AGENDA
Conference of Democratic Civil Rights Floor Leaders

1) Importance of exact count on Morse motion.

2) Senator Randolph has informed the leadership that if the Morse motion is delayed until late this week or early next, his doctor may allow him to be wheeled into the Senate Chamber on a reclining stretcher-chair to vote. The value of Senator Randolph's generous offer to proponents of the bill might well be immeasurable, not only in terms of publicity and drama but in terms of psychological forces in the Senate as well. It is suggested that if possible the vote on this motion be delayed until Senator Randolph is permitted by his doctor to make this trip, and to preserve its dramatic impact it should be kept in the highest measure of secrecy.

March 16, 1964
Monday, March 16, 1964, 10:30 a.m.


Present are Deputy Attorney General Nicholas deB. Katzenbach and Assistant Attorney General for Civil Rights Burke Marshall; John Stewart, Legislative Assistant to Senator Humphrey; Stephen Horn, Legislative Assistant to Senator Kuchel; Kenneth Teasdale, Assistant Counsel, Senate Democratic Policy Committee; and Andrew Biemiller, Director, Department of Legislation, National AFL-CIO.

A discussion occurs on checking up on the views of the Midwest and Mountain State Republican senators and whether or not they will switch to provide a vote on cloture. The Department of Justice will be briefing Senators Cotton and Hruska. The need is to check the importance of the beef legislation on the Midwest and Mountain State Republicans. Stewart feels that the issue is not simply beef, but also the need to pass the Seneca Indian bill.

Horn notes that the Seneca legislation affects Senators Javits and Keating. Schwartz has indicated that Senator Clark also has an interest in it.

Biemiller suggests that we get the Morse motion out of the way before 3,000 building trades' delegates arrive in Washington and put the heat on bringing up the Humphrey-Kuchel/Davis-Bacon fringe benefit bill.

Teasdale feels we should shoot for Friday to secure a vote on the Morse motion and let them talk in the meantime.

Stewart is convinced that we would be making a mistake if we attempted to cut off debate too soon.

Katzenbach points out that there is also a railroad crisis. He believes that if railroad legislation must be passed, there is no way to hold the Civil Rights Bill on the floor.

Teasdale indicates that the schedule for the Senate will be 11 a.m. to 8 p.m. this week.


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These dates and times have been chosen on the basis of the information previously submitted by each Senator on dates his services would be available. It is assumed that each Senator will assume the responsibility for obtaining a replacement if a conflict in schedule subsequently arises.

Mike Mansfield
Hubert H. Humphrey
Monday, March 16, 1964, 12:15 p.m.

Conversation between Robert Kimball, Legislative Assistant to Representative John V. Lindsay (R-NY), and Stephen Horn, Legislative Assistant to Senator Kuchel.

Kimball reports that Representative McCulloch is getting progressively worried. He claims that they would lose 25 percent of the votes they had if a vote were now to occur in the House on the Civil Rights legislation. The Ohio delegation is up in arms over the Yellow Springs situation.

I ask Kimball to sit down with Senator Kuchel and fill him in on McCulloch's role. I feel that Kuchel should call McCulloch once in a while.

Monday, March 16, 1964, 3 p.m.

Telephone conversation between Stephen Kurzman, Legislative Assistant to Senator Javits, and Stephen Horn, Legislative Assistant to Senator Kuchel.

Kurzman mentions his concern over Russell's proposal for resettlement of Negroes. It sounds like Jews being moved under Nazi orders, and he would put it in the newsletter. My reaction is that that is a little harsh and will be counterproductive.

Monday, March 16, 1964, 4:45 p.m.

Conversation between Robert Kutak, Administrative Assistant to Senator Hruska, and Stephen Horn, Legislative Assistant to Senator Kuchel.

Kutak reports that the House will not do anything on the beef amendment. If Midwesterners vote against the Morse referral motion, then Mansfield will say that the Republicans killed the beef legislation. At the last minute, Hruska would vote for referral.

By referral, the feeling is that pressure will be put on the Democratic leadership to secure passage of the beef measure. If it is passed, Johnson would veto it. Kutak feels "the prairies are burning" on the issue. Johnson would be dead in Texas with such a veto.

