sup>14</sup> The major share of this particular burden fell on lobbyists from the AFL-CIO.

#### STAGED FAILURE

Although it appeared to the press and the public that Humphrey and Kuchel had lost control of the civil rights forces during the Saturday debacle, actually the two men were reasonably well in control of the situation. Whip counts of the senators on the "quorum duty list" had shown the two floor managers as early as the previous Thursday that they were not going to make the Saturday quorum, and for a few hours the possibility of not scheduling the Saturday session was considered. It was decided, however, to go ahead and hold the Saturday session, letting the adverse press from the failed quorum call serve as a device for disciplining the errant civil rights senators. As a lawyer on the Senate Democratic Policy Committee staff put it, a failed quorum call on Saturday would be "fine since it will let us shape up the pro-civil rights forces early." A Republican staffer was most happy to support this point of view, mainly because his figures showed that Republican senators had been doing much better than Democratic senators at meeting quorum calls and therefore the Democrats would get the major portion of the heat from the press following a cancelled Senate session.<sup>15</sup>

This "staging" of the Saturday debacle to "shape up" the pro-civil rights senators apparently worked because the situation with quorum calls quickly improved. Although some frantic Friday night telephoning was required for the Saturday session one week following the Saturday debacle, a quorum was assembled in just ten minutes.

#### THE OLD BALL GAME

The following Wednesday afternoon a small group of senators assembled at D.C. Stadium (subsequently renamed Robert

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F. Kennedy Stadium) to watch President Johnson throw out the first ball in the opening game of the 1964 baseball season. The hometown "baseball" Senators were well on their way to their first loss of the season when, at the end of the third inning, the public address system suddenly blared out the following message: "Attention, please, there has been a quorum call in the United States Senate. All U.S. senators are requested to return to the Senate chamber immediately." Back on the Senate floor, Spessard Holland of Florida had observed "the absence of a quorum."

The moment the announcement of the quorum call was made in D.C. Stadium, half a dozen senators, including Democratic Leader Mike Mansfield, Democratic Whip Hubert Humphrey, and Republican Leader Everett Dirksen, left their seats. The only senator remaining (other than those on the playing field) was Georgia Democrat Richard Russell, who, according to a colleague, "never moved."<sup>16</sup>

For this particular quorum call, however, the civil rights forces were well prepared. A group of black limousines, complete with a sirens blaring police escort, had been specifically arranged for such an eventuality. The missing senators were raced back to the Capitol building in less than 20 minutes. The quorum call was met, and the pro-civil rights forces had the day's top civil rights news story.

That evening a similar summons was sent out to senators attending a special Shakespeare presentation cohosted by the president's wife, "Lady Bird" Johnson, and Stewart Udall, the secretary of the interior. Udall intercepted the telephone call, however, and refused to interrupt the cultural performance to announce the quorum call of senators. Pointing out that these particular senators had been given permission to leave the Senate for the evening, Udall grumbled, "They [the civil rights floor leaders] ought to organize their work better." The dispute became academic, however, because other senators were found and the quorum call was successfully met.<sup>17</sup>

As the Senate proceeded with the ever lengthening filibuster,



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national attention shifted from the floor of the Senate to civil rights events taking place outside the Senate. In fact, it can be argued that, during April and early May, both sides were wasting time on the Senate floor while pursuing their objectives elsewhere and in other ways. The civil rights forces were mainly working on bringing organized pressure to bear on Everett Dirksen and the small handful of Republican Senators who were still uncommitted on the question of voting cloture. The Southern Democrats, on the other hand, were wasting time in hopes that national public opinion would turn against civil rights and thereby convince the uncommitted senators not to vote for cloture.

A STATEMENT A WEEK

President Johnson led the public relations campaign in favor of the civil rights bill by making virtually a statement a week calling for passage of the bill. One week the president was quoted by congressional leaders as saying he was "committed" to the bill with "no wheels and no deals."<sup>18</sup> Another week he stated: "The civil rights bill which passed the House is the bill that this administration recommends. . . . Our position is firm and we stand on the House bill."<sup>19</sup> A week after that, the president told a news conference: "I think we passed a good bill in the House. I hope the same bill will be passed in the Senate. . . . I hope it [the Senate] stays on the subject until a bill is passed that is acceptable."<sup>20</sup>

In a special press interview marking Lyndon Johnson's first hundred days in office, the president said:

I think that when the Senate acts upon the civil rights bill, that we will have the best civil rights law that has been enacted in 100 years, and I think it will be a substantial and effective answer to our racial problems. . . . I don't want to predict how long it [the Senate] will be discussing this bill. I am hopeful and

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I am an optimist and I believe they can pass it and I believe they will pass it and I believe it is their duty to pass it, and I am going to do everything I can to get it passed.<sup>21</sup>

As the filibuster wore on, Johnson began directing his remarks somewhat pointedly at the Senate and its failure to act:

Well, they have been debating [the civil rights bill] for a good many days, and obviously there will be much debate yet in the offing. . . . But I believe, after a reasonable time, the majority of the senators will be ready to vote, and I hope that a vote can be worked out.<sup>22</sup>

A week later the president reiterated the point that the Senate would be a long time passing the bill, but a bill would be passed:

I think it [the filibuster] will go on for some time yet, but I believe at the proper time, after all members have had a chance to present their viewpoints both pro and con, the majority of the Senate will work its will and I believe we will pass the bill.<sup>23</sup>

A week after that Johnson was still hammering away at this now familiar theme:

We need a good civil rights bill, and the bill now pending in the Senate is a good bill. I hope it can be passed in a reasonable time.<sup>24</sup>

By mid April, however, even the president appeared to be getting exasperated with the torpor that had gripped the Senate. Giving a prepared address to the American Society of Newspaper

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Editors, Johnson said:

Our nation will live in tormented ease until the civil rights bill now being considered is written into the book of law. The question is no longer, "Shall it be passed?" The question is, "When, when, when will it be passed?"<sup>25</sup>

Commenting retrospectively several years later, Deputy Attorney General Nicholas Katzenbach suggested that President Johnson made these strong statements with little confidence in his own mind that the civil rights bill could be passed without major amendments. In fact, it was Katzenbach's recollection that it took considerable persuading to get President Johnson to believe that a cloture vote could be achieved on the House passed civil rights bill without significantly changing it. Katzenbach said:

I think that President Johnson really felt that we were nuts in trying to think that we could get cloture in the Senate on this. I had a long talk with him about it. . . . The president said that he just didn't see how you could get 67 votes. . . . We went through them [the list of Senators] one by one, and I think I was a little more optimistic than he was, but I said to him, "If you do anything publicly but indicate that we're going to get cloture on this bill, we can't possibly get cloture on this bill. And the only way we can get it is for you with your experience to express absolute confidence publicly and privately that we're going to get cloture on this bill," which was putting his neck right on the line. And then he did that. . . . [It was a] very courageous public attitude for a man who was not really persuaded that cloture could not be gotten, but who was willing to put his neck right out, and if

