

TACTICAL TRIUMPHS:
THE STRATEGIES FACILITATING THE SENATE'S PASSAGE
OF THE CIVIL RIGHTS ACT OF 1964

In the decade leading up to the Senate's consideration of President Kennedy's proposed civil rights legislation, southern senators utilized filibusters and committees to weaken or slay nearly one hundred civil rights bills. But by 1964, the national mood had altered considerably. Non-violent, African-American protestors were met with fury and violence by southern whites, and the media publicized these clashes to the nation and the world. Protestors in Birmingham and other cities across the South made courageous, costly stands for their right to public accommodations. The Oval Office responded by presenting and backing enactment of legislation with a strong emphasis on this matter. The pro-civil rights leaders in the Senate were determined to conduct a strategic and highly organized campaign. In order to secure an agreeable, meaningful solution to the nation's civil rights crisis, they were willing to collaborate patiently with conservative, Republican senators. Capitalizing on timely public support, prioritizing citizens' rights to public services, savvy maneuvering, and bipartisan negotiations were the crucial components ensuring the Senate's passage of the Civil Rights Act of 1964.

Public support for civil rights in America swelled in the spring and summer of 1963 as civil rights protests in the South came to a head on May 2 in Birmingham, Alabama. African-American school children marching for their right to have equal access to public facilities were met with brutal tactics from Birmingham police. Media broadcasted as the white police knocked these youths off their feet with high-pressure water hoses, beat them with nightsticks, and attacked them with police dogs.¹ American citizens across the nation were outraged.² Many sympathized with the African-Americans' struggle for freedom. Pulitzer Prize-winning writer, Ralph McGill, spoke of the imprint of the violence in Birmingham on the American psyche in an

¹ Robert Mann, *The Walls of Jericho: Lyndon Johnson, Hubert Humphrey, Richard Russel, and the Struggle for Civil Rights* (New York: Harcourt Brace, 1996), 347-349.

² S. Willoughby Anderson, "The Past on Trial: Birmingham, the Bombing, and Restorative Justice," *California Law Review* 96, no. 2 (2008): 479.

interview for NBC News: “This is what opened up demands for civil rights in the North, East and West, so that now I think this is a national thing; we are a part of it.”³ President Kennedy himself felt that the timing was finally right, due to the events in Birmingham, to send a strong civil rights measure to Congress. On June 11, 1963, he addressed the nation on civil rights. Speaking to the fact that an African-American citizen did not have equivalent access to public services, voting, and schools, he asked Americans, “If, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed and stand in his place?”⁴ This was a powerful appeal to every American citizen, from the highest office in the land, to examine their conscience and back civil rights legislation.

Senators on Capitol Hill were not unmindful of these events nor immune to public pressures to ensure meaningful change in the field of civil rights. By the time the Kennedy-sponsored civil rights proposal came to Congress, sixty-two percent of Americans polled were in favor of it.⁵ Politicians were ever mindful of these numbers due to it being an election year. Both parties had run with a commitment to civil rights as part of their platform. Senator Everett Dirksen (R-Illinois) reminded senators of this by entreating them, “Were these promises on civil rights but idle words for vote-getting purposes or were they a covenant meant to be kept?”⁶ Gaining steam from Birmingham, 200,000 white and African-Americans joined together on August 28, 1963 in the March on Washington for Jobs and Freedom. Martin Luther King’s

³ Ralph McGill, *CBS News Eyewitness: The American Revolution of '63* (September 2, 1963), from Library of Congress, *The Civil Rights Act of 1964: A Long Struggle for Freedom*, ed. James H. Billington, <https://loc.gov/exhibitcivil-rights-act/multi-media/television-and-Birmingham.html>.

⁴ John F. Kennedy, *The President Faces the Racial Crisis* (June 14, 1963), from Library of Congress, *The Civil Rights Act of 1964*, <https://loc.gov/exhibits/civil-rights-act/multimedia/kennedys-civil-rights-address.html>.

⁵ Victoria Bissell Brown and Timothy J. Shannon, *Going to the Source: The Bedford Reader in American History*, vol. 2 *Since 1865*, 4th ed. (Boston: Bedford/St. Martins, 2016), 244.

