

House Clears Bipartisan 1964 Bill, 290-130

The House Feb. 10 passed, by a 290-130 roll-call vote, an amended version of HR 7152, the bipartisan civil rights bill. No major amendments were made to the bill, the most sweeping civil rights measure to clear either house of Congress in the 20th Century. It covered voting rights, discrimination in public accommodations, facilities, employment and federally assisted programs, empowered the Attorney General to instigate school desegregation suits and intervene in other civil rights cases, set up a conciliation service and extended the Civil Rights Commission.

Rules Committee Clearance

The House Rules Committee Jan. 30 had voted, 11-4, to clear the bill for House debate and voting under an open rule: after 10 hours of general debate, the bill would be read, title by title, for debate and voting on the proposed amendments.

Voting to clear the bill were six Democrats and five Republicans: Reps. Ray J. Madden (D Ind.), James J. Delaney (D N.Y.), Richard Bolling (D Mo.), Thomas P. O'Neill (D Mass.), B.F. Sisk (D Calif.), John Young (D Texas), Clarence J. Brown (R Ohio), Katharine St. George (R N.Y.), H. Allen Smith (R Calif.), Elmer J. Hoffman (R Ill.) and William H. Avery (R Kan.). Voting against were four Democrats: Chairman Howard W. Smith (Va.), and Reps. William M. Colmer (D Miss.), James W. Trimble (D Ark.) and Carl Elliott (D Ala.).

Debate, Voting

Actual House floor debate took nine days between Jan. 31 and Feb. 10.

Of the 256 House Democrats, 152 (59 percent) voted in favor of the bill and 96 against. (Seven Democrats were absent, and the Speaker normally does not vote.) Northern Democrats supported the bill, 141-4. The dissenters: Lesinski (Mich.), Hull (Mo.), Jones (Mo.) and Baring (Nev.).

Southern Democrats opposed the bill, 11-92. The 11 exceptions: Pepper (Fla.), Perkins (Ky.), Albert, Edmondson and Steed (Okla.), Bass and Fulton (Tenn.), Brooks, Gonzalez, Pickle and Thomas (Texas). On the final House vote, July 2, Rep. Weltner (D Ga.) also voted for the bill.

Of the 177 Republicans, 138 (78 percent) voted for the bill and 34 against. The 34 Republican opponents included twelve Southern Republicans plus Rhodes (Ariz.), Martin, Utt, Clawson, Lipscomb and Smith (Calif.), Gross and Jensen (Iowa), Hutchinson, Johansen, Knox and Meader (Mich.), Hall (Mo.), Battin (Mont.), Beermann (Neb.), Wyman (N.H.), Kilburn (N.Y.), Short (N.D.), Ashbrook (Ohio), Berry (S.D.), Van Pelt (Wis.) and Harrison (Wyo.).

Campaign for Passage

The bipartisan coalition of Republicans and Northern Democrats, led by Judiciary Committee Chairman Emanuel Celler (D N.Y.) and ranking Committee Republican William M. McCulloch (Ohio), which negotiated the provisions of HR 7152 in the Judiciary Committee in 1963, held firm against any major changes. Although a barrage of amendments was proposed, not a single amendment opposed by the bill's managers was adopted.

A major factor in holding supporters in line on key amendments was the carefully formulated campaign of the amendments was the carefully formulated campaign of the legislative and lobby groups behind the bill. (See p. 27).

By contrast, the Southern Democrats appeared to enter the battle with minimal organization and little gusto for the fight. At no time during the debate did the Southerners demonstrate the indignation that marked their 1963 struggle against a much lesser bill, the measure extending the Civil Rights Commission for a single year.

The Southerners repeatedly expressed concern about the cohesiveness of the bipartisan coalition working in behalf of the bill. "It is unfortunate that we see an agreement between the Republican leadership over here and the Democratic leadership over there to pass through this House every last bad provision that is in this bill, of which there are hundreds," Rep. Jamie L. Whitten (D Miss.) said Feb. 5.

In all, 122 amendments, applying to all of the bill's titles, were disposed of during debate on the bill. Of these, 28 were accepted, most of them technical in nature but a few of some significance.

One amendment restricted somewhat the 14th Amendment application of the public accommodations section; another cut back the life of the Civil Rights Commission from a permanent extension to four years; another required 30 days' notice to Congress before administrative agencies could cut off federal funds from programs practicing discrimination. Two amendments tended to widen the scope of the bill, one of them adding discrimination in employment because of sex to the list of prohibited practices and another reinstating the provision for a Community Relations Service included in the original Administration bill but dropped in Committee.

Ninety-four amendments were rejected, many of them Southern attempts to weaken the bill.

Threat to Coalition

One incident threatened to disturb the firm coalition between the Northern Democrats and Republicans. This occurred Feb. 7 when Rep. Oren Harris (D Ark.) offered an amendment to cut back Title VI, the section requiring an end to discrimination in all federally financed programs. Harris proposed substitution of an earlier, discretionary title suggested but then discarded as too weak by the Kennedy Administration. Republicans backing the bill became alarmed when House Democratic Whip Hale Boggs (La.) rose to support the Harris amendment, saying it would be "a far cry from the granting of sweeping authority (to cut off federal funds) contained in Title VI." No Republicans had been informed that Harris would offer his amendment or that Boggs, a member of the Democratic House leadership, would support it.

Most Republican leaders were off the floor in a strategy session when Boggs spoke but Rep. John V. Lindsay (R N.Y.) was present and rose to suggest that the Harris amendment was "the biggest mousetrap that had been offered since the debate on this bill began." Lindsay charged the amendment would "gut" an important title. "I am appalled that this is being supported in the well of the House by the Majority Whip.... Does this mean there is a cave-in in this important title?"