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you'll look through that period you'll find he said constantly, "Yes, we'll get it."<sup>26</sup>

"ACTIVE, AT NO TIME PASSIVE"

In the Senate itself, Hubert Humphrey was pressuring the civil rights senators to make maximum use of their public positions as Senators to gain additional press and publicity for the civil rights bill. Humphrey noted:

It is fair to say that for about one month the proponents of the legislation were able to demand press attention more often than the opponents. We encouraged our people, that is, the pro-civil rights senators, to be on radio and television. I wrote to each senator suggesting radio and television programs, suggesting newsletters [to constituents], enclosing sample copies of newsletters that other senators had prepared. We encouraged reprints of key material that had been put in the [Congressional] Record so that there could be answers to the questions of the people back home. We answered the propaganda of the anti-civil rights groups. In other words, we were active, at no time passive, and at all times challenging the opposition.<sup>27</sup>

Humphrey himself embarked on a systematically designed public speaking schedule in favor of the bill. He chose the audiences for these public speeches very carefully, speaking only to groups that were known to be strongly in favor of civil rights. Humphrey wanted to make sure he was not greeted by pro-segregation protestors and demonstrators as he went about the nation defending the civil rights bill. A conscious effort was made to see that, whenever and wherever Humphrey went and spoke, he was surrounded by cheering throngs

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and avid supporters. Newspaper and television coverage of Humphrey's speeches would thus give the impression that there was overwhelming support for civil rights in the nation at large.<sup>28</sup>

With his long record of support for civil rights and other liberal causes, Humphrey could count on drawing a strongly committed liberal audience, and by choosing to speak only to committed liberal groups, he guaranteed the most favorable and positive of speaking environments. The result was a series of public addresses that were, in reality, well staged political love feasts. Humphrey would shout carefully phrased slogans supporting civil rights, and the audience would respond with enthusiastic cheers and applause.

Humphrey thus spoke to the American Jewish Congress, the Lutheran Brotherhood League, and the American Baptist Convention. All of these religious groups had endorsed the civil rights bill, and all of them were urging their ministers and rabbis to visit their senators and lobby them to vote for cloture. Humphrey even personally thanked the Baptists for their support of the bill: "The fight was waged by you and other religious bodies during the past few months, and it has been magnificent."<sup>29</sup>

Speaking to a convention of Americans for Democratic Action in Pittsburgh, Humphrey took the group immediately into his confidence: "I want to emphasize civil rights tonight because, frankly, it is a subject that is uppermost in my mind these days." Humphrey then built the main body of his talk around the concept of the "citizenship gap," the idea that there was a tremendous "gap" between the rights of white Americans as citizens and the rights of black Americans as citizens. Humphrey also emphasized the economic hardships placed on blacks by discrimination in hiring and job training. He finally concluded that there were two citizenship gaps, "the gap between the promise and fulfillment of the Constitution, and the gap between the promise and fulfillment of our great free enterprise system."<sup>30</sup> Humphrey's use of the word "gap" in this speech was intentional in view of the extensive use at the time of the

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phrase "missile gap," a reference to an alleged gap between the number of intercontinental ballistic missiles possessed by the United States compared to a larger number possessed by the Soviet Union.

In an address to the California Democratic Club Convention in Long Beach, California, Humphrey received the expected enthusiastic round of applause by hammering home one of his favorite civil rights slogans. This nation must, he said, "walk out of the shadows of state rights and walk forthrightly into the bright sunshine of human rights."<sup>31</sup>

No matter what sort of group he might be speaking to, Humphrey worked to relate their principal interests and concerns to the civil rights bill. Addressing the National Association For Mental Health in Washington, D.C., Humphrey worked in extensive comments about the mental anguish caused by poverty, deprivation, and racial discrimination:

Psychiatry tells us to give a child or a man or a woman room to grow, to develop, to fulfill themselves. We are not giving the tenth of America represented by our Negro citizens the "room" to make their fullest contributions to our democracy.

Humphrey concluded his speech on mental health by noting that black Americans could not be expected to quietly accept the psychological limitations placed upon them by racial discrimination:

We cannot expect almost 20 million Americans to be contented with living for the most part in the filth of slums, or with being denied the jobs their brains and skills qualify them for, denied the respect and equal treatment they deserve from their fellow citizens.<sup>32</sup>

Along this same line of fitting the speech to the particular interests of the group involved, Humphrey spoke at the annual dinner

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of the Four Freedoms Awards Foundation in New York City. After reminding the audience of the importance of the original four freedoms -- freedom of speech, freedom of worship, freedom from want, and freedom from fear -- Humphrey proposed the creation of a fifth freedom -- the freedom of human dignity. But human dignity could hardly be said to exist, Humphrey noted, when black children are repeatedly told to stay in their place:

And what place? The bottom of the scale, the worst of everything. The lowest, the last, the shoddiest, the back of the bus, the worst of the tenements, the most crowded school. Never mind if the child has the potential of a George Washington Carver . . . or a Martin Luther King. I ask you, how long are 20 million Americans supposed to take all this?<sup>33</sup>

In an address at Johns Hopkins University, Humphrey highlighted the international implications of racial discrimination:

Internationally it is imperative that we come to the world with clean hands. How, I ask, can a nation that denies or ignores the rights of its colored citizens continue to be the leader of a world that is more than half colored? Our role of world leadership demands that we set an example for the world, an example of respect for human dignity, of equal rights for all Americans.<sup>34</sup>

RELIGIOUS SUPPORT

On 13 April 1964 the National Conference on Religion and Race, a subgroup of the National Council of Churches, called upon clergymen throughout the nation to support the civil rights bill. Two weeks later, on 28 April 1964, an Inter-religious Convocation on

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Civil Rights brought more than 5,000 clerics and lay leaders of all faiths to Washington to discuss the role which religious leaders should play where civil rights was concerned. Held at Georgetown University, the convocation had been specifically scheduled to occur at the moment when the Southern filibuster of the civil rights bill would be reaching its peak in the Senate.

