CHAPTER 12

“AN IDEA WHOSE TIME HAS COME”

As soon as Daniel Brewster defeated George Wallace in the Maryland presidential primary, attention on Capitol Hill shifted back to the civil rights bill. The negotiations over the final form of the bill continued between Senator Humphrey and Senator Dirksen. Meanwhile, the filibuster continued to drag along on the Senate floor. The southern Democrats were becoming fearful that Senator Dirksen really was going to support cloture and enable the Senate to produce a strong civil rights bill. As a result, the southern senators began filibustering late into the evening. The senators from Dixie also became more vehement in their condemnation of the Civil Rights Movement in general and the civil rights bill in particular.

Early one evening in late spring, I was exercising my “privilege” to be on the Senate floor and was casually observing the action there. I decided to take a short break from the endless southern speech making and stepped out on the front portico of the Senate wing of the Capitol to get some fresh air.

The weather was warm. It was quite pleasant to be outdoors. Standing amidst the marble pillars, I suddenly heard music playing. I glanced over at the center section of the Capitol building.

There, on the front steps of the Capitol, with the Capitol dome rising behind them, sat a crowd of people listening to an outdoor band concert. The band was playing on the sidewalk just below the marble steps on
which the people were seated. At the moment I gazed upon this somewhat idyllic scene, it was the “sing along” portion of the program. The audience, which was almost exactly half-white and half-black, was lustily singing “America The Beautiful.”

I was almost overwhelmed by the contrast between the two different worlds I was observing that evening. Inside the Capitol building, on the floor of the U.S. Senate, the southerners were fighting fiercely to preserve legal racial segregation in the United States. No more than 100 yards from these southern senators, however, on the Capitol steps, a racially-integrated audience was enthusiastically singing about “brotherhood” that would stretch “from sea to shining sea.”

The two different groups were completely unaware of each other. I listened to the singing for awhile, became somewhat inspired by it, and then returned to my primary responsibility of witnessing the action on the Senate floor.

THE DEAL IS MADE

In early June of 1964, word began to spread through the Senate, and the nation, that senators Humphrey and Dirksen had reached agreement on a compromise version of the civil rights bill. Apparently there was a critical breakthrough when a top aide to Senator Dirksen, one of Dirksen’s bombers, proposed that the bill only be enforced where there was a “pattern or practice” of racial discrimination. Senator Dirksen had been fearful that single individuals, or small individual business companies, would be punished under the law for very slight, almost unprovable acts of racial discrimination. The new compromise provided for U.S. Government action only where a distinct “pattern or practice” of discrimination readily could be documented.

In the end, even liberal supporters of civil rights were accepting, if not pleased, with the compromises written into the bill by Senator Dirksen. His suggested provisions did make the proposed new law easier to enforce. Also, it did appear that, with the bill amended to Dirksen’s specifications, Senator Dirksen was going to be able to deliver the last critical votes needed for a two-thirds vote for cloture.
THE CLOTURE VOTE

To many people, it was just another early June day in the Nation’s Capital. Similar to so many late-spring days in Washington, D.C., it was sunny and warm and humid with a light and cool breeze blowing. It was a super pleasant day on which to be outdoors.

To those following the fate of the civil rights bill, June 10, 1964, was anything but an ordinary day. The public galleries of the Senate Chamber had been packed tight with important people since early morning. Senatorial aides, such as John G. Stewart and myself, were banned from the Senate floor to lessen the noise and confusion. Ironically, the men and women Senate staff members, who ordinarily could go on the Senate floor to work with their senators, had to find a way to learn about the progress of the cloture vote from the news media. The limited number of seats in the Senate gallery were filled with senator’s spouses and children, foreign diplomats, and other VIPs (Very Important Persons).

Thus it was that I found myself walking across the east lawn in front of the Capitol on “Cloture Day.” I was headed for an outdoor television location that had been set up by CBS News. Standing on the lawn, with the white marble Capitol dome for a backdrop, was CBS News reporter Roger Mudd. Beside him was a large scoreboard with the names of all 100 senators and a place to mark their votes “For” or “Against” cloture.

Senate rules forbade live television coverage of debates and roll call votes on the Senate floor. CBS was going to make do by having a reporter in the press gallery in constant telephone contact with Roger Mudd. As each vote was cast on the motion to cloture the civil rights bill, Roger Mudd would make the appropriate mark on his scoreboard. With one television camera trained on Roger Mudd, and a second camera focused on the scoreboard, CBS flashed each senator’s vote to the American people as it was cast.

I found a good spot from which to stand and watch Roger Mudd report the cloture vote as it happened. I marveled at the uniqueness of the situation. When else has a record vote in the U.S. Senate been reported live, vote by vote, on national television? I convinced myself I
was witnessing one of the great moments in the history of the American news media. I also was witnessing one of the great moments in the history of the United States Congress.

There was considerable tension about how the cloture vote would turn out. Only three days earlier, a key Republican senator had told Everett Dirksen that he was wavering on whether to cast his vote for cloture. At the same time, three Democratic senators were refusing to make a public commitment to vote for cloture. With those four votes still up in the air, Hubert Humphrey could only count 66 solid votes for cloture. Humphrey needed an absolute minimum of 67 votes (2/3 of 100 senators).