Rep. James Roosevelt (D Calif.) answered that there was no "cave-in." McCulloch, after hastily conferring with Celler, took a microphone to announce that if the amendment passed, "I regret to say that my individual support of the legislation will come to an end." Celler then announced he was "unalterably opposed to the amendment" and it was rejected, 80-206, on a teller vote. Later, though Boggs -- Congressman from New Orleans -- denied he had been speaking for anyone but himself in backing the Harris amendment, suspicious Republicans said his move might have been the first in a possible series of maneuvers to weaken the bill so that it could escape an all-out Southern filibuster in the Senate.

McCulloch had repeatedly assured House Republicans that he would not ask them to "walk the plank" by voting for highly controversial public accommodations, fair employment and federal funds titles of the bill -- and then see these provisions "traded away" in the Senate. McCulloch Jan. 15 had said in testimony before the Rules Committee that "my head is still bloodied from that battle in 1957" when House Republicans, with his support, voted for a strong "title III" authority only to see it removed in the Senate. He said he would "not be a party" to a repeat performance in 1964.

After passage of the bill House Republican sources made it clear that if the Senate deleted controversial titles from the bill, McCulloch and other influential House Republicans might withdraw their support of the measure, thus jeopardizing final approval. The apparent reasoning was that the Administration could not take the political risk of having no bill at all passed, and thus would use its influence to prevent any major weakening of the bill in the Senate.

In addition to the vote on passage, the House took a roll-call vote late Saturday, Feb. 8. It was demanded by Republicans who were anxious to get out of Washington to attend GOP dinners honoring Lincoln's Birthday, and who resented Democratic leaders' plans to adjourn until Monday, Feb. 10, rather than try to complete consideration of the bill late Feb. 8. A motion by Celler that the House suspend consideration of the bill for the night was sustained by a standing vote, a teller vote, and a roll-call vote of 220-175.

GENERAL DEBATE

Jan. 31 -- In presenting the rule for debate on the bill, Ray J. Madden (D Ind.) said HR 7152 was the first major legislation with provisions "almost identical with the platforms of the two major parties in the immediately preceding Presidential election."

Brown, ranking Republican on the Rules Committee, appealed to Members to "conduct this debate on so high a plane that we can at least say to our children and grandchildren, we participated in one of the great debates of modern American history and we did it as statesmen and not as quarreling individuals."

Colmer urged House conservatives, "particularly some of my Republican brethren," to recognize that "power would be given not only to the President and to the Attorney General, but more than that, given to every bureaucrat in the executive department to cut off all federal aid from your hometown, from your county, and from your state."

Celler said enactment of the bill "will shine in our history....It will bring happiness to 20 million of our

people....Civil rights must no longer be merely a beautiful conversation of sweet phrases and pretty sentiments. Civil rights must be the woof and the warp of the life of the nation."

McCulloch said that "not force or fear,...but the belief in the inherent equality of man induces me to support this legislation....No one would suggest that the Negro receives equality of treatment and opportunity in many fields of activity today....Hundreds of thousands of citizens are denied the basic right to vote. Thousands of school districts remain segregated. Decent hotel and eating accommodations frequently lie hundreds of miles apart for the Negro traveler....These and many more such conditions point the way toward the need for additional legislation....This bill is comprehensive in scope, yet moderate in application. It is hedged about with effective administrative and legal safeguards."

Edwin E. Willis (D La.) warned that the bill was "the most drastic and far-reaching proposal and grab for power ever to be reported out of a committee of the Congress."

Feb. 1 -- Celler and McCulloch both denied Southern charges that they had agreed to oppose every amendment to the bill.

Smith (D Va.) said "the only hearings that were ever held on this bill were held, over the protest of a great many people, before the Committee on Rules. Apparently, nobody who favored this bill wanted the people to know what was in it" or what it "proposes to do for 90 percent of the people of this country whose liberties are being infringed upon....What we are considering now is a...monstrosity of unknown origin and unknown parentage (substituted) for the President's bill....If we have to pass some bill, let us pass something with at least some sense to it, such as the original (Kennedy) bill."

Charles McC. Mathias Jr. (R Md.) said the bill was good but the need for it was "hateful."

ACTION ON BILL'S PROVISIONS

Provisions of each of the titles of HR 7152 and House action on them are summarized below.

Title I -- Voting Rights. In voting for federal elections, bar unequal application of voting registration requirements, denial of the right to vote because of errors or omissions on records of applications, if not material in determining voter eligibility, and the use of literacy tests not taken in writing, unless the applicant requests and state law permits oral literacy tests. Make a sixth-grade education a rebuttable presumption of literacy. Authorize the Attorney General to request three-judge federal courts to hear voting rights suits and direct federal courts to expedite voting suits.

ACTION -- The House Feb. 3 accepted, by a 134-98 teller vote, an amendment by Rep. Richard H. Poff (R Va.) to give defendants the same right as the Attorney General to request a three-judge federal court.

A Howard Smith amendment to apply the voting rights guarantees only to exclusively federal elections was rejected by a 55-155 standing vote. The bill's supporters pointed out that a state would then be able to exempt itself from the voting rights guarantees simply by including one non-federal office on the ballot.

A Willis proposal to eliminate the three-judge federal court provision, which the bill's sponsors counted on to speed final decisions in voting rights suits, was defeated by a 125-176 teller vote. An amendment by Basil

(Continued on p. 47)

INTENSIVE LOBBYING MARKED HOUSE CIVIL RIGHTS DEBATE

The bipartisan civil rights bill which passed the House Feb. 10, 1964, was the subject of some of the most intensive and effective behind-the-scenes lobbying in modern legislative history. The overwhelming 290-130 margin by which the House approved the bill, the most sweeping civil rights measure to clear either house of Congress in the 20th Century, testified to the superior resources and talent the civil rights forces threw into the struggle.

This Fact Sheet reviews the lobbying organization and tactics of all major organizations which had an interest in the bill, plus the strategy of the groups of Congressmen supporting and opposing it. (For review of actual floor action, votes on amendments, etc., see p. 42-43, 47-50).