Every member of Congress was invited to attend the convocation, and those members of Congress who did not attend were called on personally by convocation attendees from their home states and of their own particular religion. The influence of this kind of "religious lobbying" was thought to be particularly useful for reaching uncommitted Republican senators from the Midwest and the Rocky Mountain West. Having few black constituents, these senators did not feel very much hometown pressure to vote in favor of civil rights. They did, however, have large numbers of constituents who were deeply religious, and it was considered important to show these senators that, for religious reasons, large numbers of their constituents wanted them to vote for cloture on the civil rights bill. After being on the receiving end of such heavy religious lobbying, one senator commented to Hubert Humphrey in exasperated tones: "Every time I'd try to argue about Title VII, they'd get down on their knees and start to pray. How can you win an argument against God?"<sup>35</sup>

On 19 April 1964 theological students representing the three major religions -- Catholic, Protestant, and Jewish -- began a vigil at the Lincoln Memorial in behalf of the civil rights bill. Every day, 24 hours a day, three divinity students from each of the faiths stood before the monument to Abraham Lincoln as a "dramatic witness to the moral cause of civil rights."<sup>36</sup>

Over 400 members of the Southern Presbyterian Church signed a petition urging passage of the civil rights bill. The press was quick to publicize the fact that one of the signers was the Reverend W. D. Russell, a nephew of Georgia Senator Richard D. Russell, the leader of the Southern Democratic opposition to the bill.<sup>37</sup>



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THE CHANGING CHARACTER OF  
THE CIVIL RIGHTS DEMONSTRATIONS

As Lyndon Johnson and Hubert Humphrey were going about their business speaking in favor of the civil rights bill, a change was taking place in the character of the civil rights demonstrations around the country. As the more established civil rights organizations such as the Southern Christian Leadership Conference and the National Association for the Advancement of Colored People moved to tone down the demonstrations while legislation was being considered in Congress, other groups were becoming much more strident and increasingly militant in their demands.

Of particular concern was the fact that these new kinds of civil rights demonstrations were taking place in the North and the Border States rather than in the South. Also the goals of these demonstrations were different and somewhat more controversial. Instead of demonstrating for the simple right to eat in a public restaurant and swim in a public swimming pool, these Northern demonstrations were aimed at increasing employment opportunities in private businesses and ending *de facto* school segregation, i.e., segregation that was caused, not by school systems being officially segregated, but by all the children who lived near the schools being either all white or all black. Also, there was less commitment to keeping these Northern demonstrations nonviolent, and the result was often unpleasant rock throwing and insult shouting incidents in which the demonstrators rather than the police appeared to be the aggressors.

THE CLEVELAND BULLDOZER INCIDENT

An example of this new type of demonstration occurred in Cleveland, Ohio, in early April 1964. The Cleveland school board had begun constructing three new elementary schools in predominantly black neighborhoods. Although the new schools would relieve overcrowding among black elementary school students,

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local civil rights leaders saw them as promoting "resegregation" since they would be in all black neighborhoods and would only be for black students. The result was a series of demonstrations at the building sites of the new schools in an effort to halt construction and, it was hoped, get the new schools constructed in areas where they would attract an integrated student body.

One afternoon about 100 demonstrators, both white and black, gathered at the edge of the muddy lot on which one of the three schools (Lakeview) was being built. Suddenly the demonstrators broke out of their picket line, raced on to the construction site itself, and threw themselves in the path of bulldozers, power shovels, trucks, and concrete mixers. They placed themselves as close as possible to the wheels and treads of the machinery. A woman five months pregnant and five other demonstrators leaped into a ditch and lay down prone just beneath a power shovel's steel clawed jaws. Cleveland police were called to the scene and began to disperse the demonstrators, but many of the protesters fought and tussled with police officers. Two demonstrators were slightly injured in the battle and 21 had to be arrested when they would not leave the construction area peacefully.

One of the civil rights leaders was a white minister, the Reverend Bruce W. Klunder, 27, who was a graduate of the Yale University Divinity School and the assistant executive secretary of the Student Christian Union at Case Western Reserve University. Following the first day's demonstration and arrests, Klunder vowed that he and his group would return. "We are dedicated and committed to continue," he told the press, "and we will not stop short of having the school board revise its plans. This can be done by placing our bodies between the workers and their work."<sup>38</sup>

The next day the Reverend Klunder returned to the Lakeview school site with over 1,000 demonstrators, 10 times more than the previous day. Awaiting them were large numbers of Cleveland police officers forming a cordon around the construction area. The protesters threw rocks, bottles, bricks, and large chunks of cement at

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the policemen. Charging under a hail of stones, the civil rights demonstrators repeatedly tried to break through the police lines. This time thirteen persons were injured, five demonstrators and eight policemen. Twenty-six demonstrators were arrested.

At this point Klunder gathered a group of supporters around him and planned a sneak invasion of the construction site through nearby backyards. Shortly thereafter the minister, two women and a man ran across the school lot toward a bulldozer. Three of them lay down in front of the machine. Klunder lay down behind it. The driver immediately stopped when he saw the three in front, looked around, and then began slowly backing his heavy machine. He had not seen Klunder. When he finally brought his machine to a halt, the dead body of Bruce Klunder lay in the mud. The bulldozer treads had gone over his chest.

In the frenzy that followed Klunder's death, six men charged past police and attacked the bulldozer driver. He had several teeth knocked out before police were able to rescue him. The mayhem lasted for almost two hours and was carefully recorded by newspaper photographers and television cameramen. As darkness came on, gangs of black youths returned to the neighborhood and smashed car windows, overturned a truck and beat the driver, smashed shop windows, and looted stores.

Cleveland school officials gave in when faced with such an uncontrolled and uncontrollable situation. All construction work at the school site was halted, and a committee was named by the school board and the civil rights groups to make a study of possible solutions to the problem of de facto school segregation in Cleveland.

"POINTLESS . . . DESTRUCTIVE . . . DANGEROUS"

Suddenly almost all of the civil rights news stories were worrisome to those working in Washington for passage of the civil rights bill. In Berkeley, California, demonstrators seeking more minority jobs filled supermarket carts with food, much of it

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perishable, and then abandoned them in the store, leaving unrefrigerated items to spoil before store employees could get them back into the freezer. In New York City, militants publicly threatened to protest racial problems in the city by leaving their faucets open and thereby reducing water pressure and perhaps causing a water shortage. In Atlanta, Georgia, blacks entered a segregated restaurant and urinated on the floor. The white mayor of Atlanta reacted strongly and gave a stinging speech entitled, "Is Urination Nonviolent?" Time Magazine concluded that, increasingly, "local civil rights demonstrators seem to employ pointless, often destructive, and sometimes dangerous tactics."<sup>39</sup>

#### THE WORLD'S FAIR STALL-IN

The changed character of the civil rights demonstrations reached a peak of publicity when the Brooklyn chapter of the Congress of Racial Equality announced it would stage a "stall-in" on the opening day of the New York World's Fair. The fair, located on Long Island and accessible to New York City by both subway and freeway, was scheduled to open on 22 April 1964. President Johnson was scheduled to speak at the opening day ceremonies. Because the World's Fair had been so vigorously promoted in the news media, the threat to ruin opening day with a disruptive civil rights demonstration became the top civil rights news story of the week.

Day after day the newspapers and television stations reported the plans of the demonstrators to the nation. Large numbers of automobiles would be intentionally stalled on the heavily trafficked freeways and streets leading to the fair site. Demonstrators would pretend to have a flat tire, or an overheated engine, or just defiantly stop their car in a lane of traffic and refuse to move on.