He feels that Hruska showed his true colors in voting against Russell to place the Civil Rights Act on the Senate calendar. The bill was put aside for Humphrey on wheat; why can't it be put aside for the Republicans on beef?

Earlier Horn talked to George Stafford, Administrative Assistant to Senator Frank Carlson (R-Kans.), and Carlson is against referral. It would put Mansfield off the hook; it's phony. He feels that beef could have been added to the cotton and wheat bill. Charlie Weaver, Legislative Assistant to Senator George Aiken (R-Vt.), will check with Aiken. Bailey Guard, Administrative Assistant to Senator John Sherman Cooper (R-Ky.), indicates that Cooper is against referral. Don Chang, Legislative Assistant to Senator Hiram Fong (R-Hawaii), claims that Fong is against referral. Allen E. Pritchard, Jr., Administrative Assistant to Senator James B. Pearson (R-Kans.), checked with Pearson and it was the first that he had heard of the issue. Stanley R. Browne, Administrative Assistant to Senator Jack Miller (R-Iowa), believes that Miller will probably be against referral.
Monday, March 16, 1964, p.m.

Meeting in the Capitol S-118, the Office of the Senate Democratic Policy Committee. Present for the Democrats are John Stewart, Legislative Assistant to Senator Humphrey, accompanied by Raymond Wolfinger, APSA Congressional Fellow in the Office of Senator Humphrey; Jerry Grinstein, Chief Counsel, Senate Committee on Commerce (representing Senator Magnuson); Harry Schwartz, Legislative Assistant to Senator Clark; Howard Shuman, Administrative Assistant to Senator Douglas; and William Welsh, Administrative Assistant to Senator Hart. Present for the Republicans are Stephen Horn, Legislative Assistant to Senator Kuchel, accompanied by Robert Loey, APSA Congressional Fellow in the Office of Senator Kuchel; Frances Henderson, Executive Secretary to Senator Clifford Case; and Stephen Kurzman, Legislative Assistant to Senator Javits.

Stewart wonders if we should show the documentary "Black Like Me" to members of the Senate and their staffs.

Horn suggests that we first preview it and then think out the plusses and the minusses.

Grinstein wisely suggests that we could bill it as "Ellender in Africa—or Black Like Me," a double-feature. [Allen J. Ellender (D-La.) is the much traveled, third-ranking member of the Senate Committee on Appropriations.]

Kurzman raises the resettlement proposal of Senator Russell. He suggests that we wait to see how the newspapers play with it.

Welsh wonders what we have found out concerning the beef amendment.

Horn suggests that there are seven Republicans who are a possible switch. He worries about Democratic Leader Mansfield and the vote switches which will occur on that side.

Stewart will talk to representatives of the National Council of Churches re the Education section. He notes that Senators Humphrey and Thurmond will have a TV debate on Wednesday night.

Horn cites the various public accommodation laws which are on the books in Midwestern states and suggests that there should not be much trouble from the Republican Midwest and Mountain State people on Title II.

Welsh observes that one border state senator has expressed worry about the Hot Lunch cut-off.

Horn believes the choices are: Should we just shut off the school if there is a discriminatory violation or do we shut off the program for the whole state, or do we shut off-all-of the program?

Wolfinger indicates that Grinstein and he agree that the editorials in favor of the public accommodations proposals offered by the Senate Committee on Commerce should be put in the Congressional Record.
AGENDA
Conference of Senate Democratic Civil Rights Floor Leaders

I. The vote on the Morse motion to commit.

II. The developments with respect to a possible nationwide railroad strike.

III. Getting some understanding from Senator Russell on when we can vote on the motion to take up the bill.

March 17, 1964
Tuesday, March 17, 1964, 10:30 a.m.

Meeting of "the Conference of Senate Democratic Civil Rights Floor Leaders" [as they describe themselves on the agenda; it is our regular bipartisan coordination meeting] in the Office of Senate [Democratic] Majority Whip, S-309, of the Capitol.