Backers of the Bill

Organizations. All major organizations backing the bill participated through the Leadership Conference on Civil Rights, which was first formed in 1949 to pull together the efforts of all groups interested in pushing for civil rights legislation. The Conference also mobilized support for the 1957 and 1960 civil rights laws. The Leadership Conference started in 1949 with 20 participating groups and in 1964 had 79. It has a permanent Washington office, directed by Arnold Aronson, secretary of the Conference. Marvin Kaplan, on leave from the Industrial Unions Department of the AFL-CIO, is the Conference's associate director. Violet Gunther, formerly of Americans for Democratic Action, is legislative consultant. During the House battle on the civil rights bill the Conference set up a special office in the Congressional Hotel, adjacent to the House Office Buildings.

Literally thousands of persons associated with the groups in the Leadership Conference poured into Washington for the debate on HR 7152. Listed below are the major groups, and, where available, names of the leaders from those groups which headed their effort on House passage of the bill:

Civil Rights Groups -- the National Assn. for the Advancement of Colored People (Clarence Mitchell); National Urban League (James Johnson); Congress of Racial Equality (Marvin Rich); Southern Christian Leadership Conference (the Rev. Walter E. Fauntroy); Student Non-Violent Coordinating Committee (William Higgs); Negro American Labor Council (A. Philip Randolph).

Labor Unions -- AFL-CIO (Andrew Biemiller, legislative director, aided by Jack Beidler); Industrial Union Department of AFL-CIO (Jack Conway, close associate of Walter Reuther of the UAW); Amalgamated Meat Cutters & Butcher Workers (Arnold Mayer); International Union of Electrical, Radio & Machine Workers (Edward Rovner); United Automobile Workers (Dan Bedell, Frank Wallich, William Oliver); United Steelworkers of America (John Sheehan, Francis Shane); Brotherhood of Sleeping Car Porters (Randolph); International Ladies Garment Workers Union (Evelyn Dubrow); National Alliance of Postal

Employees (Ashby Smith); Retail, Wholesale and Department Store Union; State, County and Municipal Employees (Steven Wexler); Textile Workers Union; American Newspaper Guild; Rubberworkers, Packinghouse Workers and United Transport Service Employees of America; Amalgamated Clothing Workers (Jane O'Grady).

Church Groups -- National Council of Churches of Christ in America (James Hamilton); National Catholic Conference for Interracial Justice (Fr. Richard McSorley of Georgetown University); National (Jewish) Community Relations Advisory Council (Aronson); Friends Committee on National Legislation (Richard Taylor); American Jewish Committee (Roy Millenson), Anti-Defamation League of B'nai B'rith; American Jewish Congress; United Synagogue of America; National Council of Jewish Women (Olya Margolin); Christian Methodist Episcopal Church; Protestant Episcopal Church; the Presbyterian Church (Benjamin Sissel); Council for Christian Social Action of the United Church of Christ; AME Zion Church; the National Baptist Convention; Unitarian Universalist Fellowship for Social Justice (Robert Jones); Union of American Hebrew Congregations (Rabbi Richard Hirsch); National Student Christian Federation.

Other Groups -- Americans for Democratic Action (Joseph Rauh, David Cohen); Jewish War Veterans (Felix Putterman); American Veterans Committee (Arnold Feldman); National Bar Assn.; National Medical Assn.; National Beauty Culturists League Inc.; National Newspaper Publishers Assn.; American Civil Liberties Union (Lawrence Speiser); Japanese-American Citizens League (Mike Masaoka); Women's International League for Peace and Freedom (Anna Lee Stewart).

The key "leadership group" within the Leadership Conference, present in the House galleries throughout the debate, consisted of Mitchell (NAACP), Conway and Biemiller (AFL-CIO), Rauh (ADA) and Hamilton (Council of Churches).

Democratic Members. The floor manager for the bill was Judiciary Chairman Emanuel Celler (D N.Y.), who was assisted by Judiciary Committee members James C. Corman (D Calif.), Byron G. Rogers (D Colo.), Peter W. Rodino Jr. (D N.J.) and others. Celler drew his major staff backing from counsel William R. Foley and Ben Zelenko.

The major organized Democratic support for the bill was provided by the liberally oriented Democratic Study Group, which has about 125 members. The DSG set up a special 22-man civil rights steering committee, headed by Rep. Richard Bolling (D Mo.), which maintained liaison with the Justice Department on the bill from early summer on. (Bolling Nov. 25 was also named chairman of a new DSG Campaign Committee to raise funds for liberal Democratic candidates in the 1964 elections. Republicans backing the civil rights bill were reportedly concerned by the close connections between the DSG's civil rights activities, which were closely tied to those of the Leadership Conference, and its enlarged plans in the field of campaign financing.)

How Supporters "Got out the Vote" on Key Amendments

Convinced that with proper planning they could produce the votes to beat back crippling Southern amendments during the prolonged House debate and off-the-record voting on amendments, the Leadership Conference decided on a multi-pronged strategy.

First, it was decided to keep careful tabs on every Member who might reasonably be expected to back the bill. As the public galleries opened before each day's House session, in poured numerous representatives of the various Leadership Conference organizations which had come to Washington for the debate. Each one of these persons had a specific responsibility: to watch a certain number (4 or 5) of Congressmen, record their attendance and mark down their votes on all proposed amendments. Under this system, suggested by Clarence Mitchell of the NAACP, an effort was made to pair each "watcher" with Congressmen he knew personally, so that he could also call them off the floor to ask their support on important votes. Frequently, however, the gallery "spotters" had not previously met the Congressmen they were to cover.

When a spotter in the gallery saw that one of the Congressmen he was to watch was off the floor too long, a telephone call would be placed to the central headquarters of the Leadership Conference in the nearby Congressional Hotel. At the hotel, a master chart of office locations in both House office buildings was maintained. The civil rights groups had sought out a friendly Congressman on each floor and arranged to have two representatives stationed at a telephone in his office. Whenever a useful Member's absence on the floor was reported, a call would go to the civil rights workers on his floor. Immediately, a visit would be paid to the truant's office to urge him to be present in the House Chamber.