The plan appeared highly disruptive to anyone who knew about New York traffic. New York was a city where a single stalled car on the Long Island Expressway could cause a miles long traffic

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jam. As one commentator expressed it:

To plan a deliberate stall-in, with fifty cars clogging the expressways, meant to reach for the nerve centers of the enormous, delicate megalopolis which is the most technically sensitive in the world. To reach for the Douglaston Interchange, the Van Wyck Interchange or the Triborough Bridge is to grab at the groin of a community of 10 million people.<sup>40</sup>

The demonstrators also had plans for the subway trains running to the fairgrounds. Black radicals openly urged civil rights protesters to pull the emergency brake cords of subway trains as they raced toward the fair at speeds in excess of 35 miles per hour. The local press quickly pointed out that pulling the emergency cord instantly locks the wheels of the subway train, causing the train to stop with a sharp jerk, almost as if the train had run into a brick wall. The chances of severe injury to passengers, and possibly fatalities, were said to be very great.

The news media picked up and publicized virtually every threat the demonstrators made. It was reported that cars and drivers for the stall-in would be coming to New York in motorcades from Maryland, Pennsylvania, and even Chicago, almost 1,000 miles away. Leaders at the Brooklyn CORE office boasted that over 2,000 cars would stop dead on the highways, thereby creating the greatest traffic jam in New York history. Even the ticket booths to the World's Fair itself were targeted for delay. Demonstrators would create long ticket lines by slowly laying out 199 pennies for the \$2 admission, then would return to the end of the line when they "discovered" that they did not have enough money to get in.

As opening day approached, still more stall-in plans were announced. Allegedly an airplane was going to fly over the fairgrounds and drop leaflets detailing and protesting racial discrimination in New York. It was even stated that a Harlem group would

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trap hundreds of live rats in the slums, bring them to the fairgrounds, and release them into the crowds during President Johnson's speech.<sup>41</sup>

In many ways, the tone of the statements of the new civil rights militants was more disturbing than their actual plans. A well-known political commentator described the thoughts of a black militant the night before the stall-in:

The stall-in . . . would open a new world. . . . The United States owed the Negroes for three hundred years of unpaid labor as slaves; the reparations bill was going to be presented tomorrow; New York would be paralyzed.<sup>42</sup>

If the plans for the stall-in were a good news story, the plans of New York City and New York State officials for handling the stall-in were an equally good news story. There were hasty conferences of City officials at Gracie Mansion, the official residence of the mayor of New York. All police leaves were cancelled. Emergency command posts were established at key points on the highway system and the subway system leading to the fair. Long lines of tow trucks were assembled and parked adjacent to key bridges and intersections. Police helicopters were scheduled to hover overhead to spot traffic jams and, by short-wave radio, dispatch tow trucks and police cruisers as needed. The city, along with the entire nation, nervously awaited the great confrontation.

### "CIVIL WRONGS DO NOT BRING CIVIL RIGHTS"

Back on Capitol Hill, the death of Reverend Klunder in Cleveland and press coverage of the planned New York World's Fair stall-in were causing great concern at civil rights strategy meetings. At a 14 April 1964 session in Hubert Humphrey's Capitol office, Humphrey's top legislative aide asked Assistant Attorney General Nicholas Katzenbach what his thoughts were on the World's Fair

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excesses of Brooklyn CORE. Katzenbach replied:

Of course there will be excesses in the civil rights movement, just as there are excesses on the other side. Our job is to get the law through, not sit in judgment on each demonstration.

Katzenbach later pointed out that he did not believe one should refuse to vote for the bill, if it is a good bill, just because there may be unwise picketing or inappropriate demonstrations.<sup>43</sup>

At this point Senator Kuchel's legislative assistant proposed a joint declaration by members of both political parties condemning the current wave of excesses in the civil rights movement. He was supported in this sentiment by the Humphrey people, and the major staff assignment for the remainder of the day was the fashioning of just such a statement.<sup>44</sup>

The next day, 15 April 1964, Humphrey and Kuchel issued the joint statement. "Civil wrongs do not bring civil rights," the bipartisan civil rights floor managers told the nation. "Civil disobedience does not bring equal protection under the laws." They went on to condemn "unruly demonstrations and protests that bring hardships and unnecessary inconvenience to others," and they warned that "illegal disturbances and demonstrations which lead to violence or injury" would hamper the current effort to enact a strong civil rights bill.<sup>45</sup>

Humphrey and Kuchel were joined by a chorus of other voices pointing out the damage which the new kinds of demonstrations were doing to the civil rights movement. Attorney General Robert Kennedy told the press that he had conferred privately with Humphrey and Kuchel before they issued their statement warning against violent demonstrations, and the attorney general himself noted that "these activities, whether actions of violence or some of the other irresponsible actions, deter the efforts to obtain passage of the legislation."<sup>46</sup> National leaders of the National Association for the

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Advancement of Colored People, the Congress of Racial Equality, and the National Council of Negro Women condemned the planned stall-in at the New York World's Fair, and James Farmer, National Director of CORE, suspended the Brooklyn chapter of CORE when its officers insisted on going through with the stall-in proposal. The Denver Post charged editorially that the new wave of demonstrations had "managed to do what Bull Connor, Governor Wallace, Governor Faubus, Governor Barnett and the Grand Kleagle of the Ku Klux Klan could not do -- it has made the cause of human rights look silly."<sup>47</sup>

The real concern on the part of civil rights advocates was that the changing character of the demonstrations would cause a "Birmingham in reverse." Hubert Humphrey put the idea this way:

The scenes [in Birmingham] of police dogs and policemen with clubs being used against peaceful demonstrations caused great public outcry. But if the extremists in the civil rights movement decide to inconvenience hundreds of thousands of people, it's going to have the same reaction in reverse.<sup>48</sup>

As it turned out, the proposed stall-in at the New York World's Fair did not materialize. A brief attempt at blocking the doors of fairbound subway trains was broken up by a flying squad of Transit Authority policemen, and less than a dozen demonstrators actually tried to stall their cars on the freeways leading to the fair site. President Johnson helicoptered in for the opening day ceremonies without incident. One public official, Senator Jacob Javits of New York, decided to go to the fair on the subway and, if necessary, directly confront the demonstrators who were doing so much damage to his civil rights efforts in the Senate. As he and his wife arrived at the subway station and boarded the train, however, there was no one there to confront them.<sup>49</sup>

Just the threat of the stall-in had been enough to draw press



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criticism, however. Time Magazine commented that only one conclusion could be drawn from the entire unhappy affair: "A tiny minority in the civil rights movement had managed to make a lot of people mad without achieving a single thing for the cause."<sup>50</sup>

There was another press reaction to Reverend Klunder's death in Cleveland and the threatened stall-in at the World's Fair in New York. Newspapers and national magazines began speculating about the threat of a "white backlash," the fact that many whites previously favorable to civil rights might turn against it if demonstrations became increasingly violent and demands started to appear unreasonable.

