

CHAPTER 12

THE DRIVE FOR CLOTURE; "AN IDEA WHOSE TIME HAS COME"

On Tuesday, 5 May 1964, negotiations opened in Dirksen's Capitol office to begin writing a version of the civil rights bill acceptable to Dirksen and his small band of Republican supporters in the Senate. An august group turned out for this initial session. Mansfield and Humphrey were there to represent the pro-civil rights Democrats in the Senate. Kuchel came to represent the pro-civil rights Republicans. Attorney General Robert Kennedy was on hand to represent the Johnson administration, along with Deputy Attorney General Nicholas Katzenbach and an assortment of Justice Department lawyers to help write the actual legislative language.

It is important to note that the meeting was held in Dirksen's office. The fact that the attorney general and all the leading pro-civil rights Democrats in the Senate were willing to come and meet on Dirksen's home turf was a clear sign to the political cognoscenti of Dirksen's importance in this situation. Robert Kennedy, Mike Mansfield, and Hubert Humphrey would not have given Dirksen the honor of hosting the meetings if they had not regarded Dirksen as absolutely essential to the successful passage of the bill.

The meetings began with a jarring surprise for the civil rights forces. Dirksen had previously assured Hubert Humphrey that he had no more amendments to the bill other than one small amendment concerning equal access to public accommodations. When the Democratic negotiators walked into Dirksen's office, however, they were startled to receive a heavy sheaf of mimeographed amendments,

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approximately 70 in all. Whereas Humphrey had previously believed that agreement between Dirksen and the civil rights forces would be relatively easily to achieve, he now had to conclude that the negotiations with Dirksen would be long, difficult, and might result in major and possibly damaging alterations to the bill.

According to Hubert Humphrey's legislative assistant, the sheer number of Dirksen's proposed amendments coupled with the near defeat of the civil rights forces on the Morton amendment brought the bipartisan floor managers yet another period of great discouragement. The legislative assistant noted:

[This is] a helluva way to run a railroad. For the record, there is a definite lack of urgency and lack of direction to the civil rights forces at present. Humphrey is frustrated and blocked by Mansfield. Kuchel is frustrated and boxed in by Dirksen. . . . I think one must fully appreciate the profound difficulties in getting this bill underway and keeping up a head of steam. Nobody seems concerned except the few committed leaders. The rest seem willing to let the time fritter away. . . . But I will say that 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. . . . Right now, our [problems] look pretty profound.¹

Despite the disillusionment of the civil rights forces occasioned by Senator Dirksen's giant pile of amendments, there was nothing for them to do but begin negotiating with Dirksen in good faith and hope that, one way or another, an acceptable package of amendments could be developed. As the meetings proceeded, it soon became apparent that Dirksen and the Justice Department were substantially in agreement on a large number of the amendments.

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The major point of controversy, it turned out, was on the best way to enforce the various provisions of the bill, particularly the provisions dealing with public accommodations and employment. Dirksen did not want the United States Government meddling in the small details of every minor complaint involving civil rights. The Justice Department contended, however, that without United States Government enforcement much of the South would never comply with the law.

The negotiations went on long enough to become somewhat formalized. Every afternoon a staff level group met consisting of Dirksen's three aides and a group of lawyers from the Justice Department. This group would draft tentative new language for the bill, and then the next morning the new language would be presented to the various senators (primarily Humphrey, Kuchel, and Dirksen). The senators would resolve those issues upon which the staff members could not agree.²

One reason the staff negotiations were so successful was that all of the staff members had been told by their respective bosses to produce a bill. As one of Dirksen assistants explained:

Both the Mansfield people and the Dirksen people had been given a "go" by their leaders to produce a bill. Everyone worked to keep the issue from being more polarized than it might have been. There was no sense that one part of the group was for civil rights and the other part was against it. Everyone was trying to write a good bill. There also was a sense that we were going to breach any impasse, that is, find a solution to any major problem that cropped up during the negotiations. The goal was to write the bill -- find the civil rights policies -- that the entire country would innately want to have.³

Apparently the real progress in writing the final version of the

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bill occurred in the afternoon staff sessions rather than in the morning meetings with the various senators involved. A White House memorandum dated 6 May 1964 strongly hints that it was the staff members rather than the senators who were doing the real work of finishing up the bill:

Nick Katzenbach [says] that the meetings in Senator Dirksen's office on the package [of] civil rights amendments go much better in the afternoon sessions when the staff technicians and Katzenbach meet. Apparently the morning sessions [with the senators] . . . are meetings which Nick indicates are mostly consumed with educational pursuits [explaining to the senators what is in the bill]. [Nick] indicates it is surprising to note the lack of real understanding of the civil rights bill and the effect amendments proposed would have on it.⁴

"PATTERN OR PRACTICE"

A critical breakthrough in the negotiations occurred when one of "Dirksen's Bombers" proposed that the United States Government be given the authority to initiate enforcement action only where there existed a "pattern or practice" of massive resistance to racial integration.⁵ The idea was that the United States would initiate enforcement of the law only in those states where it could be shown that racial discrimination was a widespread and generally accepted practice. The practical effect of this agreement was that, in Northern states where racial discrimination was not widely practiced, the United States Government could not initiate enforcement but would have to wait for aggrieved individuals to file law suits to protect their civil rights. In the Southern states, however, where there was a "pattern or practice" of racial discrimination that could be easily documented, the United States Government could initiate

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enforcement action without having to wait for the aggrieved individuals to file law suits first.

With some minor refinements, this "pattern or practice" formula broke the impasse with Senator Dirksen that had existed ever since President Kennedy made his initial civil rights proposals to Congress almost a year earlier. One other major concession was made to Dirksen by the civil rights forces. An agreement was reached specifying that an initial period of state jurisdiction over public accommodations and employment cases would be allowed before United States Government enforcement procedures went into effect.