⁶ Everett Dirksen, Senate Speech on June 10, 1964, in *Going to the Source*, 261.

vision for a peaceful, integrated society was carried into the hearts and homes of Americans via his televised “I Have a Dream” speech. Anticipating that its impact would be far-reaching, political writers in newspapers gave it lengthy coverage.⁷ To vote against the Kennedy-sponsored civil rights bill would be defying the national mood. President Kennedy had called civil rights “primarily a moral issue. It is as old as the scriptures and is as clear as the American Constitution.”⁸ This resonated with religious leaders across the nation who rallied their local senators to vote in favor of the civil rights bill. Senator Dirksen’s most famous speech, quoting Victor Hugo, summed up the current political climate by calling federal civil rights legislation ending segregation “an idea whose time has come.”⁹

The motives for prioritizing the passage in the Senate of a civil rights act with a strong section banning segregation in public spaces were not only moral and political, they were also pragmatic. The Kennedy administration’s Justice Department had been responding to racial crises case-by-case, and then comprehensively, in hopes of getting local and state governments to enact anti-discrimination laws voluntarily.¹⁰ In his speech on civil rights, Senator Thomas Kuchel (R-California) pointed out, “Every American is aware that discrimination in public accommodations has motivated most of the 2,100 demonstrations which occurred in the last half of 1963.”¹¹ Keeping up with the demand to mediate these crises proved to be a logistical nightmare for Justice Department officials, revealing the need for robust federal legislation guaranteeing citizens’ rights to public services. Kennedy’s successor, Lyndon Johnson, saw the

⁷ James Reston, “‘I Have a Dream...’: Peroration by Dr. King Sums Up a Day the Capital Will Remember,” *New York Times*, August 29, 1963, Late City edition, <https://timesmachine.nytimes.com/timesmachine/1963/08/29/issue.html>.

⁸ Kennedy, *The President Faces the Racial Crisis*, from Library of Congress, *The Civil Rights Act of 1964*, <https://loc.gov/exhibits/civil-rights-act/multimedia/kennedys-civil-rights-address.html>.

⁹ Dirksen, Senate Speech, in *Going to the Source*, 260.

¹⁰ Kenneth T. Andrews and Sarah Gaby, “Local Protest and Federal Policy: The Impact of the Civil Rights Movement on the 1964 Civil Rights Act,” *Sociological Forum* 30, no. S1 (2015): 510.

¹¹ Thomas Kuchel, Senate Speech on March 30, 1964, in *Going to the Source*, 257.

strains of segregation play out in the following every day, raw manner when traveling through southern states: His cook would have to squat to relieve himself on the side of the road and nourish himself with cans of beans while attending Johnson from Washington, D.C. back to his home state of Texas.¹² The humiliations suffered by his African-American coworkers in obtaining basic needs played a significant role in shaping President Johnson's 1964 appeal to Congress for the passage of civil rights legislation honoring the late President Kennedy.

Once this civil rights measure came to the Senate for consideration, President Johnson emphasized the importance of passing it with its stout section on desegregation in public facilities intact.¹³ Pro-civil rights senators understood that this would be the only acceptable solution in direct response to the pleas of the civil rights protestors who had endured so much in making a stand for these freedoms. Southern senators put up a fight against federal legislation mandating the same access to public services for all, but were always challenged on-the-spot by effective counter-arguments from pro-civil rights senators.¹⁴ This tactic resulted in good press and morale for the pro-civil rights camp, helped convince undecided senators of the merits of the legislation, and built momentum towards the bill's passage. Up until the final vote, opponents sought to protect the rights of business owners to conduct themselves as they saw fit. Addressing these concerns, pro-civil rights Senator Kuchel pointed out that a business owner would continue to have the right to establish standards of conduct and dress for patrons of his or her place of business. "But, under the mandate of the Constitution, he would have to apply these same standards to all customers and thus could not deny service to anyone solely because of his race,

¹² Mann, *The Walls of Jericho*, 377.

¹³ John G. Stewart, "Strategy," in *The Civil Rights Act of 1964: The Passage of the Law that Ended Racial Segregation*, ed. Robert D. Loevy (Albany: State University of New York Press, 1997), 196-197.

¹⁴ Robert D. Loevy, *To End All Segregation: The Politics and Passage of the Civil Rights Act of 1964* (Albany: State University of New York Press, 1990), 175.

religion, or national origin. What is wrong with that?” he asked, highlighting the reasonableness of the bill as it pertained to property owner’s rights.¹⁵ Opponents also maintained that the federal government had the right to regulate business only in matters touching interstate commerce. Senator Humphrey (D-Minnesota) countered that a family on a road trip from Washington, D.C. to Miami would surely utilize local businesses for interstate travel, thus making it constitutional for the federal government to issue a law ending segregation in these local establishments.¹⁶