Helping the DSG develop research materials and legislative tactics on the bill was a staff of four permanent and several part-time workers headed by William Phillips. Through Bolling, the DSG spearheaded the effort to force the bill out of the Rules Committee by a discharge petition. When the bill finally reached the floor, Bolling was present at all times along with Rep. Frank Thompson Jr. (D N.J.), the DSG whip. The regular Democratic party whip system did not function during debate on the bill. Rep. Hale Boggs (D La.) is the Democratic Whip.

Justice Department. Deputy Attorney General Nicholas deB. Katzenbach and Burke Marshall, head of the Justice Department's Civil Rights Division, were present in the House gallery throughout debate on HR 7152 and served as key Administration liaison men with the bill's backers. They were assisted by several Justice Department attorneys including William O. Geoghegan, Joseph F. Dolan and David B. Filvaroff, all aides to Katzenbach.

Whenever a crisis arose over an amendment during House debate, a signal would be made from one of the two DSG leaders on the floor -- Thompson or Bolling -- and the Justice Department and Leadership Conference leaders in the galleries would come down for a strategy session off the floor. Sometimes these strategy confer-

ences were held in the Speaker's office. The group worked closely with Judiciary Chairman Celler and occasionally with Republican supporters of the bill. Before the House convened each day, a basic strategy and planning meeting was held in Thompson's office. Most frequent participants at these meetings were Mitchell, Biemiller, Conway, Rauh, Thompson, Bolling and a White House representative -- either Lawrence O'Brien, the President's special assistant on Congressional relations, or Charles Daly of his office staff. Neither church groups nor Republicans were included in these conferences. The church groups, however, were included in daily conferences earlier in the morning which were open to all the groups within the Leadership Conference.

Persons associated with Negro civil rights groups, labor unions and church groups all participated in the buttonholing of Congressmen. When union agents contacted Members about their attendance or actual votes on the floor they had a powerful weapon: the record of past or promise of future union help, both in money and manpower, in election campaigns. But union agents were steered clear of the offices of Republicans or Democrats they had opposed in past elections. In large measure the calling on Republicans was done by church representatives.

About halfway through House debate, the system of calling on Members in their offices to get them back to the floor was largely dropped, both because over-all attendance was good and because some Members had expressed resentment over the close control. Supplementing and eventually replacing the system of agents in the House office buildings was the successful "buddy system" the DSG had first worked out in 1963 voting on the foreign aid authorization bill. Under the direction of Rep. Thompson, each of 20 DSG members was responsible for keeping track of five or six other Members, regarding both attendance and voting. The system worked well, reducing substantially the need for regular DSG whip calls.

In addition, the DSG stationed men at the head of the teller line on the House floor to see if Members voted. Thus careful attendance and voting records, checked both from the galleries and the floor, could be kept on all Members. Some Congressmen reportedly expressed resentment about the close floor teller control system, but Speaker John W. McCormack, who had taken exception to the system when it was first used in 1963, was now reported to be in favor of it. Original authors of the system were two freshmen, Reps. Neil Staebler (D Mich.) and Donald M. Fraser (D Minn.).

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Republican Members. Rep. William M. McCulloch (R Ohio), ranking minority member of the Judiciary Committee, led the Republican rights forces, aided by Judiciary members John V. Lindsay (R N.Y.), Charles McC. Mathias (R Md.), Clark MacGregor (R Minn.) and others.

McCulloch's chief staff support was furnished by William H. Copenhaver, minority counsel for the Judiciary Committee, and Robert Kimball, who carried out the legislative and research functions of a group known as the Republican Legislative Research Assn. The RLRA was

1964 House Action - 5

formed in 1962 under the chairmanship of Charles P. Taft of Cincinnati, Ohio to aid Republican House Members' fights for more minority staffing and the like. Copenhagen and Kimball were the two Republican staff men who actually sat down in October with Katzenbach and Marshall of the Justice Department to negotiate the specific points of the bipartisan bill.

McCulloch kept his close associate, Minority Leader Charles A. Halleck (R Ind.), well informed on all operations -- and in return received Halleck's general support, though Halleck was present on the House floor for little of the debate and participated in few of the standing and teller votes.

McCulloch conferred fairly frequently with the Justice Department on strategy for the bill, but the relationship between the Republicans and the civil rights and labor groups was at arm's length. Direct consultations with the Leadership Conference were usually carried on by Lindsay, Mathias and MacGregor.

The Opposition

Organizations. The Coordinating Committee for Fundamental American Freedoms, a group formed in 1963 for the express purpose of defeating the bill, provided the only organized lobby opposition to it. Chairman of the group was William Loeb, publisher of the Manchester (N.H.) Union-Leader; secretary-treasurer was John C. Satterfield, former president of the American Bar Assn. and an adviser to former Mississippi Gov. Ross Barnett; director was John J. Synon, a public relations man and director of Americans for Constitutional Action. A major portion of the group's funds had been furnished by the Mississippi Sovereignty Commission, a state agency, partly tax-supported, created to preserve racial segregation. The major effort of the American Freedoms group was channeled into a public relations program against the bill. A substantial amount of material was placed in Mountain State, Midwestern and upper New England newspapers attacking the various titles of the measure. In addition, Congressmen and Washington press bureaus received the same type of release. The group kept two staff men at the Rules Committee hearings and had representatives on hand to witness the debate on the House floor. But it took little day-to-day action in actually rounding up votes for weakening amendments or against the bill.

Significantly missing from the list of active opponents were major business groups which might, under other circumstances, have considered portions of the bill a danger to their independent business operations. Influenced heavily by powerful national businessmen who had a greater interest in the tax bill and other legislation, such groups as the National Assn. of Manufacturers and the Chamber of Commerce busied themselves elsewhere and played no significant role in the civil rights struggle. Had these business groups decided to fight portions of the bill, the conservative Republican House Leadership -- men like Halleck, Republican Whip Leslie C. Arends (Ill.) and Republican Policy Committee Chairman John W. Byrnes (Wis.) -- might have shied off from key titles or even refused backing to a bill as sweeping as the one passed. (The House Republican Policy Committee never met to consider the bill.)