Humphrey later told one of his biographers that he had, on one occasion only, been somewhat devious in his effort to win Dirksen's agreement and support for the pro-civil rights position. Before one of the negotiating sessions in Dirksen's office, Humphrey secretly arranged with Senator Joseph Clark of Pennsylvania for Clark to stage a political "tantrum." At a critical point in the meeting, when Dirksen seemed about to protest that Humphrey was not giving enough on certain key points, Clark stood up, pointed a finger at Humphrey, and shouted, "This is a goddamned sellout." Clark then, exactly as he had prearranged it with Humphrey, stalked out of the room. Humphrey was then able to turn to Dirksen and say, "See what pressures I'm up against? I can't concede any more on this point." Apparently this small ruse worked, because the atmosphere in the room improved immeasurably once Clark had staged his little show and Dirksen quickly reached amicable agreement with Humphrey on the point in question.⁶

THE BIG DEAL WITH SENATOR DIRKSEN

On 13 May 1964 Attorney General Robert Kennedy came back to Dirksen's office to nail down the final points of agreement on the unified package of amendments to the civil rights bill. Around the big mahogany table and under the tinkling chandelier where all the previous negotiations had taken place, the final form of the

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compromise with Senator Dirksen took shape. As the last minor points were discussed and agreed upon, Dirksen announced that "the amendments would have to be mimeographed, that a [Republican] party conference would have to be called, that he would then attempt to secure agreement with the party, and that [he would] then move directly for cloture."⁷ The goal that President Kennedy, President Johnson, Hubert Humphrey, and Thomas Kuchel had been working for had been achieved. Dirksen was now in favor of the bill, he would himself move for cloture on the bill, and he would work to bring large numbers of Republican senators along with him in supporting both cloture and final passage of the bill.

Dirksen and Humphrey walked out of Dirksen's office and announced their agreement to a small group of waiting newsmen. The two men informed the press that they were now working together to get a cloture vote on the civil rights bill. Humphrey remarked that he felt "like someone going down a ski jump for the first time. Once you pushed off down the slope, you could only hope that somehow you would land on your feet."⁸

As the impromptu press conference broke up, several of the news reporters asked to see the text of the agreed upon amendments. Before he passed his copy of the amendments around, Dirksen said: "The lid is on!" Dirksen thus informed the reporters that the text of the amendments was "off the record" until officially announced and published. As often happens with major political events, leading national newspaper and television reporters saw the details of the Humphrey-Dirksen compromise before anyone else, including most of the United States senators who would have to vote on that compromise.⁹

THE OREGON PRIMARY

Two days after the announcement of the compromise agreement with Senator Dirksen on the civil rights bill, Oregon Republicans went to the polls and gave New York Governor Nelson

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A. Rockefeller a comfortable victory over Henry Cabot Lodge in that state's G.O.P. presidential primary. Rockefeller's win surprised the pollsters and political observers, most of whom had been predicting a Lodge victory. By taking the Oregon primary, Rockefeller knocked Lodge out of the race and became the only remaining Republican candidate with a chance of defeating Arizona Senator Barry Goldwater for the 1964 G.O.P. presidential nomination. All political eyes were now focussed on the 2 June 1964 California Republican primary. If Rockefeller could defeat Goldwater in California, he would get all of the state's 86 delegate votes, almost enough to give Rockefeller the nomination.

The surprise results of the Oregon primary put added pressure on President Johnson to press for a strong civil rights bill. It now appeared that a Republican liberal, Nelson Rockefeller, rather than a Republican conservative, Barry Goldwater, might win the 1964 Republican presidential nomination. If the liberal Rockefeller won, Johnson would need the strongest civil rights bill possible to win the support of liberal voters in the North, a group with which Rockefeller had proved unusually popular in previous elections.

WALLACE IN MARYLAND

Six days after the announcement of the successful Humphrey-Dirksen negotiations on the civil rights bill, and four days after Rockefeller's victory in the Oregon Republican primary, the Maryland Democratic presidential primary election was held. Still basking in the favorable publicity from his unexpectedly strong showings in Wisconsin and Indiana, Alabama Governor George Wallace was hoping for a victory in Maryland that would demonstrate a significant lack of popular support in the nation for the civil rights bill.

As the Wallace campaign became organized in Maryland, political analysts began speculating that Wallace just might win the Democratic presidential primary contest in Maryland. Although

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Maryland had not seceded from the Union and joined the Confederacy during the Civil War, it was, after all, a former slave state and south of the Mason-Dixon line. If Wallace could get 30 percent or more of the vote in Northern states like Wisconsin and Indiana, he conceivably could get 50 percent or more in a Border State like Maryland.

Fully aware that Wallace had his best chance at a primary victory in Maryland, President Johnson made a major effort to recruit a strong stand-in candidate and see that he won the election. Johnson's first choice for a stand-in candidate was Maryland Governor J. Millard Tawes, a moderate to conservative political leader who had been overwhelmingly reelected to a second term of office in 1962. Tawes declined to run, however, telling close associates that the race against Wallace was "not a cinch, and not our fight."¹⁰ The Johnson forces then recruited Maryland Senator Daniel B. Brewster, a young (40 years old) freshman senator who, like Tawes, had been elected by a wide margin in the 1962 election.

Brewster later candidly admitted that both principle and self interest convinced him to give in to President Johnson's pleas and make the race against Wallace. Brewster said:

The eyes of the nation were on Maryland. I liked the idea of being the political leader who would save Maryland from the disgrace of being the only state outside the Old South to give its convention delegate votes to George Wallace. I also believed I would come out of the primary election campaign a national political figure -- the man who had had the courage to stand up and turn back Wallace in his final drive for votes in the North.

Similar to Governor Reynolds in Wisconsin and Governor Welsh in Indiana, Senator Brewster badly underestimated the depth of racist feeling in a Border State like Maryland. He simply had not

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anticipated the bitterness that would be generated between himself and committed Wallace supporters as the campaign developed. Brewster explained:

I found that the great popularity I had enjoyed in the 1962 election did not exist in a racial fight. I was called everything from a "Cadillac pink" [wealthy Communist sympathizer] to a "race-mixing socialist." I was booed at a political meeting in Baltimore and cursed, jeered and even spat upon as I campaigned in place of President Johnson. I had never been razed before in my political career. The Wallace people actually sent "jeering sections" to follow me around and shout me down. Speaking one time at a meeting in College Park, Maryland, with Senator William Proxmire of Wisconsin, who had come over to Maryland to support me, the catcalls and the jeering were so loud that we could not even talk. Another time Assistant Postmaster General Tyler Abel was trying to help me out, but the two of us were just dwarfed by the pro-Wallace roar.

President Johnson's political advisers at the White House did everything they could to support Brewster short of an outright presidential endorsement. The Democratic National Committee raised a considerable amount of money and funneled it into Maryland on Brewster's behalf. A key White House aide, Clifton Carter, was dispatched to help Brewster in every way possible. The Johnson forces even arranged for a top campaign publicist to come to Maryland and help Brewster with his campaign speeches and press releases. The White House helped Brewster arrange for leading Democrats in the U.S. Senate, including senators Hubert Humphrey and Edward Kennedy, to come into Maryland and help draw crowds to Brewster's campaign rallies. President Johnson himself scheduled

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a dramatic helicopter flight to inspect "appalachian regional problems" in the Catoctin Mountains of Western Maryland. The president saw to it that Brewster was at his side every minute he was in Maryland.