As I waited expectantly on the Capitol lawn, various senators were delivering their final speeches on the civil rights bill prior to the cloture vote. The situation was ready-made for flowery speech making and calls to serve historical necessity. In other words, the situation was ready-made for a senator with the speaking abilities of Everett Dirksen of Illinois.

“I shall quote the great writer Victor Hugo,” Dirksen said, standing in his customary spot in the well of the Senate. “Hugo wrote, ‘Stronger than all the armies is an idea whose time has come.’”

“The time has come for civil rights in America,” Dirksen expounded. “The time has come for equality of opportunity, in government, in education, in employment. This moment will not be stayed or denied. It is here.”

“I appeal to all senators,” Dirksen concluded, raising his arms in a gesture of openness to new ideas and necessities. “Let us not be found wanting. Let us give whatever it takes in the way of moral and spiritual substance to face up to the civil rights issue. Let us vote for cloture.”

Promptly at 11:10 A.M., the sound of bells and buzzers echoed throughout the Senate side of the Capitol. The senators were being summoned to one of the most important Senate votes in American history.

In the first desk in the first row on the Republican side of the aisle sat Senator Dirksen. He was being hailed as the man of the hour. He was called the “legislative wizard” who found both the formula and the votes
to make a successful cloture vote probable. Next to Dirksen sat my boss, Senator Thomas H. Kuchel, the Republican whip in the Senate.

A pall of total silence, a rare event in the Senate, was interrupted only by the mechanical-sounding voice of the clerk calling the roll. The clerk droned through the list of senators in alphabetical order. As would be expected for such a crucial vote, all 100 senators were on the Senate floor.

Out on the Capitol lawn, I was experiencing feelings of nervousness but also a growing sense of success. I cheered inwardly whenever I saw that another vote had been cast for cloture. Suddenly, the roll call vote was over. The results were announced. The final count was 71 yeas and 29 nays. The civil rights bill had been successfully clotured with four more votes than the 67 required by Senate rules.

At that moment, I later realized, simultaneous celebrations took place all over Capitol Hill and throughout the nation. I clapped and cheered loudly, and was joined by the small crowd watching Roger Mudd do his bit on CBS TV. These expressions of joy were picked up by Roger Mudd’s microphone and broadcast across the country as enthusiastic background noise.

It was June 10, 1964. It was Wednesday. It also was the 75th day of Senate debate on the civil rights bill. It was the day on which, for the first time in American history, the United States Senate invoked cloture on a civil rights bill.

FINAL PASSAGE

Subsequent events took place like clockwork. The cloture vote had assured that certain things would happen, and happen they did.

Senate Rules provide that, following a cloture vote, each senator has one more hour of time to debate. Some of the more avowedly segregationist southern Democrats used their full hour of time to further excoriate the bill. As they were speaking, however, the clock ticked away their last 60 minutes of speaking time with a grim, inevitable certainty.

Finally, when every southern senator who wanted to do so had used
up his hour of time, a final vote was held on the civil rights bill. I was present on the Senate floor for this vote, and I was quite happy and pleased to be there. Unlike with the cloture vote, Senate aides had not been banned from the Senate floor, and we crowded the limited amount of space available at the back and the sides of the Senate chamber.

There was plenty of excitement in the Senate that day. Once again, all 100 senators were present for what many considered as important a vote as the cloture vote. A number of pro-civil rights senators, giving their final speeches on the bill, congratulated the Senate for passing, for the first time in its history, a major civil rights bill that truly would end racial segregation in public places in the United States. There was a real sense that, as with the cloture vote several days earlier, real history was being made.

The civil rights bill achieved final passage in the Senate by a vote of 73 to 27. Because it was not a cloture vote, only a simple majority was required. This time out, the civil rights forces needed only 51 votes, and with 73 votes they had more than 20 votes to spare. The date was Friday, June 19, 1964.

Upon the official announcement of the successful vote, there was spontaneous clapping and cheering from the packed Senate galleries. This brief demonstration was quickly silenced by a loud pounding of the gavel, but not too quickly. It seemed the customary decorum and quiet of the Senate might be suspended for this one historic occasion, at least for 10 seconds or so.

Two weeks later, on July 2, 1964, President Lyndon Johnson signed the civil rights bill into law. It would subsequently be known as the Civil Rights Act of 1964. Scholars would rank it as one of the most important and successful laws to be passed by the United States Congress. Present and very visible at the signing ceremony, standing close to President Johnson as he signed the new law, was Senator Thomas H. Kuchel of California.

By chance, I had been given a very minor role to play in this great drama. More than anything else, I had enjoyed a ringside seat for much of the behind-the-scenes action in the United States Senate. Perhaps most
important, I had been given an academic subject, the Civil Rights Act of 1964, to which to devote a major part of the research and writing in my scholarly career.


Lyndon Johnson spoke briefly when he signed the civil rights bill into law. “Years ago I realized a sad truth,” the president said. “To the extent that African-Americans were imprisoned by racial segregation, so was I. On this day, I have signed a bill that brings to us the positive side of that same truth. To the extent that blacks are now free, really free, so am I. And so is our nation.”