At one point during the long spring of 1964, Representative William McCulloch told a House of Representatives aide that the disturbing character of these new civil rights demonstrations in the North was costing the civil rights bill considerable support in the House. The aide said:

Representative McCulloch is getting progressively worried. He claims they would lose 25 percent of the votes they had if a vote were now to occur in the House on the civil rights bill.<sup>51</sup>

#### THE GOLDWATER CAMPAIGN FOR PRESIDENT

Another event outside the Senate which began to have an impact on the civil rights bill was the increasingly bitter campaign for the Republican nomination for president of the United States. Initially there were only two announced candidates, Senator Barry Goldwater of Arizona and Governor Nelson Rockefeller of New York, and the race between them was essentially ideological. Goldwater was an outspoken Western conservative; Rockefeller was a dedicated Eastern liberal.

Although both men claimed to be supporters of civil rights, their public positions on the civil rights bill were quite different.

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Rockefeller was an all-out supporter of the strong civil rights bill passed by the House of Representatives. Goldwater, on the other hand, continually expressed reservations about the bill and began to announce to the press and public those provisions of the bill he believed should be deleted.

Although Goldwater had at one time been a member of the NAACP and frequently expressed his support for the concept of equal rights for all Americans, he often stated that he was opposed to legislative action at the national level in this field. In a major campaign address in Chicago he said he would vote for the civil rights bill only if the public accommodations and the equal employment opportunity sections were removed.<sup>52</sup> To anyone who knew the details of the legislation then being debated in the Senate, such a major deletion would "cut the heart out of the civil rights bill."<sup>53</sup>

The battle between Goldwater and Rockefeller began with New Hampshire's "First in the Nation" presidential primary election on 10 March 1964. The outcome of the New Hampshire Republican primary was a surprise. An unannounced candidate, former Senator Henry Cabot Lodge of Massachusetts, won both the popular vote in the primary and all of New Hampshire's delegates to the Republican National Convention. Lodge's victory was considered doubly surprising because his name had not even been printed on the election ballot (his supporters had to "write-in" his name in order to vote for him). Also unusual was the fact that Lodge was currently 10,000 miles away from New Hampshire serving as U.S. ambassador to South Vietnam. Goldwater finished a distant second to Lodge, and Rockefeller finished third but close behind Goldwater.

The Lodge "write-in" victory in New Hampshire and the accelerating "Draft Lodge" campaign that grew out of it were seen as a disaster for the Rockefeller forces. The main Rockefeller strategy had been to win big in the Republican presidential primaries and thereby demonstrate that Goldwater was not the popular choice of moderate, "mainstream" Republicans. Unfortunately for Rockefeller,

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Lodge appealed to the same moderate to liberal wing of the Republican Party that Rockefeller represented. Lodge's surprise entrance into the campaign meant that Lodge and Rockefeller would split the moderate to liberal vote in the Republican primaries, thereby allowing Goldwater's bloc of conservative supporters to look more powerful than they actually were.

The Rockefeller forces tried to put the best possible face on the New Hampshire primary. Rockefeller told the press that Lodge's big win was "a victory for moderation" and a repudiation of the "extreme" conservative stands taken by Senator Goldwater.<sup>54</sup>

As the battle for the Republican nomination for president continued through late March and into April, Lodge and Rockefeller continued "to knock each other out," and Barry Goldwater quickly took the lead in terms of the number of delegates to the Republican convention committed to vote for him. As Goldwater himself expressed it after he captured all 58 convention delegate votes in Illinois in mid April: "The polls all talk about Lodge, but everybody overlooks the fact that I'm getting the delegates."<sup>55</sup>

By the end of April 1964, political commentators were looking to the 15 May 1964 Oregon primary as the next crucial skirmish in the battle for the Republican presidential nomination. Lodge, Rockefeller, and Goldwater would all be running against each other in one of the best publicized presidential primaries in the nation. Early polls, as usual, had shown Lodge with a commanding lead with Goldwater second and Rockefeller third.

After Oregon, political attention would shift to the California Republican presidential primary in early June. Only Goldwater and Rockefeller would meet in that major struggle (the Draft Lodge forces had not organized in time to meet California's early filing deadline). In 1964 California election laws called for a "winner take all" primary. If Goldwater won he would get all of California's sizable delegation to the Republican Convention. If Rockefeller won, he would get all the delegates.

But in late April 1964 practically no one was expecting

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Nelson Rockefeller to have much of a chance in the California primary. The prevailing prediction was that, after Lodge scored his expected victory over Goldwater and Rockefeller in Oregon, there would be no momentum left in the Rockefeller campaign. The result would be a Goldwater victory in California and a guaranteed Goldwater nomination at the Republican National Convention in July.

The Lodge-Rockefeller-Goldwater battle was having several effects on the Senate filibuster of the civil rights bill. One effect was that Senator Kuchel, the Republican floor manager for the bill, was a strong backer of Nelson Rockefeller for the Republican presidential nomination and was actively campaigning for Rockefeller against Goldwater in the California primary campaign. Kuchel flew to California virtually every weekend during April and May of 1964 to speak for and campaign with Rockefeller. Kuchel's goal was to stop the growing influence of Goldwater conservatism in the Republican Party, and he saw passage of the civil rights bill and denying Goldwater the Republican presidential nomination as the two best ways to accomplish this goal.

Another way the Republican presidential nomination fight was effecting the civil rights bill was its alleged effect on President Lyndon Johnson and his level of support for the bill. The logic went like this. Lyndon Johnson was strongly supporting civil rights because, as a Southern Democrat, he wanted to win support among liberal voters in the big cities of the North. If a strong conservative like Barry Goldwater was the Republican nominee, however, President Johnson would get the Northern liberal vote by default. In that case he would not need a strong civil rights bill. In fact, all he would need would be a moderate civil rights bill, just good enough to show civil rights oriented voters that he was a much better choice than Barry Goldwater. As Goldwater would get closer to the nomination, so this theory concluded, Johnson would become ever more willing to compromise the civil rights bill, either with Senate Republican Leader Everett Dirksen or with the Southern Democrats themselves, because a weak bill would serve his political purposes

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just as well as a strong bill would.

The Johnson forces made no secret of the fact that they hoped Senator Goldwater, and not Governor Rockefeller, would be the Republican nominee. Their view was that a conservative like Goldwater would be an even match for President Johnson in the South, which had traditionally been a conservative section of the nation, but they believed that President Johnson could easily defeat Goldwater in the North, the Midwest, and on the West Coast. Since there were many more voters in the North, the Midwest, and on the West Coast than there were in the South, the Johnson people relished the thought of having Goldwater as their Republican opponent in the November 1964 general election.