For his part, Wallace made a major effort to win the Maryland presidential primary. He raised and spent more than \$100,000 for radio and television advertising in behalf of his candidacy. Wallace campaigned particularly hard on the Eastern Shore of the Chesapeake Bay, a section of the state that was very Southern in its attitudes and which had been the scene of extended racial demonstrations in the town of Cambridge, Maryland.

In an act of political defiance, Wallace scheduled a campaign rally in the white sections of Cambridge, dangerously tempting the racially sensitive black community to do something about it. The expected protest against Wallace was not long in coming. Black and white civil rights demonstrators began a march out of the black neighborhoods of Cambridge toward the volunteer firemen's hall where Wallace was speaking.

Ironically, the black-white dividing line in Cambridge was located at Race Street, and it was at Race Street that the civil rights demonstrators were met by 50 Maryland state policemen and 400 National Guardsmen. The confrontation was a bitter and violent one. The civil rights protestors threw rocks and bottles. The National Guardsmen responded with choking clouds of tear gas. For the remainder of the night and three nights after that, "Cambridge's bitter, frustrated Negroes demonstrated with bricks and bottles. And even the town's segregationist whites could wonder if a visit by George Wallace had been worth it."¹¹

As election day neared, Maryland voters watched the black demonstrations and rioting in Cambridge on their television sets and read about them in their newspapers. The Wallace campaign had succeeded in creating the violent civil rights protest demonstrations and riots that were Wallace's strongest campaign assets.

According to Congressional Quarterly Weekly Report, the

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Wallace campaign in Maryland had a direct impact on the Senate filibuster of the civil rights bill, particularly where Southern Democratic strategy making was concerned. The Southerners apparently intentionally waited for the Maryland primary to take place, hoping to pick up votes against cloture after Wallace either won the primary or narrowly missed winning.¹² As the Wallace-Brewster campaign attracted ever more national publicity and the racial bitterness was heightened by the riots in Cambridge, the Southerners became ever more hopeful that a big Wallace victory in Maryland would convince the uncommitted members of the Senate that sentiment for civil rights was weakening across the nation and it would be in their interest not to vote for cloture.

THE MARYLAND PRIMARY OUTCOME

On 19 May 1964 Maryland voters went to the polls to make their choice. Brewster defeated Wallace by a comfortable margin of 57 percent to 42 percent. Since Wallace had done much better than he did in either Wisconsin or Indiana, however, the Alabama governor made his customary claim of winning the election despite coming out on the short end where the votes were concerned. Wallace told a group of his supporters:

Everyone knows we won a victory tonight. We had against us the national Democratic party, 10 senators at least, and the [Democratic] organization here in your state [Maryland]. Yet, in spite of everyone of those against you and me, you have given me a vote that represents the philosophy of state's rights, local government, and individual liberty.

Later on primary election night in Maryland, Wallace gave his own analysis of the vote to news reporters:

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Look here. If it hadn't been for the nigger bloc vote, we'd have won it all. We have a majority of the white vote.¹³

Wallace was correct in his claim that he had won the white vote in Maryland, but he failed to point out an important fact that was not missed by other observers of the United States political scene. A combination of black votes in Baltimore city coupled with upper income white votes in the Maryland suburbs had produced a clear majority for civil rights. In Northern and Border States where large numbers of blacks had the right to vote, being against civil rights was a losing proposition. Wallace and his anti-civil rights bill campaign had been stopped by a coalition of black and upper income white voters that was a majority in every state north of the Mason-Dixon line.¹⁴

"There is no substitute for victory," said a jubilant Daniel Brewster on election night. "We will go to Atlantic City [site of the Democratic National Convention in 1964] and Maryland will stand up and cast its votes for President Johnson." Brewster went on to state that Wallace's showing in Maryland would have "no effect on the passage" of the civil rights bill currently being debated in the Senate.¹⁵

Brewster's comfortable victory in Maryland, despite the claim of victory by Wallace, did end once and for all the Southern Democratic senators' hope that Wallace would win or come close in Maryland and thereby start a national groundswell of opposition to the civil rights bill.¹⁶

SELLING THE AGREEMENT

Once Dirksen and Humphrey had reached agreement on the final form of the civil rights bill, the package of amendments had to be sold to a variety of individuals and groups -- the Leadership Conference on Civil Rights, the conservative Republicans in the

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Senate, and the leaders of both political parties in the House of Representatives (where the new Senate version of the bill would have to be repassed without amendment).

SELLING THE LEADERSHIP CONFERENCE

Immediately following the announcement of his agreement with Senator Dirksen, Hubert Humphrey scheduled a meeting with Clarence Mitchell, Jr., and Joseph Rauh, Jr., of the Leadership Conference on Civil Rights. At this meeting, the general form of the agreement was outlined to Mitchell and Rauh, who were not particularly happy following this brief description but agreed to withhold final judgment until they had an opportunity to examine the language first hand. Joseph Rauh, Jr., described what happened next:

The next morning the Leadership Conference representatives received the still unpublished text of the tentative agreement. Reading the changes with trepidation, it soon became evident that Humphrey's patience, good humor and courage had won the day.

True, under the Humphrey-Dirksen package those discriminated against in public accommodations and employment must first seek their remedy before the appropriate state agency, but there are no such state agencies in the South and Senator Russell was not far from right when he suggested that Senator Dirksen had thus aimed the bill more directly at the South. True, under the Humphrey-Dirksen package the attorney general cannot bring suit on behalf of aggrieved individuals, but he can intervene in such a suit by an individual and, even more important, he can sue wherever there is a 'pattern or practice' of discrimination against any person or group of persons. True, concessions had been made to Senator

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Dirksen in language and on occasion in substance, but the basic structure of the House passed bill remained intact.¹⁷

Despite Mitchell's and Rauh's frequent statements that any compromise with Dirksen would be a sellout, Rauh was elated when he read the legal text of the proposed amendments. "I was reading the new language with a lawyer from the AFL-CIO," Rauh said, "and he and I looked at each other and said, 'We've won!'"¹⁸

As usual, however, the Leadership Conference on Civil Rights did not want to let the press and public know that they were so enthusiastic about the latest version of the civil rights bill. Rauh described the dilemma:

Everyone quickly recognized that at long last here was an agreed upon strong bill. The quandary on what to do was this: If civil rights advocates claimed victory, this would undoubtedly lead Senator Dirksen to ask for new concessions and might also weaken the cloture efforts. If, on the other hand, civil rights advocates charged that the bill had been weakened, such a charge would dismay civil rights forces throughout the country and intensify racial tensions. The resulting statement issued by the Leadership Conference that afternoon was a masterpiece of saying both and neither at the same time.¹⁹