Democratic Members. The Southern Democratic effort to defeat the bill was low-toned. Chief legislative strategist was Rep. Edwin E. Willis (D La.), ranking Southerner on the Judiciary Committee. Both he and Rules Committee Chairman Howard W. Smith (D Va.), another chief Southern spokesman, proposed numerous amendments to weaken the bill. But neither launched the type of all-out attack typical of Southern efforts in earlier years. Unlike the Republicans and Northern Democrats, the Southerners had no staff on hand to help them on the House floor during debate.

About 60 Southern Democrats showed up Jan. 30 for an initial 1964 caucus of the Southern group which was first formed in 1948 to fight civil rights legislation. Rep. Joe D. Waggoner Jr. (D La.) took the initiative in getting the group to meet in 1963, but the meeting was chaired by Rep. William M. Colmer (D Miss.), its head since the group was first organized. This Southern caucus did not meet again during the debate on the bill, however. Informal strategy sessions were held subsequently, but nothing to compare with the GOP-Northern Democratic effort.

A whip system sponsored by the Southern caucus and headed by Rep. Thomas G. Abernethy (D Miss.) was in apparent disarray, functioning only a few times during the entire debate.

Among other Southern Democrats who took a prominent role in the House fight against the bill were Reps. Basil L. Whitener (D N.C.), Jamie L. Whitten (D Miss.), Paul C. Jones (D Mo.), William M. Tuck (D Va.) and Oren Harris (D Ark.).

Republican Members. Ironically, while McCulloch was successfully persuading the overwhelming majority of House Republicans to support the bill, the new Southern wing of the GOP was providing some of the most effective opposition to the bill in floor debate. Reps. William C. Cramer (R Fla.) and Richard H. Poff (R Va.), both articulate Judiciary Committee members, offered numerous amendments to modify or curtail parts of the bill. A few were actually approved. The Southern Republicans received spotty assistance from a few Northerners.

Costs

Estimates vary widely on the amount of money that was invested in the House civil rights bill fight by lobbies and special legislative organs like the DSG. Spokesmen for the Leadership Conference profess to have no idea of how much their constituent groups spent, saying expenses would have come out of each group's budget. But the travel and 10 days' hotel expenses of well over a thousand persons from virtually every state of the Union must have been substantial. In addition, the DSG itself has a four-man permanent staff and other part-time helpers who worked most of the time for several months on the civil rights project. (DSG spokesmen insist their 1964 campaign fund was kept separate from their expenditures on the civil rights fight.) The Republican projects, while much smaller in scale, also involved expenses.

On the opposition side, the lobby report of the Coordinating Committee for Fundamental American Freedoms showed it disbursed \$133,000 between its formation in August 1963 and Dec. 31, 1963.

(Continued from p. 43)

L. Whitener (D N.C.) to delete all of the voting rights title except for the three-judge federal court provision was defeated by a 50-124 standing vote. The House Feb. 3 and 4 also rejected, by substantial margins, six other Southern amendments to weaken or nullify the title.

Title II -- Public Accommodations. Bar discrimination on grounds of race, color, religion or national origin in any public accommodation enumerated below, if discrimination or segregation in such an accommodation is "supported" by state laws or action, if lodgings are provided to transient guests or interstate travelers are served or if a substantial portion of the goods sold or entertainment presented moves in interstate commerce. Covered were restaurants, cafeterias, lunch rooms, lunch counters, soda fountains, gasoline stations, motion picture houses, theaters, concert halls, sports arenas, stadiums, or any hotel, motel or lodging house except owner-occupied units with five or less rooms for rent (the so-called "Mrs. Murphy" clause). Not specifically covered: barber shops, retail stores, places of amusement such as bowling alleys, or bona fide private clubs. But any establishment within or containing an accommodation otherwise covered was brought under the terms of the title. Thus, a store with a lunch counter would be covered.

Permit anyone denied access to the accommodations covered to sue in court for preventive relief through civil injunction, and authorize the Attorney General to bring such a suit if the purposes of the title would be "materially furthered" by such action.

ACTION -- The managers of the bill Feb. 5 agreed to three amendments to the title. The first, offered by Rep. Charles E. Goodell (R N.Y.), changed the definition of discrimination "supported" by state action, i.e., covered by the 14th Amendment. The bill as reported defined such discrimination as that which is "carried on under color of any law, statute, ordinance, regulation, custom or usage; or is required, fostered, or encouraged by action of a state or a political subdivision thereof." Opponents said the language would stretch the 14th Amendment so far as to virtually equate private discrimination with state action. Goodell's amendment changed the definition to discrimination which "is carried on under the color of any law, statute, ordinance or regulation; or is carried on under color of any custom or usage fostered, required or enforced by officials of the state or political subdivision thereof, or is required or fostered by action of a state or political subdivision thereof." Before custom or usage would be defined as state-supported, and thus illegal under the act, Goodell said, there would "have to be some kind of action, some kind of activity, by an official of a state or of a political subdivision of the state."

Willis then offered an amendment to the Goodell amendment twice striking from it the word "fostered," leaving only the words "required" or "enforced" by the state. This as well as the Goodell amendment was accepted by voice vote. Justice Department officials were reported as believing the Goodell-Willis amendment would not limit legal action under the title.

By a 55-117 standing vote the House rejected an amendment by Robert L.F. Sikes (D Fla.) to delete language forbidding any person to deny another the right of access to public accommodations guaranteed by the title or to use intimidation, threats or punishments to deny another such rights.

The managers of the bill, however, agreed to a Willis amendment deleting a phrase which stated that no one shall "incite or aid or abet any person" to deprive anyone of the rights established by the title. Action was by voice vote. Southerners argued that such language would "abolish freedom of speech" and amount to "thought-control" because a federal judge could subject an editor who persisted in attacking the ban on discrimination to court contempt proceedings.