If Rockefeller were the Republican nominee, however, it would present real problems to President Johnson's reelection campaign. Rockefeller was a liberal Republican and very popular in large Eastern states like New York and Pennsylvania. Rockefeller would give a Southern Democrat like Johnson a real run for his money in the North, the Midwest, and possibly even on the West Coast. In a race with Rockefeller, Johnson could probably only count on carrying his old homeland of the American South.

Deputy Attorney General Nicholas Katzenbach made a humorous comment that indicated he and other members of the Johnson administration wanted Goldwater as the Republican nominee. At a civil rights strategy meeting on Capitol Hill in early April, Senator Kuchel announced that he had to play "hooky" the following Saturday and go out and campaign in California in behalf of Nelson Rockefeller. "I have to save the Republican party as well as participate in the civil rights debate," Kuchel remarked. Katzenbach jokingly responded, "Can't you put first things first, Senator?" Katzenbach thereby implied that he and the Johnson forces would much prefer that Kuchel stayed in Washington to work for civil rights and did not go out to California to try and stop Barry Goldwater from getting the Republican nomination. Apparently everyone in the room understood Katzenbach's subtle humor, because

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his comment was greeted with much hearty laughter from Republicans and Democrats alike.<sup>56</sup>

Senator Goldwater's growing lead in the race for the 1964 Republican presidential nomination presented still more problems to the civil rights forces. As Goldwater, an outspoken critic of key sections of the civil rights bill, won the support of more and more delegates to the Republican convention, this was interpreted by some political commentators as a sign that national support for the civil rights bill, particularly within the Republican Party, was weakening. More worrisome to civil rights forces, however, was thinking about what effect a Goldwater nomination might have on those "crucial 12" conservative Republican senators whose votes were the last ones needed to attain cloture. Most of these men were close friends of Goldwater's and came from the same part of the country as the Arizona senator. Would they want to vote cloture on a civil rights bill which their close friend, perhaps soon to be their political party's presidential nominee, said he strenuously opposed?

As April 1964 turned into May 1964, attention fastened firmly on the 15 May 1964 Oregon Republican presidential primary. If Henry Cabot Lodge won big in Oregon, knocked Rockefeller out of the race, and thereby guaranteed Barry Goldwater the Republican nomination, the civil rights bill then undergoing a filibuster in the Senate might be in considerable trouble.

#### THE WALLACE CANDIDACY FOR PRESIDENT

Early in 1964, Alabama Governor George Wallace announced that he was a candidate for the Democratic nomination for president of the United States and that he would run on a platform of all-out opposition to the civil rights bill. Governor Wallace was a formidable candidate running on the anti-civil rights issue. At the time of his inauguration as Governor of Alabama, Wallace took a hard line stand against racial integration. He said:

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From this very Cradle of the Confederacy, this very heart of the great Anglo-Saxon Southland, . . . I draw the line in the dust and toss the gauntlet before the feet of tyranny. And I say: Segregation now! Segregation tomorrow! Segregation forever!

Wallace had gained extensive national publicity when he personally "barred the school house door" at the University of Alabama in his futile attempt to prevent integration of the university by U.S. marshals. Although Wallace had been forced to stand aside and let the university be integrated, he had emerged from the fracas as a Southern segregationist hero and as the national symbol of opposition to school integration and black civil rights.

The Wallace candidacy produced quick action on President Lyndon Johnson's part. Unwilling to permit "open season" on his presidential administration by running against Wallace himself, Johnson set to work recruiting stand-in candidates to run against Wallace in three crucial Democratic presidential primaries -- Wisconsin, Indiana, and Maryland.

The Wallace threat to the civil rights bill was serious. Everywhere he went Wallace stated that his presidential candidacy was a referendum on the civil rights bill then being filibustered in the Senate. If Wallace could win only one presidential primary outside the old South, it was feared that the chances of beating the filibuster would be seriously jeopardized. Johnson himself noted that the Wallace campaign "stiffened the Southerners' will to keep on fighting the civil rights measure" in hopes that, following a Wallace primary victory or two, the liberal ranks in the Senate might begin to crumble.<sup>57</sup>

WALLACE IN WISCONSIN

The Wallace campaign began in Wisconsin, where Democratic Governor John W. Reynolds was running as the favorite

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son front man for President Johnson. When Reynolds learned that Wallace had filed against him in the primary, he canceled a planned trip to Europe and flew instead to Washington to get campaign advice from key Johnson political advisers. Returning home to Wisconsin, he began campaigning strenuously against Wallace.

President Johnson stayed publicly aloof from the Reynolds campaign but did much to help Reynolds from behind the scenes. Johnson sent his postmaster general, John A. Gronouski, a former Wisconsin state official, to campaign for Reynolds in the Polish-American sections of Milwaukee, sections that were close to the black neighborhoods in Milwaukee and regarded as likely to cast a "backlash vote" for Governor Wallace. Gronouski made it clear he did not want the Polish-American neighborhoods of Milwaukee "pointed out the nation over as a center of intolerance and bigotry, because that is not the nature of the Polish people."<sup>58</sup>

President Johnson did take one small opportunity to show the voters of Wisconsin that Reynolds was his man in the presidential primary. At a testimonial dinner for Reynolds only two days before election day, Gronouski read a telegram from President Johnson which praised Reynolds but did not mention either Wallace or the bitterly fought primary election campaign. The presidential telegram described Reynolds as "a patriot and a leader in whom we can all take pride. . . . I salute John Reynolds for his unceasing concern for the well-being of the people in his state."<sup>59</sup>

Unfortunately for civil rights advocates on Capitol Hill, Governor Reynolds made a mistake that would be repeated several times during the Wallace campaign for president. Reynolds seriously underestimated Governor Wallace's appeal and popularity in a Northern state like Wisconsin and therefore made predictions that Wallace would not get very many votes. In fact, Reynolds got specific and said that Wallace would get no more than 100,000 votes in Wisconsin, but even that "would be a catastrophe."<sup>60</sup>

On election day, 7 April 1964, Governor Reynolds easily defeated Wallace, collecting 511,000 votes in the process and



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guaranteeing all of Wisconsin's delegate votes at the Democratic National Convention to President Johnson. Wallace received 264,000 votes, more than 2 1/2 times the 100,000 votes that Governor Reynolds had said "would be a catastrophe."