Present are Senators Joseph Clark, Philip Hart, and Hubert Humphrey (who arrived at 11 a.m.) for the Democrats and Thomas H. Kuchel for the Republicans. Staff members present are John Stewart, Legislative Assistant to Senator Humphrey, accompanied by Raymond Wolfinger, APSA Congressional Fellow in the Office of Senator Humphrey; Charles Ferris, Counsel to the Senate Democratic Policy Committee; Jerry Grinstein, Chief Counsel, Senate Committee on Commerce; Harry Schwartz, Legislative Assistant to Senator Clark; William Welsh, Administrative Assistant to Senator Hart; and Stephen Horn, Legislative Assistant to Senator Kuchel. Also present are Deputy Attorney General Nicholas deB. Katzenbach and Assistant Attorney General for Civil Rights Burke Marshall.

Kuchel feels that it is very hard to get a count.

Clark would do our own poll instead of relying on Frank Valeo (Secretary to the [Democratic] Majority, successor to Bobby Baker).

Horn suggests that while it is none of his business, he thinks the problem is with Mansfield. Clark adds that "we are simply more devious." Stewart points out that the Southerners will each make two speeches.

Clark promises to get a nose count.

Kuchel wants the high and low estimates.

Katzenbach points out that the cotton and wheat bill is a problem and wonders if Russell can control that bill.

Kuchel indicates that the wheat and cotton legislation will go to conference since it is a privileged matter.

Ferris indicates that the quorum call took 67 minutes to complete and the 15 Republican senators answered on time, but the Democrats were lagging. Senate President Pro Tempore Carl Hayden was aroused out of his bed.

Kuchel (as he leaves for the Senate at 10:55 a.m.) says, "I'll sneak around in the pool halls and find out what is going on."

Clark (saying goodbye to Kuchel) says, "Leave your spy [Horn] here."

Ferris feels that we have a real problem in meeting evening quorum calls.

Welsh would encourage the Sargeant-at-Arms to do something since we need more Democrats to answer the quorums.
At 11 a.m., Senator Humphrey enters and Clark tells him of our desire to take our own nose count. That is vetoed by Humphrey, who feels it would irritate Mansfield. Humphrey advises that we cancel some of the pro-Civil Rights speeches and get the outside people to put the heat on the laggards. He would notify all that we won't leave until 9:30 p.m., tonight, and that tomorrow we won't leave earlier than 10 or 10:30 p.m. "Their duty is to be here. I could be away for speeches for 40 years with 50 invitations a day and I might be if you don't watch it." [Laughter.] Humphrey urges the staff to get duty lists out. He urges the senators to mix it up with the opposition. He indicates that Abe Ribicoff (D-Conn.) wants to talk on Title VI. Again Humphrey stresses that "the senators' duty is to be here and they have to realize that it's not glamorous, but get the outside groups on them."
Tuesday, March 17, 1964, 12 noon

Meeting of William Copenhaver, Minority Counsel to House Committee on the Judiciary (representing Representative William McCulloch); Robert Kimball, Legislative Assistant to John V. Lindsay; and Stephen Horn, Legislative Assistant to Senator Kuchel.

Copenhaver believes that he has a Republican package which the House could accept. He would include state and federal elections in Title I; he would extend the Fourteenth Amendment to Title II; he would add due process to Title III; he would strike the requirements for findings on Title IV; he would give the Civil Rights Commission an indefinite extension and put the Community Relations Service under the Civil Rights Commission in Title V; he would include individual right to sue under Title VI; he would phase firms with 100-50-25 employees into Title VII over a three-year period; he would permit the Census Bureau to go into all the districts under Title VIII; and he would permit appeals and remands under Title IX.

Tuesday, March 17, 1964, 12:30 p.m.

Luncheon of Republican Civil Rights staff. Present are Stephen Horn, Legislative Assistant to Senator Kuchel; Stephen Kurzman, Legislative Assistant to Senator Javits; Patricia Connell, Counsel to Senator Keating; Bailey Guard, Administrative Assistant, and Mr. Maury Wolf of the Office of Senator Cooper; Don Chang, Legislative Assistant to Senator Pong; Robert Kutak, Administrative Assistant to Senator Hruska; Frances Henderson, Executive Secretary to Senator Case; William Copenhaver, Minority Counsel, House Committee on the Judiciary; Robert Kimball, Legislative Assistant to Representative John V. Lindsay; and Kenneth Roberts, Press and Legislative Assistant to Norris Cotton (R-N.H.).