Shrewd maneuvering past obstacles in the Senate proved critical for the passage of the Civil Rights Act of 1964. As soon as the House-strengthened bill arrived, Majority leader Mike Mansfield (D-Montana) steered it clear of the Senate Judiciary Committee through a clever, three-step maneuver. Senator Eastland’s Judiciary Committee had come to be regarded as a burial ground for civil rights measures by routinely stalling them to death.¹⁷ While Senator Mansfield conceded that his tactic was curious, he deemed bringing the bill directly to the Senate floor for consideration vital to its survival. Next, when Senator James Eastland (D-Mississippi) refused to act as floor manager of the bill, Senator Mansfield appointed Senator Hubert Humphrey in his place. Understanding the importance of gaining enough votes for cloture as the means to ending the southern filibuster, Senator Humphrey launched a public relations campaign painting Senator Everett Dirksen as the man of the moment.¹⁸ In a 1964 televised interview for *Meet the Press*, Senator Humphrey lauded Senator Dirksen as a statesman who “thinks of his country before he thinks of his party.”¹⁹ In stroking Senator Dirksen’s ego, he hoped to capture both his vote for cloture and that of a small band of Republicans likely to vote with him. Finally,

¹⁵ Thomas Kuchel, Senate Speech on March 30, 1964, in *Going to the Source*, 257.

¹⁶ Various Senate Speeches from March 10-April 18, 1964, in *Going to the Source*, 255-260.

¹⁷ Loevy, *To End All Segregation*, 167-182

¹⁸ John G. Stewart, “Thoughts on the Civil Rights Bill,” in *The Civil Rights Act of 1964*, 95.

¹⁹ Timothy N. Thurber, *The Politics of Equality: Hubert H. Humphrey and the African American Freedom Struggle* (New York: Columbia University Press, 1999), 130.

at one point during the negotiations with Senator Dirksen, Senator Humphrey slyly staged an outburst and walkout by Senator Joseph Clark (D-Pennsylvania). Senator Dirksen relented after Senator Humphrey pled, “See what pressures I am up against? I can’t concede any more on this point.”²⁰ These cunning tactics ensured that a strong civil rights measure moved forward through the Senate, overcoming barriers and gaining votes for passage along the way.

Pro-civil rights Senators organized tactically to maintain a strong stance and good publicity while maneuvering through one of the lengthiest filibusters on record.²¹ They set up a schedule assuring that their forces were able to make quorum calls. When these same senators failed to do so one Saturday in April, Senator Humphrey warned them that he would “scold them publicly if they were absent again.”²² They tightened up their attendance and he never needed to follow through with this ultimatum. They also selected floor Title Captains dedicated to the debate of their specific title of the bill. Senator Humphrey observed that the astuteness of these senators on their issues gained favorable coverage both for themselves and the legislation, increasing their enthusiasm all the more. Lastly, a Civil Rights Corporal Guard was constructed: This was a troop of pro-civil rights senators who maintained a vigilant, daily presence on the Senate floor, bombarded the opposition unpredictably with questions, and endeavored to stay in control of any stratagems employed by the filibustering senators.²³ These confident tactics, and the overall discipline of the pro-civil rights camp during the Senate’s consideration of the bill, made a positive imprint on many members of the press. Journalist Marjorie Hunter noted that, “Civil rights forces, not to be outdone by the opposition, have thrown up their own well-manned command post in the Senate ... As militarily precise as the Southerners’ three platoon system,

²⁰ Loevy, *To End All Segregation*, 259.

²¹ Brown and Shannon, *Going to the Source*, 246.

²² Thurber, *The Politics of Equality*, 136.

²³ Loevy, *To End All Segregation*, 145-147.

the Humphrey forces are organized down to the last man.”²⁴ They had learned from experience that unified, strategic maneuvers would be required to pass a solid civil rights measure.

Additional tactics employed by pro-civil rights forces fostered bipartisan collaboration, through which the final details of the strategy for successfully halting the southern filibuster surfaced. Each day, a bipartisan newsletter was circulated to rally and unite senators backing the bill. Daily strategy meetings were also conducted, promoting collaboration amongst principal civil rights supporters from both parties. These sessions were attended by Senator Humphrey and his staff, Senator Kuchel and his staff, Title Captains for the bill, Justice Department officials, and representatives from the Leadership Conference for Civil Rights (LCCR) twice a week.²⁵ Clarence Mitchell, lobbying for the LCCR, sent a detailed monthly report of these strategy meetings to the Washington Bureau of National Association for the Advancement for Colored People (NAACP) on March 5, 1964. Within it, he communicates the decision by pro-civil rights leaders not to hold a cloture vote until they were certain they had the two-thirds support required to invoke it. He also spoke to the fact that “It is inconceivable that the Senate will not add some kind of change to the bill.”²⁶ He then revealed the unified conviction that amendments could prove helpful in gaining the necessary votes for cloture, provided they didn’t water down the bill. Finally, the plan was adopted that any amended bill would be cleared with House leaders first, in order to prevent additional filibusters and keep the legislation on track for eventual approval.²⁷