By a 93-165 standing vote the House Feb. 4 rejected a Willis amendment to cover only those hotels and motels which predominantly provide lodging to interstate travelers, striking the broader language specifying just "transient guests." Opponents said the amendment would destroy the effectiveness of the section because of the difficulty travelers would face in determining what establishment provided lodging predominantly to interstate guests.

The House Feb. 5 turned down, on a 70-123 standing vote, a Poff amendment to exclude from coverage establishments covered only because they were located in a covered facility. A Colmer amendment to exempt all barbers and beauticians was rejected on a 69-114 standing vote.

A substitute Title II proposed by Rep. George Meader (R Mich.), which banned only discrimination in hotels, motels, restaurants or gasoline stations situated or advertised adjacent to an interstate or primary highway, was rejected by a standing vote of 68-153. Opponents said it covered only 7 percent of U.S. roads. A "last chance amendment" by Walter Rogers (D Texas) to strike the entire title was rejected by a 63-144 standing vote. Thirteen other amendments to dilute the impact of the title were also rejected.

Title III -- Public Facilities, Intervention in Civil Rights Suits. Upon written complaint of aggrieved individuals, permit Justice Department suits to secure desegregation of state or locally owned, operated or managed public facilities when the Attorney General certifies that the aggrieved persons are unable to initiate or maintain appropriate legal proceedings because of financial limitations or potential economic or other injury to themselves or their families.

Also, permit the Attorney General to intervene in already filed suits in the federal courts where persons have alleged deprivation of equal protection of the laws on account of race, color, religion or national origin. (This section was not limited to public facility cases.)

ACTION -- By a 47-122 standing vote the House Feb. 6 rejected an amendment by Rep. Edwin E. Willis (D La.) to delete the entire section permitting the Attorney General to intervene in equal protection suits. Willis attacked the provision as "a real 'lulu' of a 'sleeper'." Rep. John V. Lindsay (R N.Y.), however, said the Attorney General's right to intervene was limited to cases based on equal protection because of race, color, religion or national origin. "The proposal begins as a compromise," he said, pointing out that the controversial Title III that was deleted from the 1957 civil rights bill would have allowed the Attorney General to instigate, as well as intervene in, civil rights suits and had not been limited to cases involving race, color, religion or national origin. Pleading the case for the intervention section, Celler said: "Why should not the Attorney General have the power of intervening in a case of a poor, lonely Negro who has been deprived of his constitutional rights, on the educational

level, on the political level, on the housing level, on any level?"

The House also rejected, on a 131-156 teller vote, an amendment by Robert T. Ashmore (D S.C.) to apply to both parts of the title the jury trial provision of the 1957 Civil Rights Act. That provision gave defendants who refused to comply with court orders and were then subject to criminal contempt proceedings the right to request a jury trial if the sentence for contempt was imprisonment for 45 days or more or a fine of \$300 or more. Ashmore argued that both the voting rights (Title I) and public accommodations (Title II) portions of the bill contained jury trial guarantees and that they ought logically to be applied to public facility or general equal protection cases as well. Jacob H. Gilbert (D N.Y.) replied that jury trial provisions were written into the public accommodations title because an essentially "new right" was being created, while Title III involved "the enforcement of existing constitutional rights." Also, he said, unlike Title II, defendants in actions under Title III would normally be public officials who have a sworn duty to uphold the Constitution. Celler said there was no constitutional right to a trial by jury in contempt proceedings and that it had been accorded in voting rights and public accommodations titles "as a matter of grace, not as a matter of right."

Title IV -- Public Education. Require the U.S. Office of Education to report within two years on progress of school desegregation at all levels; authorize the Office to give technical and financial assistance, if requested, to local school systems in the process of desegregation, both through grants and loans; authorize the Attorney General to file suit for the desegregation of schools and colleges if he receives signed complaints and certifies that the aggrieved individuals are unable to initiate or maintain proper legal proceedings because of financial limitations or potential economic or other injury to themselves or their families.

ACTION -- The House Feb. 6 accepted by voice vote an amendment by William C. Cramer (R Fla.) to make it clear that the desegregation to be fostered would not mean pupil assignment "to overcome racial imbalance." It rejected, also by voice vote, an amendment by Joe D. Waggoner Jr. (D La.) to delete all of the title except the desegregation study and report of the Commissioner of Education.

Title V -- Civil Rights Commission. Extend the Commission on Civil Rights for four years and broaden its powers so that it may function as a national clearing house on civil rights information. Also give the Commission authority to investigate allegations that citizens "are unlawfully being accorded or denied the right to vote, or to have their votes properly counted" in any federal election "as a result of any patterns or practice of fraud or discrimination in the conduct of such election."

ACTION -- By voice vote and without debate the House Feb. 6 agreed to an amendment by Byron G. Rogers (D Colo.), a Judiciary Committee member and one of the floor managers of the bill, to reduce from a permanent extension to four years (ending April 1, 1968) the life of the Commission. The impetus for the amendment reportedly came from the Justice Department. Republicans, who had argued in 1963 hearings for a permanent extension to ensure the Commission's independence from the White House and Justice Department, offered no objections. Lack of GOP response was attributed to adverse publicity the

Commission received when the Commission's Utah advisory committee sent a questionnaire to college fraternities and sororities about their membership policies, as well as a developing feeling in Republican ranks that even a permanent extension of the Commission would not ensure its independence from the Executive.

By voice vote the House accepted a Willis amendment to prevent the Commission from investigating membership practices or the internal operations of fraternal organizations, fraternities, sororities, private clubs and religious organizations. First, however, Willis accepted substitute language suggested by George Meader (R Mich.) which struck "civic organizations" from the list of exempted groups.

Title VI -- Federal Programs. Require each federal department or agency extending financial assistance to any program or activity through grants, loans or most kinds of contracts to take steps to prevent any program from excluding persons from benefits because of race, color or national origin. Agencies must first seek voluntary compliance, but if it is not forthcoming, may cut off federal funds to discriminatory programs. Such action shall be subject to judicial review on applications of persons, state or local governments whose funds are cut off.