After Copenhaver describes some of the antics of Southern sheriffs arresting Negroes in churches based on allegations by white citizens' councils, Kutak points out that a 10-day reference to Senate Judiciary would be a mockery since Finance will not be through with the beef legislation.

Kimball feels that Joe Rauh is completely untrustworthy; Roy Wilkins he finds supportive, but McCulloch was double-crossed by a telegram he wrote. He finds Clarence Mitchell trustworthy, but weak. He notes that there will be an April 7th dinner by the United Automobile Workers which will honor both Celler and McCulloch. Kimball feels the good guys whom we can trust include the Southern Christian Leadership Conference; Martin Luther King; SNICK; Jim Hamilton of the National Conference of Churches; Dick Taylor of the FRIENDS; Larry Spicer of the ACLU; and Bill Higgs, a white Liberal from Mississippi. As for the crowd from Justice, Nick Katzenbach does smile a lot. As for the press, he did work with Tony Lewis and Charlie Bartlett. Henderson interjects that given some-of Lewis' stories, he should be on the Department of Justice payroll.
Kimball concludes his run-down by suggesting that we insist on unity because we will be getting a lot of lip-service.

Horn raises the question of packaging a group of amendments versus offering a series of single amendments. He suggests that our respective leaders meet and reach agreement on this.

Henderson advocates putting together a package since she believes it would result in better press attention.

Horn mentions the newsletter issued by the bipartisan leadership and urges that items be forwarded for inclusion.

Kurzman is concerned about the Russell plan on resettlement since it sounds like the days of Japanese relocation.

After the meeting, Kimball suggests to Horn that we bolster McCulloch's position by establishing some direct communication between Kuchel and McCulloch.

At 2:50 p.m., Horn chats with Jack Steele of Scripps Howard on civil rights and tells him that the Civil Rights mail is going 4 to 1 against the legislation. Horn finds hate and confusion in the mail based on the Satterfield editorial re federal power.

At 5:30 p.m., Horn walks in at the tail-end of the meeting of the bipartisan staff. They had not decided anything. Some were inhibited by the presence of the three Dirksen assistants (Clyde Flynn, Neal Kennedy, and Bernard J. Waters). I told the bipartisan group to relax since Dirksen's assistants do not know what Dirksen wants either and they are just as inhibited as the rest.

At 6 p.m., Horn told Senator Kuchel that the bipartisan staff is receptive to a package of amendments. He said, "Don't play around with Title II at all. Dirksen will be with us after an honorable licking." Kuchel then adds, "After we do the editing on the speeches, we'll worry about Civil Rights and the national interest tomorrow afternoon."
Meeting in the Office of Senate [Democratic] Majority Whip, S-309, of the Capitol. Present are Senators Philip A. Hart (D-Mich.) and Joseph S. Clark (D-Pa.); John Stewart, Legislative Assistant to Senator Humphrey; Raymond Wolfinger, APSA Congressional Fellow assigned to the Office of Senator Humphrey; Stephen Horn, Legislative Assistant to Senator Kuchel; Jerry Grinstein, Chief Counsel, Senate Committee on Commerce, representing Senator Magnuson; Harry Schwartz, Legislative Assistant to Senator Clark; William Welsh, Administrative Assistant to Senator Hart; and Charles Perris, Counsel, Senate Democratic Policy Committee. Non-Senate member present, Nicholas deB. Katzenbach, Deputy Attorney General.

As the meeting opens, Katzenbach is burning from an Evans-Novak column. He makes a classic comment: "Evans and Novak, a middle-class Drew Pearson." He indicates that everyone is surprised at the cloture talk on the motion to take up.

Horn feels there is an underestimation of the Southerners who are playing for time. "They want to get us in a vise between the two party conventions."

Grinstein agrees with Horn.

Katzenbach feels that Senator Dirksen's best position would be to report back the House bill, reserving the right to amend it on the floor of the Senate.

Clark counts nine votes in Judiciary for the bill. There are four filibusters on the committee plus Dirksen and Hruska. He thinks Mansfield's motion to send the legislation to committee for testimony only is "a silly gesture."