Bipartisan negotiations commenced to amend the bill satisfactorily, thereby securing

²⁴ Marjorie Hunter, “Rights Command Set Up in Senate: Bill’s Backers Match Foes in Battle Organization,” *New York Times*, March 22, 1964, Late City edition, <https://timesmachine.nytimes.com/timesmachine/1964/03/22/issue.html>.

²⁵ Mann, *The Walls of Jericho*, 396-397.

²⁶ Clarence Mitchell, “Monthly Report of the Washington Bureau,” (March 5, 1964), from Library of Congress, *The Civil Rights Act of 1964*, https://loc.gov/exhibits/civil-rights-act/civil-rights-act-of-1964html#obj_166.

²⁷ Robert D. Loevy, “Chronology,” in *The Civil Rights Act of 1964*, 361.

the votes needed from conservative, Republican senators to invoke cloture and obtain final passage. In his office on May 5, 1964, Senator Dirksen dropped a bomb in the form of over seventy separate amendments, mostly touching on the federal enforcement of the bill. Whereas Senator Humphrey had expected to reach a simple agreement between the two sides, with the aid of Justice Department officials, he now recognized the need to embark on a lengthier process of patient, diligent deliberations. Progress came when a Dirksen aide brainstormed the idea that the federal government be granted authority to take action only in places where a “pattern or practice of massive resistance in any geographical area” existed.²⁸ This compromise had the added benefit of motivating local governments to comply with the legislation proactively in order to avoid increased federal intervention.²⁹ Next, an additional amendment from the camp of Senator Hickenlooper (R-Iowa) was adopted, allowing officials in these areas more access to jury trials than originally specified.³⁰ These negotiations resulted in the successful vote for cloture on June 12, 1964. The final bill was passed in the Senate with even more votes on June 19, speedily approved by the House, and sent to President Johnson to be signed into law on July 2, 1964.

Amongst historians, which individuals deserve the most credit for the passage of the Civil Rights Act of 1964 is debated. Historian Robert D. Loevy takes the stance, in *To End All Segregation*, that the key for the passage of the Civil Rights Act of 1964 was Senator Dirksen for his role in obtaining cloture.³¹ Historians Edward L. Schapsmeier and Frederick H. Schapsmeier concur with this conclusion in *Dirksen of Illinois, Senatorial Statesman*,³² as do historians Victoria Brown and Timothy J. Shannon in *Going to the Source*.³³ Historian Robert Mann offers

²⁸ John G. Stewart, “Tactics I,” in *The Civil Rights Act of 1964*, 255.

²⁹ “The Civil Rights Act of 1964,” *Harvard Law Review* 78, no. 3 (1965): 696.

³⁰ Loevy, “Chronology,” in *The Civil Rights Act of 1964*, 360.

³¹ Loevy, *To End All Segregation*, 316.-320.

³² Edward L. Schapsmeier and Frederick H. Schapsmeier, *Dirksen of Illinois: Senatorial Statesman* (Urbana, IL: University of Illinois Press, 1985), 155-159.

³³ Brown and Shannon, *Going to the Source*, 243, 246.

the differing opinion, in *The Walls of Jericho*, that Senator Humphrey deserved the lion's share of the credit for his tireless, outstanding leadership.³⁴ Finally, in *The Politics of Equality*, historian Timothy N. Thurber holds that while Senator Humphrey was undoubtedly an effective floor manager of the bill, the African-Americans who protested for their rights in places such as Birmingham played the most critical role in propelling the bill's passage.³⁵

This student of history argues that specific, categorical actions employed by pro-civil rights forces ensured the bill's passing in the Senate. Both experience from past failures and awareness from current social movements helped them strategize a way to fight and win the battle for its passage. It was a course of action that drew on the strengths and energies of many. Making the most of timely civic support, spotlighting equal access for citizens in public places, executing plans both bold and cunning, and negotiating across party lines proved to be the winning formula in passing the Civil Rights Act of 1964 in the U.S. Senate, approving it in the House, and effectively ending legalized segregation in the United States of America with the stroke of President Johnson's pen.

³⁴ Mann, *The Walls of Jericho*, 428-429.

³⁵ Thurber, *The Politics of Equality*, 147.

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