Thus, exactly as they did with President Kennedy's negotiated compromise when the civil rights bill was before the House Judiciary Committee, Mitchell and Rauh pretended, for political strategy reasons, to be unimpressed with a bill which, in reality, they liked a great deal. Hubert Humphrey's legislative assistant gave an insider's analysis of the Leadership Conference position:

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The Leadership Conference has had a number of meetings with Humphrey and Justice Department officials. They have a variety of specific concerns, but they do not have any basic objections to what has been done. In other words, they are not saying that the roof is falling in, that the bill has been sold out, that there are unacceptable amendments in the Dirksen package. [In fact,] Joe Rauh has told Humphrey privately that if this bill passes, it will be a great victory for the cause of civil rights.²⁰

SELLING THE CONSERVATIVE REPUBLICANS

Senator Dirksen also had the task of selling the Humphrey-Dirksen compromise to the conservative Republicans in the Senate. In typical Dirksen fashion, he began by making the amendments the subject for discussion at the next weekly meeting of the Republican Policy Committee. Dirksen encountered stiff resistance, mainly from Midwest and Far West Republicans who remained instinctively hostile to invoking cloture, but by the close of the meeting he sensed that he was making gains. Talking to the press immediately after the Policy Committee meeting, Dirksen noted that members of the Senate were talking about cloture who, previously, were not willing to discuss it. There is a moment when the time calls for action, Dirksen said, and that time had come in the United States Senate.²¹

By the following week, Dirksen was being described as having "the bit in his teeth and running full steam ahead for cloture." Dirksen told his weekly news conference that he was a student of history and that he found great truth in a line he recalled from the diary of Victor Hugo: "Stronger than an army is an idea whose time has come." Dirksen then pointed out that this sweeping legislative attempt to guarantee the rights of black Americans was clearly an idea whose time had come. Later he recited a list of similar events in

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American history -- civil service reform, the popular election of U.S. senators, the women's suffrage movement, the pure food act, the child labor law. Dirksen pointed out that these events could not be stopped, and that no one was going to stop the compromise civil rights bill.²²

As Dirksen worked to win support for the civil rights bill, his efforts were being recorded by a growing number of news reporters. With few exceptions, Dirksen was being given the major share of the credit for advancing the civil rights bill in the Senate. One newsmagazine writer later explained:

Dirksen had done an extraordinary thing. On this most painful of domestic issues, with great skill and energy, Dirksen had simply imposed himself as the arbiter of the Senate. On him alone now depended whether the civil rights bill would become law, and everyone in Congress knew it.²³

All over Washington, government observers were now referring to the civil rights bill as "the Dirksen package" or "the Dirksen formula." On Tuesday, 26 May 1964, Dirksen was given the honor of introducing the results of the Humphrey-Dirksen negotiations in the Senate. Now officially known as the Mansfield-Dirksen substitute amendment, the new legislative language would be adopted in a single vote just as soon as cloture had been invoked and the filibuster was ended.

But the battle was not over yet. In order to win the support of wavering Republicans as well as meet some of the minor objections raised by the Leadership Conference on Civil Rights, Humphrey and Dirksen continued to make minor amendments to their package. Two political goals were accomplished by this process of continuing negotiation and amendment. It permitted individual senators to recognize their handiwork in the bill, and it continued to build the widest cross section of support for the bill by accommodating as

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many interests as possible. "This process of marginal accommodation and adjustment was to continue until the last day before the cloture vote."²⁴

SELLING THE HOUSE OF REPRESENTATIVES

Deputy Attorney General Nicholas Katzenbach took on the job of seeing that the bipartisan leaders of the House of Representatives approved of the Humphrey-Dirksen compromise package of amendments. Katzenbach had built up an unusually cordial relationship with the various House leaders when the civil rights bill was under consideration in the House. In clearing the proposed Senate amendments with the House, he worked mainly with Democrat Emanuel Celler, the Chairman of the House Judiciary Committee, and William McCulloch, the ranking Republican on the committee.

Representative McCulloch worked particularly hard at seeing to it that none of the Senate alterations to the civil rights bill would generate opposition when these amendments came back to the House for final adoption. He had his staff publish an article by article comparison of the House passed bill and the amended bill proposed to be passed in the Senate.²⁵ This comparison of the two versions of the bill was widely circulated by McCulloch in the House so that any objections could be reported to Humphrey and Dirksen and appropriate amendments added to the bill before it finally passed in the Senate. As a result of this high level of coordination between the House and the Senate on the final version of the Senate bill, the civil rights forces were confident that the Senate version of the bill would sail to swift final passage in the House of Representatives.

SETTING THE DATE

On 27 May 1964 Senate Democratic Leader Mike Mansfield spoke with a group of Capitol Hill reporters. Mansfield said:

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I think, by and large, the senators have just about had enough. They're tired of all this. You have to hit bedrock sometime and have a showdown.²⁶

On 1 June 1964 Mansfield and Dirksen jointly announced that the cloture vote would be on Tuesday, 9 June 1964. That date had been selected very carefully. It was after the California Republican presidential primary (scheduled for 2 June 1964) but soon enough that the civil rights bill could clear both the Senate and the House of Representatives prior to Congress adjourning for the Republican National Convention in San Francisco in July.

Dirksen had a special reason for postponing the cloture vote until after the California Republican primary. Senator Barry Goldwater, who was pitted against Nelson Rockefeller, had privately told Dirksen that it was his intention to vote against cloture on the civil rights bill. Dirksen feared that if Goldwater was forced to cast his negative vote on cloture prior to the California primary, his close Republican friends in the Senate would feel obligated to vote against cloture with Goldwater in an effort to bolster Goldwater's standing with the California Republican electorate. By postponing the cloture vote until after the California voting, Goldwater's friends in the Senate could vote for cloture without fear of hurting Goldwater's drive for the Republican presidential nomination. It was another example of the fact that Senate leaders have to take into account the "total political picture" when endeavoring to get legislation enacted by the U.S. Congress.

As it turned out, it was very important that Dirksen made the cloture vote wait until after the California primary. The battle between the conservative Goldwater and the liberal Rockefeller had turned into a hard fought ideological contest. On election day, Goldwater defeated Rockefeller by only 1 percent of the popular vote, but under California's winner take all primary election rules, Goldwater received all of California's 86 convention delegates, enough to give Goldwater the nomination. Goldwater's friends in the

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Senate thus were freed to vote for cloture without any qualms that they might unintentionally deny Goldwater the 1964 G.O.P. presidential nomination.