Katzenbach wonders what happens if there are no meetings of Judiciary.

Horn responds that the bill then comes back to the Senate floor if there has been a proper instruction.

Welsh recalls that in 1960, the late Senator Tom Hennings (D-Mo.) filed a minority report, and Senator Eastland (D-Miss.) returned a one-line minority report pursuant to the order of the Senate.

Clark muses that there is "no committee bill of rights in Judiciary!"

Katzenbach thinks that we should talk to Senator Morse on the form of his motion.

Hart would reference the bill to the Judiciary Committee providing that the bill be returned to the Senate.
Clark understands that Senator Mansfield will follow a different procedure than he did on the Mundt wheat credit for the Soviet Union legislation. No report was filed in the Committee on Banking and Currency. The bill was reported back with a "Do Pass." The decision was won in committee by a vote of 8 to 7. Horn would have one or two senators speak up on the grounds that they will only vote for reference to the committee if the committee has witnesses, considers amendments, and reports on the bill. But they will not vote for reference if it is a simple farce. The problem is how narrow you can make the instructions to the committee.

Hart replies that the Senate can make the instructions as specific as it wants.

Clark recalls that 75 senators signed on the dotted line in the days of the 12 willful men. The Anderson round-robin on the cloture rule change is another example. He is sure that we could get nine senators to sign a letter.

Katzenbach thinks it would be very hard to get tough in the Judiciary Committee since Eastland runs the Committee well and firmly.

Hart observes that if the motion to reference the bill to committee prevails, then Eastland would have hearings.

Katzenbach agrees with that assessment.

Clark recalls that Senator Humphrey had vetoed having a nose count and wonders if that position has changed.

Ferris replies, "Not yet."

Hart cannot see how Senator Morse has the votes.

Grinstein comments that "when you do not have responsibility for the party, all you have left is to do a nose count."

Welsh does not think there is any truth to the cloture story.

Katzenbach suggests that the Senate adjourn and then it would have to go through the morning hour.

Ferris reports that Senators Clark, Humphrey, and Javits have already used their two speeches.

Katzenbach believes it is self-defeating for the Southerners to irritate other senators.

Ferris suggests that we start talking about the farce of not having the bill up before the Senate.
Wednesday, March 18, 1964, 12:20 p.m.

Senator Thomas H. Kuchel to Stephen Horn, Legislative Assistant to Senator Kuchel.

Kuchel reports that Democratic Leader Mansfield is thinking of cloture but he has abandoned it. Kuchel told him he vigorously objected to cloture at this point.

Wednesday, March 18, 1964, 12:30 p.m.

Milton Eisenberg, Administrative Assistant to Senator Keating, to Stephen Horn, Legislative Assistant to Senator Kuchel.

Eisenberg has Roy Millenson [in 1964, a lobbyist; in 1965, Minority Clerk on Senate Labor and Public Welfare--appointed by Javits] in the office. He reports that the Southerners will probably make their move when the beef import restriction is up for action in the Senate. He believes that our position should be that the Republicans will support cloture at any time. However, he agrees that the chances of winning would be improved if we waited five or six weeks for a vote on cloture.

Horn points out: "My cynical mind tells me that this might be a Lyndon Johnson attempt to embarrass the Republicans since we would be shy the 25 votes the GOP needs to deliver for cloture. Those votes will be available five or six weeks from now, but not if the vote is held now. An early cloture vote which does not succeed will be a real set back for civil rights."
Wednesday, March 18, 1964, 2 to 4 p.m.

Meeting of the Senate bipartisan staff with representatives of the Leadership Conference on Civil Rights in Room 1318, New Senate Office Building.