ACTION -- By a standing vote of 129-21 the House Feb. 7 adopted a Willis amendment, assented to by both Celler and McCulloch, to require federal agencies to give Congress at least 30 days' notice before actually cutting off funds to a discriminatory program. Robert W. Kastenmeier (D Wis.) objected that the Willis amendment was "obviously an open invitation to every committee chairman from the South to call on the carpet every agency head or department head who has the temerity to file a report with him cutting out funds for any area in his state."

By voice vote the House accepted a Celler amendment specifically to exempt contracts of insurance or guarantee -- Federal Deposit Insurance Corp., Federal Housing Administration insurance programs and the like -- from the anti-discrimination requirements of the title. In debate, Celler also made it clear that the title did not cover any direct Government payments to individuals (Social Security, veterans' benefits, etc.).

Following a brief, sharp debate in which Republicans charged but Democrats denied there might be a "cave-in" in the bipartisan coalition stand against weakening amendments, the House by an 80-206 teller vote rejected an amendment by Oren Harris (D Ark.) to substitute the text of Title VI of the original Administration bill. Later discarded by the Administration, the earlier Title VI language would have repealed "separate-but-equal" provisions of existing federal grant programs and given Government administrators discretionary but not mandatory authority to sever the flow of funds to discriminatory programs.

By a teller vote of 82-179 the House also rejected an amendment, offered by Basil L. Whitener (D N.C.), to delete the entire title.

In debate on Title VI, Southerners claimed that it was loosely drawn, with no precise definition of what constituted "discrimination" and what did not. D.R. (Billy) Matthews (D Fla.) said it was a "let the little children suffer title" because funds to programs benefitting children might be cut off. John James Flynt Jr. (D Ga.) said the title would "place dictatorial power into the hands of a nameless and faceless employee of the many federal agencies in our Government charged with the

administration of programs which benefit every section of the United States," Albert Rains (D Ala.), chairman of the Banking and Currency Housing Subcommittee, warned that the title would "curb and curtail the President's (housing) program. It is headed for trouble just a few weeks ahead." Rains recalled that the 1961 Housing Act passed the House by a margin of 18 votes and suggested that the margin might vanish if Title VI were on the statute books. He said the title would affect urban renewal, college dormitories, nursing homes and other projects benefitted by the bills reported from his Subcommittee.

Defending the title, Celler said that "as a matter of simple justice, federal funds, to which taxpayers contribute, ought not to be expended to support or foster discriminatory practices.... The toll of the 'separate but equal' principle begins at birth. In the segregated hospital, built with federal funds, the chances of survival of a Negro infant or of a Negro mother giving birth in the limited and inadequate facilities provided to their race, are significantly lower than for whites."

Lindsay said that many Members had consistently voted against anti-discrimination riders to various bills because they claimed such provisions should come up as separate legislation at another time. "That time is here, that time is now, and this is that separate legislation," Lindsay said.

Title VII -- Fair Employment. Establish a five-member Equal Employment Opportunity Commission with powers to prevent and eliminate discrimination in employment based on race, color, sex, religion or national origin on the part of employers, employment agencies or labor unions. First year coverage (to begin one year after enactment of the bill) would apply to firms with 100 or more employees or labor unions with 100 or more members, with coverage gradually extended, after the third year, to all firms or unions with 25 employees or members. Exempt religious groups, private clubs and state governments and their subdivisions but not the U.S. Employment Service and federally aided state and local employment services. Authorize the Commission, upon receiving sworn complaints, to investigate and first seek compliance with fair employment practices through the use of "informal methods of conference, conciliations and persuasion." If those fail, the Commission could seek an injunction in federal court to force compliance. It would have no enforcement authority itself.

ACTION -- The House Feb. 8 accepted by a 168-133 teller vote an amendment by Howard W. Smith (D Va.) prohibiting discrimination in employment due to sex. "It is indisputable fact that all throughout industry women are discriminated against and that just generally speaking they do not get as high compensation for their work as do the majority sex," Smith said. Several women Members rose to join Smith in his fight for the amendment. Martha W. Griffiths (D Mich.) said that under the bill as reported, "you are going to have white men in one bracket, you are going to try to take colored men and colored women and give them equal employment rights, and down at the bottom of the list is going to be a white woman with no rights at all.... White women will be last at the hiring gate.... A vote against this amendment today by a white man is a vote against his wife, or his widow, or his daughter, or his sister." Katharine St. George (R N.Y.) suggested that the amendment would "simply correct something that goes back, frankly, to the dark ages.... The addition of

that little, terrifying word, 's-e-x' will not hurt this legislation in any way." The only woman Member to oppose the amendment was Edith Green (D Ore.), who said, "I do not believe this is the time or the place for this amendment." Celler and Lindsay also called it inopportune. No substantive arguments were offered against the amendment, however.

By voice votes the House accepted a Celler amendment to strike apparently redundant language giving the President authority he already had to stop discrimination in federal employment and by federal contractors and an amendment by Graham Purcell (D Texas) to permit church-affiliated schools and colleges to fill any positions on their staffs without regard to the bill's proscription of discrimination based on a person's religion. By a standing vote of 137-98 the House accepted an amendment by John M. Ashbrook (R Ohio) to permit discrimination in employment against atheists. An amendment permitting employers to turn down applicants because they are Communists was approved by voice vote Feb. 10 after the bill's sponsors pointed out that discrimination based on political allegiance was not prohibited by the bill anyway.

By a standing vote of 107-31 the House approved a Willis amendment to slow down application of the bill to firms and unions. Under the amendment the bill would cover those with 75 (instead of 50) employees or members in the second year and firms or unions with 50 employees or members (instead of 25) in the third year, and 25 persons thereafter.

In addition, numerous perfecting amendments -- worked out with the cooperation of both majority and minority members of the Education and Labor Committee who had first drafted the legislation incorporated in the title -- were offered and accepted.