THE COUNTERFILIBUSTER

As might have been expected, Senator Richard Russell of Georgia was not going to let Mansfield and Dirksen march toward cloture without pulling a few tricks of his own. On 2 June 1964 Russell suddenly announced that the Southern Democrats were ready to halt the filibuster temporarily and permit some more votes on jury trial amendments. Russell had thereby activated his famous "tidbit" tactic, a maneuver designed to "decelerate the momentum for cloture by permitting a vote or two without, however, making any commitments [for a vote] on the entire bill."²⁷ In short, Russell was offering the civil rights forces a "tidbit" in the form of allowing a few votes on amendments but had no intention of ever voluntarily giving a "full meal" in the form of a vote on the bill itself.

By this time, the pro-civil rights forces were not interested in tidbits. Allowing votes at this late point in the proceedings would only dissipate the accelerating momentum building toward a cloture vote. With what aides described as a broad grin on his face, Mansfield made the kind of speech in the Senate that is customarily made by senators staging a filibuster. Mansfield told his fellow senators:

Beginning this afternoon there will be some speeches on the question of the pending jury trial amendment, and beginning tomorrow a number of senators . . . have indicated their intention to speak on the Mansfield-Dirksen substitute.²⁸

What the pro-civil rights forces were doing was to stage a counterfilibuster of their own to make certain that there would be no

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intervening votes until the ultimate showdown vote on cloture. Exactly as the Southerners had done so many times before, the civil rights senators dusted off unused speeches and consumed several days of Senate debating time with no great difficulty. When the cloture vote came it would, in effect, be on the civil rights forces counterfilibuster rather than on the Southern filibuster itself. The civil rights forces would, in short, be cloturing themselves. To have this long fight end in this manner was ironic, but that was what was happening.

THE HICKENLOOPER REVOLT

Just at the moment when everything appeared to be in order for a successful cloture vote, a new obstacle suddenly appeared. Republican Senator Bourke B. Hickenlooper of Iowa, who apparently resented the publicity and the big play in the press that Dirksen was getting, started to balk openly and publicly at voting for cloture. Hickenlooper had long been jealous of Dirksen's leadership in the Republican party in the Senate, and he had walked out of several of the negotiating sessions with Hubert Humphrey and the Justice Department, claiming that Dirksen was giving "too much" to the Democrats and stating that he would not be bound by the results of Dirksen's negotiations.

On Tuesday, 2 June 1964, Dirksen became ill and could not come into the Senate to work. This gave Hickenlooper the opportunity to make his move. He began holding a series of meetings with Midwestern and Western Republicans like himself who had some questions about the Humphrey-Dirksen compromise. With Dirksen absent, Hickenlooper began picking up strength and soon had five or six conservative Republican senators supporting him, enough to cause the cloture vote to fail if these five or six should decide to vote against it.

On Friday, 5 June 1964, Hickenlooper took the Senate floor and asked unanimous consent that three amendments be acted upon

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prior to the cloture vote. One amendment was a jury trial amendment that would make it somewhat easier for Southern officials to get jury trials in civil rights oriented contempt of court cases. The second amendment would have somewhat weakened the equal employment opportunity section of the bill, and the third would have eliminated United States Government financial aid to school systems in the process of racially desegregating.

Hickenlooper's request created yet another dilemma for the civil rights forces. If Humphrey and Dirksen refused Hickenlooper the chance to vote on his amendments, the Iowa Senator probably could withdraw enough votes to prevent cloture. If Humphrey and Dirksen agreed to a vote on the amendments, however, the jury trial amendment, and one or both of the others, might very well pass, mainly because many Senators might feel this was the price of Hickenlooper's vote for cloture. After a day of checking and rechecking his Republican supporters, a recently recovered Everett Dirksen told Humphrey and Kuchel they had better grant Hickenlooper the privilege of a vote on his amendments. The reason was that Dirksen simply did not have enough votes for cloture without the support of Hickenlooper and his small band of followers.

The decision was made to vote on Hickenlooper's three amendments, and the cloture vote was delayed one more day until Wednesday, 10 June 1964. As the civil rights forces had feared, the amendment giving Southern officials greater access to trial by jury was narrowly adopted. The other two amendments were easily defeated. The end result was important, however. In return for being given the right to vote, even though only one of those three votes was successful, Senator Hickenlooper and his group committed themselves to vote for cloture.

The Hickenlooper revolt illustrated several things about the United States Senate. Since Humphrey and Dirksen barely had the 67 votes required for cloture, it illustrated the fact that, under such tight conditions, any small group of senators could have demanded certain amendments to the bill in return for their votes for cloture. Out of

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necessity, Humphrey and Dirksen would have had to give them their amendments (or at least a vote on their amendments). It also illustrated that legislative leaders must always be careful to give their followers an important role to play and must not take all the credit for themselves. As one of Hickenlooper's renegade senators confided in a personal conversation with Hubert Humphrey: "All we really wanted was the chance to show that Dirksen wasn't the only Republican on the Senate floor."²⁹

Perhaps the most important thing the Hickenlooper revolt demonstrated was how essential Everett Dirksen was to getting the required Republican votes for cloture. It was Dirksen's temporary illness and absence from the Senate that gave Hickenlooper the opportunity to get his revolt organized. If there had been any doubts in civil rights supporters' minds that they absolutely needed Dirksen, those doubts were thoroughly dispelled when they saw what happened the few days Dirksen was sick.

It is interesting to note that the civil rights forces, on the last day before the cloture vote, allowed the Hickenlooper Republicans to vote on amendments but would not let the Southern Democrats do so. Hubert Humphrey particularly remembered discussing the subject with Richard Russell. Humphrey said:

I can recall Senator Russell complaining quite bitterly that we hadn't cooperated with him when he wanted to vote, and I said to him, somewhat in jest, but also in truth, "Well, Dick, you haven't any votes to give us for cloture, and these fellows do." That was the sum and substance of it.³⁰

A BAD ENVIRONMENT

The civil rights forces were badly shaken by the unusual series of events that occurred the week before the cloture vote. Every day seemed to bring a new emergency situation that had to be "handled."