Present for the Democrats are John Stewart, Legislative Assistant to Senator Humphrey; Harry Schwartz, Legislative Assistant to Senator Clark; William Welsh, Administrative Assistant to Senator Hart; and Charles Ferris, Counsel, and Kenneth Teasdale, Assistant Counsel, Senate Democratic Policy Committee. Present for the Republicans are Stephen Horn, Legislative Assistant to Senator Kuchel; Patricia Connell, Counsel to Senator Keating; Milton Eisenberg, Administrative Assistant to Senator Keating. Present for the Leadership Conference on Civil Rights are Joseph Rauh, Washington attorney; Clarence Mitchell, Director, Washington office, NAACP; Andrew Biemiller, Director, Department of Legislation, National AFL-CIO; Jack Conway, Director, Steel Workers International; Bill Higgins, representative of SNICK; Mr. Clark of the Postal Alliance; Jay Clayman of the Industrial Union Department, AFL-CIO; David Cohen, Legislative Representative for the Americans for Democratic Action; Herman Edelsberg; Evelyn Dubrow, Legislative Representative, International Ladies Garment Workers Union; Larry Spicer, Washington representative, American Civil Liberties Union; Arnold Mayer, Legislative Representative, Butchers Union; Mike Masaoka, Washington representative, Japanese-American Citizens League; Miss Gordon, American Nursing Association; Ruth Kingman, People's Lobby, Berkeley, California; and Joseph F. Dolan, Assistant Deputy Attorney General—Legal, Department of Justice.

Horn and Stewart brief the group on the current status of the parliamentary situation in the Senate. They emphasize that there is no foundation for cloture at this point. Horn stresses the need for bipartisan cooperation.

Schwartz adds that "we are persuaded that the House bill as passed is a terrifically good bill. Senator Clark is interested in keeping close to a notion of consensus and clearing various amendments."

Eisenberg echoes the sentiments but is concerned about some aspects of the substance. Senator Keating is bothered by the weakening of Title I which occurred in the House. The temporary referees are out and there is no coverage of state elections and no provision for enforcing the second section of the Fourteenth Amendment. Keating has not yet decided whether he will offer strengthening amendments.

Connell adds to Eisenberg's comments [perhaps too much] by indicating that we are working with the House people on the matter. Senator Stennis' speech in defending the Coordinating Committee on Fundamental American Freedom was generally ineffective.

Mitchell praises the fact that we got a quorum last Saturday and that a magnificent job was done by Senator Keating.
Welsh sees a disaster in going to conference committee if we had amendments which the House would object to. He notes that we need 67 percent of the Democrats and 67 percent of the Republicans to invoke cloture.

Teasedale adds that there is a certain amount of politicking in the Senate. We will have a vote for cloture and that is an important vote. Seven to eight senators have to get the message from home. We need to get the church people to write to their senators.

Ferris notes that if the committee can get the bill as it passed the House then we will be doing well. He does not think we can get more out of the committee than that.

Joe Dolan indicates that the Johnson Administration's view will be expressed by the representative of the Democratic senators.

Rauh reports that he met with Roy Wilkins [Chairman of the NAACP] in New York City yesterday and he believes that time is working in our favor. He is convinced that a month or two hence we will win: "The President has assured us that we will win." He recalls that the Leadership Conference's efforts to secure 50 signatures on a discharge petition certainly pushed the measure in the House.

There is a discussion as to when the first vote might occur in the Senate. A suggestion is made for Tuesday, March 31st, or Wednesday, April 1st. Dubrow would avoid April Fool's Day.

In response to a question as to where to concentrate the efforts, Horn urges that the Leadership Conference involve Midwestern church leaders in working on Midwestern senators.

Biemiller wonders what is the immediate objective.

Rauh feels that "time is working in our favor." He is worried about various speeches being made that unless we do something now and get cloture, we will lose momentum.

Biemiller comments that the previous meeting was to get a discharge petition but he is leery of getting people [labor lobbyists] here with nothing to do.

Stewart feels it is too early to get them here.

Conway assures the group that his top leaders are ready to come any time they are needed.

Higgs agrees that an important emphasis should be placed on the church groups. He feels that the civil rights groups associated with the various demonstrations need to develop a nationwide letter-writing effort in order to answer the confusion that is coming into Congressional offices.
Clark of the Postal Alliance supports that.

Mitchell agrees with Horn in bringing in various Midwest church leaders. He urges his colleagues not to pay much attention to the newspapers. He thinks organizational coordination is important: "If fifty Negroes came, the newspapers would say they are overrunning the town."

Clayman adds that "we will need to pick ourselves up every two weeks or so."

Cohen asks about the Morse referral motion.