The national press reaction to Wallace's unexpectedly high vote totals was one of concern and surprise. Time Magazine labeled it "worse than catastrophe" and went on to make this evaluation:

The real issue in the primary was civil rights. Wallace had entered the Wisconsin primary to demonstrate that many Northern, as well as Southern, whites are unhappy about current civil rights trends. And he demonstrated just that -- dramatically.<sup>61</sup>

Exactly as civil rights supporters had feared, post election analysis revealed that Wallace had run strongest in normally Democratic urban districts heavily populated by lower middle class, second generation Poles, Italians, and Serbs. These voters, found mainly in southside Milwaukee and in similar city districts in Racine and Kenosha, were said to be apprehensive that the black drive for equality would harm their own economic interests and might produce racial change in their home neighborhoods.<sup>62</sup>

Although he lost the election, Governor Wallace was quick to claim a moral victory. The day after the election he told the press the primary was a major victory in his campaign against the civil rights bill. He explained:

We won a victory and we know it. We won without winning. . . . Governor Reynolds said if I got 100,000 votes it would be a catastrophe. Well, I guess we've got two catastrophes.<sup>63</sup>

Wallace's unexpectedly strong showing in Wisconsin produced a flurry of statements on Capitol Hill. Senate Democratic

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Whip Hubert Humphrey tried to minimize the impact of the election results by emphasizing the fact that Wallace had, after all, lost the election. Humphrey mockingly spelled out his viewpoint to reporters:

I can count. Governor Wallace's effort was a flop, f-l-o-p. His campaign was a fizzle, f-i-z-z-l-e. . . . [In] most Midwest states if you put your name on the party ballot you get 25 percent of the vote, dead or alive.

Senate Republican Leader Everett Dirksen made a somewhat different interpretation, however. He found the size of the Wallace vote in Wisconsin to be "an interesting commentary on the depth of feeling people evidently entertain regarding the civil rights issue." Dirksen also said he thought the Wallace showing would "help amendments of a corrective nature" to the civil rights bill, amendments which, it turned out, Dirksen had ready for presentation in the Senate.

Senate Democratic Leader Mike Mansfield found the Wallace vote in Wisconsin neither bad nor good but simply a sign that the civil rights issue had to be settled and settled in the Senate. Mansfield said:

People are, in effect, expressing their views on this issue which now confronts us and which we cannot avoid or evade any longer. It is an issue which the Senate must face up to and decide in its wisdom one way or the other . . . ."<sup>64</sup>

## WALLACE IN INDIANA

Following his electoral defeat but publicity triumph in Wisconsin, Governor Wallace turned his attention to the Democratic presidential primary in Indiana scheduled for 5 May 1964. Indiana

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looked like it might be a rich hunting ground for Wallace. Historically the state had been a Northern center of Ku Klux Klan activities, and populous Lake County, an industrial suburb of Chicago in Northwestern Indiana, contained many of the same lower middle class, second generation ethnic voters that had shown such surprising support for Wallace in Wisconsin.

By now the Wallace campaign was showing the telltale signs of electoral success and confidence. Wallace was flying to his various campaign stops in Indiana in a large airliner decorated with a Confederate flag and the slogan, "Stand Up For America!" Both directly and indirectly, Wallace let it be known that a vote for him was a vote against what he called "the civil wrongs bill." At an airport press conference in Indianapolis, Wallace said he had come to Indiana "because I want to let the people have an effective way of opposing some of the trends going on in Washington."<sup>65</sup>

President Johnson's favorite son stand-in in the Indiana primary was Democratic Governor Matthew Welsh. Welsh at one time had mockingly said to the press: "Who's Wallace?" As the campaign developed, however, Welsh began to take the Wallace threat very seriously and began a series of strident verbal attacks on the Alabama Governor. Welsh charged:

This is the man who tolerated the presence of billboards in his state before the assassination which demanded, "Kayo the Kennedys." This is the man who stood by while dogs were set upon human beings and fire hoses were turned on groups of peaceful demonstrators. This is the man who even today is actively denying Negro children access to the University of Alabama. This is the man who is trying to destroy the political system of the United States as we know it, and who seeks to discredit President Lyndon B. Johnson. This is the man who flies the Confederate flag over the Statehouse in Alabama in

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place of the Stars and Stripes.<sup>66</sup>

Wallace was quick to demonstrate that he could generate headlines equally as well as Governor Welsh. Wallace told some 300 applauding students at a campaign rally at Butler University:

I am not a racist. I'm against interracial marriages. I think the Negro race ought to stay pure and the white race ought to stay pure. God intended for white people to stay white, Chinese to stay yellow and Negroes to stay black. All mankind is the handiwork of God.<sup>67</sup>

With this much political fur flying, the Wallace campaign in Indiana received large amounts of newspaper and television coverage. The actual results on election day were somewhat less spectacular than the campaign rhetoric, however. Governor Welsh defeated Wallace, as expected, but Wallace received a somewhat lower percentage of the vote in Indiana (30 percent) than he had received in Wisconsin (34 percent). Time Magazine's coverage of the primary election results highlighted the fact that Wallace had not done all that well in the vote count but was continuing to get extensive press coverage for his efforts:

Governor Matthew Welsh, a favorite son stand-in for President Johnson, amassed 368,401 votes. But who got the headlines? Why, none other than Alabama's trouble-hunting Governor George Wallace with 170,146.<sup>68</sup>

As he had done in Wisconsin, Wallace was quick to portray his second place finish as a victory. The Alabama Governor proclaimed:

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Our campaign for states rights won. We shook the eyeteeth of those people [liberals in both political parties] in Wisconsin, and the noises you hear now are the teeth falling out in Indiana.<sup>69</sup>

Analysis of the Indiana vote indicated that liberal supporters of civil rights had a good reason to feel "shaken" and possibly "toothless." As expected, Wallace received his strongest support in Northwestern Indiana, mainly in white areas in the working class cities of Gary and East Chicago. The vote analysis led to continued newspaper speculation that there was, indeed, a "white backlash" brewing against civil rights in lower middle class, white, ethnic neighborhoods.<sup>70</sup>

Wallace's twin defeats in Wisconsin and Indiana did not end the Alabama Governor's threat to the civil rights bill. "We are going on to Maryland from here," Wallace said, noting that the Maryland Democratic presidential primary, scheduled for 19 May 1964, would give him one last chance to demonstrate how strong the opposition was to the civil rights bill in the North and the Border States.

#### CONCLUSIONS

Throughout the month of April and into early May 1964, much of the battle over the civil rights bill shifted away from the Senate floor and was fought in other places and by other means. The pro-civil rights forces concentrated their efforts on creating the impression that there was a wave of public support for the bill. The principal techniques used here were to bring religious leaders supporting the bill to Washington and to have pro-civil rights senators, particularly Hubert Humphrey of Minnesota, give favorable speeches on the bill before enthusiastic audiences of known supporters.

The Southern Democratic fight against the civil rights bill was mainly taken over by Alabama Governor George Wallace in his

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campaign against President Lyndon Johnson for the 1964 Democratic presidential nomination. The April and May presidential primary elections in Wisconsin and Indiana provided Wallace with a national platform from which to demonstrate that there was considerable opposition to civil rights in the North.