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Humphrey's legislative assistant ably summarized the mood of the week:

The Southerners' decision to stop talking and to [call for] votes on jury trial amendments [thus necessitating the counterfilibuster], Goldwater's victory [over Rockefeller] in California, and Dirksen's illness [which made the Hickenlooper revolt possible] -- all served to create a bad environment for the cloture vote.³¹

THE FINAL DRIVE

As the drive for cloture came down to the final days, there appears to have been some, but not very much, influence exerted on wavering senators by President Johnson. Hubert Humphrey recalled:

We did not bother the president very much. The president was not put on the spot. He was not enlisted in the battle particularly. I understand he did contact some of the senators, but not at our insistence.³²

One theory for President Johnson's uncharacteristic lack of direct involvement was that he did not want to antagonize the Southern Democrats unnecessarily and, as always, would need to have their votes on other issues on other days.³³

It was the view of Clarence Mitchell, Jr., Washington Director of the NAACP, that President Johnson was very much involved behind the scenes in lining up Senate votes for cloture on the civil rights bill. Mitchell recalled that he gave President Johnson a list of senators who needed direct persuasion from the president in order to win their support for the civil rights bill. According to Mitchell, the president agreed to take the list and work with it. Mitchell's exact words were:

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This picture over here on my wall showing that little piece of paper beside the president is an illustration of it [the way Mitchell and Johnson would work together counting votes]. On that piece of paper are the names of the senators that I felt Mr. Johnson had to get. I told him all those that I had gotten. And he agreed to take that list and did produce on it.³⁴

President Johnson's low public profile when it came to lobbying Senate votes for cloture produced a critical political column in a Washington newspaper. The columnist wrote:

The civil rights bill is not moving according to plan and senators favoring it are beginning to ask each other: "Where's Lyndon?" As majority leader, the president was all muscle and scant conversation. In the present impasse, the criticism is freely heard that the reverse is true. . . . Reporters covering the civil rights story in detail agree that they have seen no traces of the old brooding and impatient Johnson presence that they learned to know so well during the Eisenhower years.³⁵

On Tuesday evening, 9 June 1964, Humphrey made his final vote calculations in his Capitol office and could count only 65 sure votes, two short of the 67 needed for cloture. Then the news teletypes in the Capitol press room carried the story of Senator Hickenlooper's official announcement that he was going to vote for cloture. That made 66 sure votes. The telephone rang and Humphrey answered it. It was President Johnson, calling to ask about the prospects for the cloture vote. "I think we have enough," Humphrey replied. The president responded to this weak statement in a harsh tone of voice: "I don't want to know what you think. What's the vote going to be? How many do you have?" Subdued and nervous as a result of the

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president's impatient manner, Humphrey admitted that he was still one vote short. The search for votes would have to continue into the night.³⁶

Humphrey decided to work on three last Democratic holdouts -- Edmondson of Oklahoma, Yarborough of Texas, and Cannon of Nevada. None would give him a definite answer. At 1 A.M., when it was too late for any more telephone calls, Humphrey ceased his last minute efforts and paid a brief visit to the Senate floor. There he had a friendly exchange with Senator Robert Byrd of West Virginia, who was getting some national and home state publicity by giving an all-night speech against the principle of ending a filibuster with a cloture vote. Humphrey then went home, fairly certain he had the votes for cloture but keeping in the back of his mind one final thought: "You can never be sure about anything in the Senate."³⁷

CONCLUSIONS

The civil rights forces in the Senate got themselves to a cloture vote on the civil rights bill by being willing to negotiate a compromise version of the bill with Everett M. Dirksen of Illinois, the Republican leader in the Senate. Although the "no amendments" strategy had made for a strong original bargaining position, it was the willingness of the civil rights strategists to meet with Dirksen and amend the bill more to his liking that made the cloture vote possible.

The Humphrey-Dirksen negotiations in Dirksen's Capitol office were the most interesting and unusual part of this process. Because of the obstructionism of Senator Eastland, there had been no Senate Judiciary Committee markup of the civil rights bill. In other words, there had been no point in the Senate legislative process where a standing committee of the Senate marked up the bill, i.e., voted on the provisions of the bill section by section before recommending it to the Senate floor.

In retrospect, it is clear that the meetings in Dirksen's office became an informal substitute for committee consideration and

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markup of the civil rights bill. Instead of a duly constituted committee of the United States Senate marking up the bill, it was done by an ad hoc group consisting of Senator Dirksen and his "Bombers" on the one hand and Senator Humphrey and a staff of lawyers from the Justice Department on the other. As Senator Humphrey's legislative assistant asked at the time: "When has an ad hoc group such as this come up with such important legislation?"³⁸

There were crucial differences, however, between the Humphrey-Dirksen negotiations and a routine committee markup session. Humphrey's legislative assistant explained the differences this way:

The Dirksen negotiations were convened under the sponsorship and control of the elected leaders of both parties. They were designed expressly to serve the leaders' interests in finding a formula that could pass the bill. The sessions provided an informal, ad hoc forum to arrive at the kind of compromises which could not have been secured in public debate on the Senate floor. . . . Consistent with the general notion of party leaders being ill equipped to handle complex substantive questions on the floor or in committee, the leadership found Dirksen's back room more to their liking. True give-and-take was possible, decisions were neither public nor final, and the need to sustain one's public posture on certain issues was greatly reduced. In this environment, the party leaders could explore the content of . . . [various senators' proposals] without risking a loss of leadership control.³⁹

At the level of legislative theory, it can be argued that the Humphrey-Dirksen negotiations suggest a different and, perhaps, more effective way of organizing a legislature. Instead of having

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legislation reviewed by standing committees, over which the various party leaders have reduced political control, why not have each major bill reviewed by an ad hoc committee appointed by the various party leaders to consider that one piece of legislation. This means that all major pieces of legislation would be reviewed by specially appointed legislators who would tailor the legislation to the direct political needs of the Democratic and Republican leaders. Such a system would, as was the case with the Humphrey-Dirksen negotiations, produce more sophisticated legislation which, at the end of the negotiating and compromising process, both party leaders could support enthusiastically. This idea should particularly recommend itself to those legislative reformers who would like to see more power in the hands of the party leadership and less power in the hands of the various committee chairmen.

One of the most noticeable things about the Humphrey-Dirksen negotiations was the prominent role played by the Justice Department, principally Deputy Attorney General Nicholas Katzenbach. In fact, the negotiations were really between Dirksen and the Justice Department with Humphrey mainly playing the role of convincing strong civil rights supporters to accept the Dirksen compromises.

The fact that the Justice Department was a major party to the Humphrey-Dirksen negotiations permitted President Johnson's interests to be furthered without Johnson himself having to become publicly involved in the Senate's internal business.⁴⁰ Nicholas Katzenbach and the Justice Department staff were essentially negotiating the president's interests, thereby leaving Johnson free to stand apart from the conflict and do little more than repeatedly call for the Senate to pass the bill. This also explains why there is no public record of President Johnson personally lobbying the various provisions of the bill. Katzenbach did much of his work for him in the Humphrey-Dirksen negotiations.