Horn does not agree that time is on our side. "As we get close to the two political conventions, there will be various appropriation bills on the calendar awaiting action. The Southerners are saving their fire. I think we have to start tightening the screws and amending the journal."

Edelsberg believes Mansfield should have had an agreement with Russell before he acted.

Stewart: "If we can get an agreement, okay. But we can't."

Ferris informs the group that an amendment to the journal is a privileged motion.

Stewart: "If you want to strike Title II, Russell would probably agree to set the matter for debate. The key is to get the quorum calls met in a timely manner."

Welsh wonders what would be the objective of getting various leaders to come in from around the country. Would it be to persuade 51 senators that the country wants a majority to meet the quorum calls in 20 minutes?

Dubrow agrees with a comment of Horn: to concentrate on the bill's purpose rather than on the quorum calls.

Mitchell thinks our immediate objective must be to meet the quorum calls.

Peggy recalls that the December 4th meeting got her to send out several hundred telegrams: "If the head of my organization says it as a result of such a meeting, then it helps."

Spicer wonders if amendments will be offered to the House-passed bill. He is particularly concerned about the atheist provision in the House-passed measure and wonders if the Liberal Republicans will have pushed for amendment to that section.

Mitchell indicates that an agreement has been made to consider amendments on their merits and that there will be bipartisan support for them as well as clearance with the bipartisan House leadership for the Civil Rights Bill.
Stewart adds that it is very difficult to determine House acceptability for some of the Senate amendments.

Horn believes that it is premature to discuss amendments since we are still studying them. He notes that Senator Kuchel has a particular concern with regard to strengthening Title I on voting and Title III to include power comparable to the 1957 proposal of the Eisenhower Administration. He stresses that Representative McCulloch does not want a weaker bill. He believes that it would be a big mistake if the Leadership Conference said that there were to be no amendments to the House-passed bill. He points out the historic rivalry of the two co-equal bodies and notes that the Senate cannot be prevented from working its will. Again he stresses that it would be a mistake to say, "No amendments." He adds that Senators Kuchel, Cooper, Javits, Case, Keating, Beall, and Fong are all for strong civil rights legislation.

Teasdale remarks that any meeting between two senators will be interpreted as a move for cloture.

Ferris stresses that the Southerners are not weak. He does not believe that anyone should start a stampede for amendments until they are cleared by the bipartisan leadership. He is wary of all amendments "by osmosis from Mansfield."

Eisenberg does not want any impression left that the House-passed bill is an ideal bill. It is a moderate bill and strengthening amendments will be offered. We need to set the stage for the future in civil rights fights. If we give the impression that this bill is the millennium, then we are undermining our position in future fights on behalf of civil rights.

Biemiller feels that Representative McCulloch has played an honorable role. But even if Celler and McCulloch agreed, you still need eight members of the Rules Committee in the House ready to call a Rules Committee meeting just to accept changes that the Senate makes in the House-passed bill.

Welsh urges that we distinguish between the desirability of discussing strengthening amendments and the setting off of fervor and a chain reaction of agitation for them. He is worried about the escalating of the bill beyond a consensus.

Edelsberg believes that it is unrealistic to expect that the Senate will be more tender to atheists than the House.

Masaoka: "If I were a Southerner, I'd vote for strengthening amendments."

Higgs, however, is convinced that the strengthening amendments will give us a strong position from which to bargain.

Miss Gordon of the American Nursing Association believes that we need to tell the grassroots that this is a moderate bill and not a radical bill.
Mitchell worries about the exchange where Russell would have children bussed back and forth. He notes that on April 22nd there will be $7.50/person dinner to honor Representatives Celler and McCulloch. If the Morse motion is lost, Morse will then help fight for the substance of the bill.

Mayer of the Butchers Union reports that Senators Milton Young (R-N.D.) is for the Morse motion, Ralph Yarbrough (D-Tex.) is borderline, and Calib Boggs (R-Del.) is against the motion.

Edelsberg adds that Senator Peter Dominick (R-Colo.) is against the Morse motion.

Spicer reports that Senator Ernest Gruening (D-Alaska) is for the Morse motion; Senators Vance Hartke (D-Ind.) and Daniel Brewster (D-Md.) are against. Symington (D-Mo.) has made no commitment. As for the Republicans, Senators Pearson (Kansas), Hruska (Nebraska), and Miller (Iowa) are all against the Morse motion.