It should be noted that, due to the fact that the Southern Democrats were conducting a filibuster on the floor of the United States Senate, it was logical that national attention would shift away from the Senate floor. After all, the essence of a filibuster is that, by ceaselessly talking and debating, the filibusterers have converted the Senate floor into a forum where no action can possibly take place. It made sense that, under such conditions, national attention and concern about civil rights would shift elsewhere.

It has already been pointed out that legislative strategists must always keep in mind the "total legislative picture" -- the fact that a bill going through Congress is often affected by the progress, or lack of progress, of other bills going through at the same time. To this idea must now be added the concept of the "total political picture" -- the fact that bills going through Congress can be dynamically effected by major political events taking place far away from Capitol Hill.

Perhaps as much as any bill that has ever gone through Congress, the Civil Rights Act of 1964 was subject to the effects of the "total political picture." The changed character of the civil rights demonstrations, the accidental death of Reverend Klunder in Cleveland, the threatened stall-in at the New York World's Fair, the Goldwater campaign for president, and the Wallace campaign for president -- all these events were having a direct effect on the attitudes, feelings, and strategies of the senators debating civil rights on the Senate floor. By mid May 1964 the pressures being created by these external events were getting intense for the senators supporting the civil rights bill.

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1. Humphrey memorandum, pp. 8-9.
2. Time Magazine, 10 April 1964, p. 22.
3. Congressional Record 110, Pt. 5 (30 March 1964) 6532.
4. Congressional Record 110, Pt. 5 (30 March 1964) 6542.
5. Time Magazine, 10 April 1964, p. 22. See also CQ Weekly Report, 3 April 1964, p. 654.
6. Horn log, p. 79.
7. Congressional Record 110, Pt. 6 (9 April 1964) 7380.
8. Theodore H. White, The Making of the President 1964, (New York: Atheneum, 1965), pp. 162-163.
9. Personal recollection of the author.
10. Time Magazine, 17 April 1964, pp. 35-36.
11. Congressional Record 110, Pt. 5 (4 April 1964) 6863.
12. Rauh manuscript, p. 24.
13. Stewart, Independence and Control, p. 223.

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14. Stewart, Independence and Control, p. 224.
15. The Democratic staff member was Kenneth Teasdale, assistant counsel, Senate Democratic Policy Committee. The Republican staff member was J. Mark Trice, secretary for the Senate Minority (Republicans). See Horn log, p. 77.
16. Time Magazine, 24 April 1964, p. 18.
17. CQ Weekly Report, 17 April 1964, p. 717.
18. CQ Weekly Report, 28 February 1964, p. 385.
19. CQ Weekly Report, 6 March 1964, p. 477.
20. CQ Weekly Report, 13 March 1964, p. 491.
21. CQ Weekly Report, 20 March 1964, p. 580.
22. CQ Weekly Report, 10 April 1964, p. 701.
23. CQ Weekly Report, 17 April 1964, p. 747.
24. CQ Weekly Report, 24 April 1964, p. 789.
25. CQ Weekly Report, 24 April 1964, p. 797.
26. Nicholas Katzenbach, interview, 12 November 1968, 20-22, Oral History Collection, LBJ Library.



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27. Humphrey memorandum, p. 9.
28. For a full discussion of Humphrey's speaking strategies, see Norbert Mills, The Speaking of Hubert H. Humphrey In Favor of the 1964 Civil Rights Act (Ph.D. dissertation, Bowling Green State University, 1974). See particularly pp. 48-69, 73-104.
29. Mills, The Speaking Of Hubert H. Humphrey In Favor Of The 1964 Civil Rights Act, p. 53.
30. Mills, The Speaking of Hubert H. Humphrey In Favor Of The 1964 Civil Rights Act, pp. 55, 79.
31. Mills, The Speaking of Hubert H. Humphrey In Favor Of The 1964 Civil Rights Act, p. 79. Humphrey first used this phrase at the 1948 Democratic National Convention. See CQ Weekly Report, 12 June 1964, p. 1161.
32. Mills, The Speaking of Hubert H. Humphrey In Favor Of The 1964 Civil Rights Act, pp. 60-61, 87.
33. Mills, The Speaking of Hubert H. Humphrey In Favor Of The 1964 Civil Rights Act, pp. 61-62, 92.
34. Mills, The Speaking of Hubert H. Humphrey In Favor Of The 1964 Civil Rights Act, p. 97.
35. Stewart, Independence and Control, p. 276.
36. CQ Weekly Report, 26 June 1964, p. 1274.
37. New York Times, 8 May 1964, p. 37.

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38. Time Magazine, 17 April 1964, p. 36.
39. Time Magazine, 24 April 1964, p. 17.
40. White, The Making of the President 1964, pp. 186-187.
41. Time Magazine, 1 May 1964, p. 22.
42. White, The Making Of The President 1964, p. 188.
43. Horn log, pp. 90-91.
44. Horn log, p. 90.
45. CQ Weekly Report, 17 April 17 1964, p. 717. See also Time Magazine, 24 April 1964, p. 17.
46. CQ Weekly Report, 24 April 1964, p. 757.
47. Time Magazine, 24 April 1964, p. 18.
48. Time, 24 April 1964, p. 18.
49. White, The Making Of The President 1964, p. 189.
50. Time Magazine, 1 May 1964, p. 23.

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51. Horn log, p. 43. The aide was Robert Kimball, legislative assistant to Representative John V. Lindsay of New York.

52. The speech was 10 April 1964. Quoted in the New York Times, 20 May 1964, p. 1.

53. Personal recollection of the author. This was a favorite phrase of anti-Goldwater Republican staff in the Senate, particularly Stephen Horn, legislative assistant to Senator Kuchel.

54. CQ Weekly Report, 13 March 1964, p. 500. See also Time Magazine, 20 March 1964, p. 20.

55. Time, 24 April 1964, p. 20.

56. Horn log, p. 74.

57. Johnson, The Vantage Point, p. 29.

58. CQ Weekly Report, 10 April 1964, p. 687.

59. CQ Weekly Report, 10 April 1964, p. 687.

60. Time Magazine, 17 April 1964, p. 37.

61. Time Magazine, 17 April 1964, p. 37.

62. Time Magazine, 17 April 1964, p. 37.

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63. CQ Weekly Report, 10 April 1964, p. 687.
64. Humphrey, Dirksen, and Mansfield quotes from CQ Weekly Report, 10 April 1964, p. 688.
65. Time Magazine, 24 April 1964, p. 22.
66. Time Magazine, 24 April 1964, p. 22.
67. Time Magazine, 24 April 1964, p. 22.
68. Time Magazine, 15 May 1964, p. 37.
69. CQ Weekly Report, 8 May 1964, p. 905.
70. CQ Weekly Report, 8 May 1964, p. 905.