If it can be argued that the Humphrey-Dirksen negotiations became the committee markup session on the civil rights bill, then it

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also can be argued that clearing all the proposed Senate amendments with representatives Emanuel Celler and William McCulloch became the House-Senate conference committee on the bill. As has been previously noted, the civil rights bill did not go to a House-Senate conference committee because the conference report would have had to come back to the Senate for final passage and thus would have been subject to a second filibuster. To make certain the Senate version of the bill would be repassed in the House without amendment, Nicholas Katzenbach carried all the proposed Senate amendments to Celler and McCulloch and made sure they had no objections. In essence, therefore, Katzenbach became the Senate conferee on the bill and Celler and McCulloch became the House conferees. Here again, Southern Democratic control over a key point in the legislative process (the ability to filibuster at length a House-Senate conference report) forced civil rights supporters to use unusual and unorthodox means to get their bill enacted into law.

THE VOTE ON CLOTURE

Cloture day, 10 June 1964, dawned sunny, warm and humid, with a pleasant breeze blowing. By 10:00 A.M. the public galleries of the Senate had been filled for hours. In order to prevent crowded conditions on the Senate floor, all senatorial aides, most of whom ordinarily have the privilege to go on the Senate floor to work with their senators, were banned from the Senate chamber. Staff members, even those who had worked hard for and against the civil rights bill, had to squeeze into the crowded public galleries.

Some legislative aides stepped out on the Capitol lawn to watch television newsman Roger Mudd, then working for CBS television news, as he waited to receive a verbal report of each vote by telephone from the press gallery and then record it on a large cloture scoreboard.⁴¹ (Senate rules in 1964 forbade live television coverage of debates and roll call votes on the floor of the Senate.) With television cameras pointed at Mudd and his scoreboard, the cloture

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vote was going to be one of the few votes in the history of the United States Senate, if not the only vote in the history of the United States Senate, to be reported live, vote by vote, on national television.

On the Senate floor Hubert Humphrey was in a confident and ebullient mood. Follow-up telephone calls that morning had produced verbal commitments from Democrats Edmondson, Yarborough, and Cannon that they would, indeed, vote for cloture. Just before the scheduled vote, Humphrey passed a note to Senator Philip Hart of Michigan, a staunch civil rights supporter, predicting they had 69 to 70 sure votes, at least 2 more than the 67 required.

A number of senators were delivering their final statements prior to the vote. The occasion called for high toned rhetoric and grandiose phraseology, and many senators proved equal to the occasion. Democratic Leader Mike Mansfield, consistent to the end, arranged the schedule so that Republican Leader Everett Dirksen could give the final speech. It was Dirksen's general policy to speak extemporaneously in the Senate, but he considered this occasion so important that, for one of the few times in his long Senate career, he wrote the speech out ahead of time.⁴²

It was one of Dirksen's better oratorical efforts, and he built the speech around the famous phrase of Victor Hugo's that he had first used at an earlier press conference. Dirksen said:

Stronger than all the armies is an idea whose time has come.

The time has come for equality of opportunity . . . in government, in education and in employment. It will not be stayed or denied. It is here. . . .

America grows. America changes. And on the civil rights issue we must rise with the occasion. . . .

[This issue] is essentially moral in character. It must be resolved. It will not go away. Its time has come. . . .

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I appeal to all senators. . . . 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.⁴³

At 11:10 A.M. the bells and buzzers rang throughout the Senate side of the Capitol to signal the cloture vote. It was exactly one year to the day since President Kennedy had first announced the details of his civil rights bill to Congress. Humphrey sat at his desk in the front row on the Democratic side of the aisle, between Democratic Leader Mike Mansfield at the first desk and Harry Byrd of Virginia, one of the filibustering Southerners, at the third. Two rows behind, at his desk on the aisle, sat Richard Russell of Georgia, leaning forward to hear every word as the roll call vote proceeded. Across the aisle from Mansfield, in the number one desk on the Republican side, sat Everett Dirksen, the one man more than any other who had made the day's proceedings possible. Next to him sat Thomas Kuchel, the most powerful liberal Republican voice in the Senate.

In almost total silence, the clerk of the Senate began to call the roll. Each of the party leaders, including Senator Russell, held a tally sheet in his hand on which to mark the votes of the various senators as their names were called in alphabetical order. Mansfield, Humphrey, Dirksen, and Kuchel were looking to see if any of their pledged votes might "jump ship" at the last minute and vote against cloture. Richard Russell was waiting, not with very much hope, for enough "surprise switches" to make the cloture vote fail.

All 100 senators were present and responded as the clerk called their names. Senator Clair Engle of California, critically stricken with cancer, was brought into the Senate chamber on a wheelchair. So paralyzed he could not utter the single syllable, "Aye," Engle indicated his affirmative vote by pointing to his eye. "Dirksen's voice, as usual, was mellow and breathy as he called 'Aye.' Humphrey answered his name softly, almost shyly. 'Aye,' he said,

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lingering on the word, affectionately stretching out the sound for an extra second. Russell almost shouted his terse 'No.'"⁴⁴

Senator Lee Metcalf, a Democrat from Montana, was the acting president of the Senate for this historic occasion. When the voting was completed and the clerk had tallied the results, Metcalf announced there were 71 yeas and 29 nays. "Two-thirds of the Senators present having voted in the affirmative," Metcalf said, "the motion is agreed to."⁴⁵ Cloture had been achieved with four votes more than necessary.

As if to highlight the fact that the civil rights forces had cloture votes to spare, Senator Carl Hayden, a Democrat from Arizona, did not answer the roll call vote the first time his name was called. Apparently Hayden had promised his old friend, Lyndon Johnson, that he would stay away if necessary, thereby reducing by one the number of votes needed for cloture. When the roll call was completed and it was clear that the civil rights forces had votes to spare, Senator Hayden walked onto the Senate floor and voted "No." Hayden was anxious to vote against cloture because of the historical fact that a filibuster had been required to win statehood for Arizona back in 1912.