The House rejected, however, a long series of Southern-backed amendments offered Feb. 8 and 10. An amendment by John Bell Williams (D Miss.) to permit firms to advertise for job applicants of a certain race, color or national origin, otherwise prohibited by the bill, was rejected on a 70-108 standing vote. An amendment by John Dowdy (D Texas) to prohibit employment discrimination based on age was rejected on a 94-123 standing vote. One by Phil M. Landrum (D Ga.) to strike the entire title was voted down on a 90-150 standing vote. Robert L.F. Sikes (D Fla.) proposed terminating the Equal Employment Opportunity Commission on Sept. 30, 1968, but this was rejected on an 86-131 standing vote.

By a 142-161 teller vote the House rejected a Cramer (R Fla.) amendment to stop the Commission from exercising jurisdiction in any state or locality which has its own laws against discriminatory employment practices unless a formal hearing has been held and the Commission makes an express finding that the state laws are not being enforced in such a way as to achieve the fair employment goals of the title.

A "right-to-work" amendment by Joe D. Waggoner Jr. (D La.), making it unlawful to deny a person work because of his membership or nonmembership in a labor organization, was rejected by a 58-155 standing vote.

An amendment by Robert P. Griffin (R Mich.) to restrict the effect of the sex amendment was rejected by voice vote. Griffin proposed that no complaint alleging unfair employment practices because of sex be considered unless the aggrieved person certified that his or her spouse was currently unemployed.

Arguing against the entire title, Richard H. Poff (R Va.) said it would be a departure from the American free

enterprise system. "The Federal Government, through its administrators, commissioners, investigators, lawyers and judges" would deprive both employers and employees of the "freedom to manage their own affairs," he said. Poff predicted that the title, if it became law, "will be as bitterly resented and equally as abortive as was the 18th Amendment" (on prohibition). He challenged the constitutionality of the title under either the commerce clause or the 14th Amendment.

James Roosevelt (D Calif.) said adoption of the title would mean "that those discriminated against will be able to financially enjoy or afford the rights given them in such titles as public accommodations.... Our country by this title will be able to develop and enjoy potential skills, a pool of manpower that we need in our battle to make our free enterprise system work and survive." Roosevelt said the title was the fruit of bipartisan effort by members of the Education and Labor and Judiciary Committees. He named specifically Education and Labor Chairman Adam C. Powell (D N.Y.), Celler, McCulloch, Peter W. Rodino Jr. (D N.J.), James C. Corman (D Calif.), Lindsay, Charles McC. Mathias Jr. (R Md.), James G. O'Hara (D Mich.), Thomas P. Gill (D Hawaii), Charles E. Goodell (R N.Y.), Griffin and Robert Taft Jr. (R Ohio).

Title VIII -- Registration and Voting Statistics. Require the Census Bureau to gather registration and voting statistics based on race, color and national origin in such areas and to the extent recommended by the Civil Rights Commission, both on primary and general elections to the U.S. House since 1960. Require such information on a nationwide scale in connection with the 1970 Census.

(Information garnered from such Census reports conceivably could be used as the basis for reducing U.S. House representation of states that discriminate against voting applicants because of race, as permitted under a section of the 14th Amendment.)

ACTION -- By a standing vote of 83-137 the House Feb. 10 rejected a substitute title suggested by William M. Tuck (D Va.). Tuck's amendment would have required a national Census study on registration and voting statistics by race, color and national origin, but not given the Civil Rights Commission any power to recommend its area or scope.

Title IX -- Removal of Civil Rights Cases. Make reviewable in higher federal courts the action of federal courts in remanding a civil rights case to state courts. (Under existing law, such a federal court order was not reviewable and the case had to be disposed of in the state courts before it could again be appealed to the federal courts.)

ACTION -- An amendment by Tuck to delete the title was rejected on a standing vote, 76-118.

Tuck argued that the title was "an insult to every U.S. district judge in America" and to each state's judiciary. "The obvious purpose," he said, "is simply to bypass and impede the processes of justice in our state courts." Robert W. Kastenmeier (D Wis.) replied that the title was intended simply to "extend the possibility of appeal," especially in "cases involving such community hostility that a fair trial in state or local courts is unlikely or impossible."

(New) Title X -- Community Relations Service. Create a Community Relations Service within the Commerce Department to aid communities in resolving disputes relating to discriminatory practices based on race, color or national origin. Authorize the Service to offer its services either on its own accord or in response to a request from a state or local official or other interested person. Limit its staff to a director and six aides.

ACTION -- This title was not in the bill as reported to the floor. By voice vote, it was added Feb. 10 on the motion of Robert T. Ashmore (D S.C.). A similar provision had appeared in the original Administration civil rights bill, except that the Administration had not recommended placing it within the Commerce Department and suggested no ceiling on the size of the staff.

Title XI -- Miscellaneous. Provide that nothing in the law shall restrict existing powers of the Attorney General or other Government agencies; authorize appropriation of whatever sums are necessary to carry out the Act; provide that if one section of the Act is held invalid, the remainder of the Act shall not be affected thereby; the Act does not preempt and thus nullify state civil rights laws unless those laws are inconsistent with the purposes of the Act.

ACTION -- The preemption amendment, accepted Feb. 10 by voice vote, was offered by George Meader (R Mich.), who accepted perfecting language suggested by Mathias. "This bill is so sweeping, covering so many facets of civil rights problems," Meader said, "that unless we adopt language such as that proposed, the 32 states that have public accommodation laws, the 26 that have FEPC laws, and others that may have laws with regard to education and those that may have laws with regard to public facilities may have their civil rights laws held invalid."

Before moving to passage of the bill the House rejected, on a 20-130 standing vote, an amendment by Thomas G. Abernethy (D Miss.) to create 500 new federal judgeships and authorize up to \$100 million for jails to "incarcerate" persons found guilty under the Act.

The House also rejected, on voice votes, a Sikes amendment to prevent any money from being spent to enforce the Act and a Waggoner amendment to require that it be submitted to a national referendum before taking effect.