A memorandum to President Johnson from Secretary of the Interior Stewart L. Udall suggested there was something more than friendship involved in Senator Hayden's willingness to not vote if the civil rights forces only had 66 votes for cloture. Hayden had long been interested in a major U.S. Government water project for Arizona known as the Hayden-Brown proposal, and the memorandum suggested that verbal commitments were made to expedite that project in return for Hayden's cooperation on the cloture vote. The memorandum read in part:

The reports I get from Senator Hayden's staff indicate that your gambit on cloture with the senator at our Tuesday meeting was very persuasive. From a tactical standpoint, I think it would be wise for you to defer

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your final decision on the Hayden-Brown proposal until after the vote on cloture. . . . You are, of course, fully aware of the effect which a Hayden vote for cloture would have; some of the senators tell me that he will carry several other votes with him -- such as the two Nevada senators.⁴⁶

Mike Manatos, a White House staff member, provided this summary of the negotiations with Senator Hayden:

You recall the spade work that has gone into our attempts to work out an arrangement with Senator Hayden and the Central Arizona Project contingent upon the promise of a cloture vote by Hayden on Civil Rights. . . . After last week's leadership breakfast the president saw Hayden, and this was a ten strike because it provided clear evidence of the president's personal interest. . . . I am convinced this can be worked out to Hayden's satisfaction, . . . thus gaining one cloture vote"⁴⁷

Following the cloture vote, Senator Richard Russell stood up to begin his last series of arguments against the bill. His voice was angry. In a statement that civil rights supporters regarded as highly ironic, Russell complained that he was "confronted with the spirit of not only the mob, but of a lynch mob in the Senate of the United States."⁴⁸

Up in the Senate public galleries and out on the Capitol lawn, the various senatorial aides and pro-civil rights lobbyists celebrated their victory. Exclamations of joy, exuberant pats on the back, and heartfelt handshakes were shared by the less well-known persons who had worked for the bill along with the senators.

Wednesday, 10 June 1964, was the 75th day of Senate debate on the House passed bill. For the first time in the history of the

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United States Senate, cloture had been invoked on a civil rights bill. To civil rights supporters, final passage of the bipartisan administration civil rights bill now appeared to be assured.

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1. Stewart notes, 6 May 1964, pp. 4-5.
2. Cornelius B. Kennedy, interview by the author, 14 August 1984.
3. Cornelius B. Kennedy, interview by the author, 14 August 1984. According to Kennedy, the Mansfield staff member who had been given a "go" to write the civil rights bill was Kenneth Teasdale.
4. Memorandum, Mike Manatos to Larry O'Brien, 6 May 1964, White House Central File (LE/HU 2), LBJ Library.
5. The Dirksen assistant who made the proposal was Clyde Flynn. See Stewart, Independence and Control, 248. In his study of the Senate debate on the Civil Rights Act of 1964, Peter E. Kane gave considerable credit to Clyde Flynn, describing him as "the actual author of what was to become the Civil Rights Act of 1964." Kane, The Senate Debate, 123.
6. Winthrop Griffith, Humphrey: A Candid Biography (New York: William Morrow, 1965), pp. 281-282. See also Stewart notes, 13 May 1964, pp. 4-5. See also Stewart, Independence and Control, p. 250.
7. Stewart notes, 13 May 1964, pp. 1-2.
8. Stewart, Independence and Control, p. 250. See also New York Times, 14 May 1964, p. 1. See also CQ Weekly Report, 19 June 1964, p. 1206.
9. Horn log, 179. Horn learned of the early press inspection of the amendments from another Senate aide who was informed by Andrew Glass of the New York Herald Tribune. Horn speculated that Glass was probably accompanied by Roger Mudd of CBS television news, Ned Kenworthy of the New York Times, and John Averill of the Los Angeles Times.

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10. This quote and subsequent quotes are from former U.S. Senator Daniel B. Brewster, interview by the author, Glyndon, Baltimore County, Maryland, August 1982.
11. Time Magazine, 22 May 1964, p. 24.
12. CQ Weekly Report, 15 May 1964, p. 948.
13. CQ Weekly Report, 22 May 1964, pp. 1000-1001.
14. Kane, The Senate Debate On The 1964 Civil Rights Act, p. 119.
15. CQ Weekly Report, 22 May 1964, p. 1001.
16. William M. Bates, press secretary to Senator Richard B. Russell, 20 April 1966, quoted in Kane, The Senate Debate On The 1964 Civil Rights Act, p. 176.
17. Rauh manuscript, pp. 27-28.
18. Joseph Rauh, Jr., interview by the author, August 15, 1983.
19. Rauh manuscript, p. 28.
20. Stewart notes, 19 May 1964, pp. 2-3.
21. MacNeil, Dirksen, p. 235.
22. MacNeil, Dirksen, pp. 235-236.

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23. MacNeil, Dirksen, pp. 236-237.
24. Stewart, Independence and Control, p. 260.
25. Papers of Representative William McCulloch, Ohio Northern University, Box #43, 29 June 1964.
26. New York Times, 28 May 1964, p. 14.
27. Stewart, Independence and Control, p. 266.
28. Congressional Record 110, Pt. 9 (2 June 1964) 12436-12437.
29. Stewart, Independence and Control, p. 269.
30. Humphrey memorandum, p. 40.
31. Stewart notes, 19 May 1964 to 11 June 1964, p. 7.
32. Humphrey memorandum, pp. 17-18.
33. Griffith, Humphrey, p. 283.
34. Clarence Mitchell, Jr., interview, 30 April 1969, Oral History Collection, LBJ Library, Tape 1, p. 27.
35. Doris Fleeson, "They're Asking: 'Where's Lyndon?', Senators Backing Rights Bill Wonder Where Old Johnson Touch Has Gone," Washington Star, 22 April 1964. It is an interesting historical note that, when Lyndon Johnson was preparing to leave office in December 1968, a copy of this newspaper

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article was found in his middle desk drawer. See marked newspaper article, EX LE/HU2, Box 65, LBJ Library.

36. Griffith, Humphrey, p. 283.
37. Griffith, Humphrey, p. 283.
38. Stewart notes, 19 May 1964, pp. 3-4.
39. Stewart, Independence and Control, p. 251.
40. Stewart, Independence and Control, p. 252.
41. Personal recollection of the author.
42. Frank H. Mackaman, executive director, Everett McKinley Dirksen Congressional Leadership Research Center, interview by the author, Pekin, Illinois, 2 March 1984.
43. Congressional Record 110, Pt. 10 (10 June 1964) 13319-13320.
44. Griffith, Humphrey, p. 284.
45. Congressional Record 110, Pt. 10 (10 June 1964) 13327.
46. Memorandum, Stewart L. Udall to President Johnson, 7 April 1964, Executive Files, LBJ Library, LE/HU2.

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47. Memorandum, Mike Manatos to Larry O'Brien, 11 April 1964, LBJ Library, EX/HU2.

48. Griffith, Humphrey, p. 284.