Higgs adds that Winston Prouty (R-Vt.) is on the fence; Gale McGee (D-Wyo.) is against.

Ruth Kingman reports that Democratic Senators Bible and Cannon of Nevada are uncertain.

Mayer confirms what Horn had said. He called the Cattlemen on Friday and they said that they had no stand on civil rights, and he suggests that the Western Republican Senators for civil rights and beef make a statement.

Walter __________ notes an April 28th Interfaith Group meeting.

Biemiller quotes a Rocky Mountain senator asking: "What are you doing to educate people in my state?"

Higgs comments that in Mississippi it is a crime to receive surplus food. One can get three years for throwing rocks at cars, and the Republicans are being outlawed.
Wednesday, March 18, 1964, 4:32 p.m.  

Attorney Jack Hansen of Ukiah, California, talks with Stephen Horn, Legislative Assistant to Senator Kuchel, to indicate that he favors Senator Russell's amendment on voluntary relocation and feels Kuchel should consider it since "if you permit people to relocate where they are happier, they are better off!" The disturbances in the San Francisco area bother him.

Wednesday, March 18, 1964

Notes of Stephen Horn, Legislative Assistant to Senator Kuchel: "Walked on the Senate floor after a brief bipartisan staff meeting on Civil Rights. Senators Curtis (R-Nebr.) and Scott (R-Pa.) are working over Poor [B. Everett] Jordan [(D-N.C.), Chairman, Senate Committee on Rules and Administration] on Bobby Baker. They had him cold on calling further witnesses. Joe 'Congressional Reform' Clark was defending Jordan and the Committee procedures. I told Burkett Van Kirk, the Minority Counsel on Senate Rules and Administration, that he should have Curtis say to Clark: 'I am glad to know that the Senator from Pennsylvania has joined the Establishment.' Van Kirk said that he did not have the courage. I told him that it would bring down the house. Later when I saw Clark's Legislative Assistant, Harry Schwartz, I used it on him. He hung his head and said, 'Oh, I know.' Harry is a true-blue Liberal and was sorely disappointed in his boss. Van Kirk tells me that Clark folded at the first meeting and sold out for a major committee assignment such as Foreign Relations."

Kuchel and I are both burned at Roland Evans' column today. At the Rockefeller Capitol Hill Club reception this evening, Al Abrahams tells me that Evans asked him for Jack Wells' New York phone yesterday. Maybe he got it from him. Kuchel is not happy with the way the campaign is going and wants me to go to California. We both thought of Stan McCaffery [Executive Assistant--Vice President of the University of California system administration and later head of the Bay Area Council of Governments] for the Senate race. I saw Representative Glen Lipscomb (R-Calif.) at the reception and he agreed "that the three candidates for the Senate on the Republican side are for the birds."
Thursday, March 19, 1964, 10:30 a.m.


Present are Thomas H. Kuchel, (R-Calif.); Deputy Attorney General Nicholas deB. Katzenbach and Assistant Attorney General for Civil Rights Burke Marshall; John Stewart, Legislative Assistant to Senator Humphrey; Stephen Horn, Legislative Assistant to Senator Kuchel; Charles Ferris, Counsel, and Kenneth Teasdale, Assistant Counsel, Senate Democratic Policy Committee; Harry Schwartz, Legislative Assistant to Senator Clark; William Welsh, Administrative Assistant to Senator Hart; Jerry Grinstein, Chief Counsel, Senate Committee on Commerce, representing Senator Magnuson; and Raymond Wolfinger, APSA Congressional Fellow assigned to the staff of Senator Humphrey. Members of the Leadership Conference on Civil Rights who are present include Joseph Rauh, Washington attorney; Clarence Mitchell, Director, Washington office, NAACP; Andrew Biemiller, Director, Department of Legislation, National AFL-CIO; James Hamilton, National Council of Churches; Arnold Aronson, Secretary, Leadership Conference on Civil Rights; and John H. Beidler.

Horn notes that of the 54 who voted to table the Russell motion, he would doubt that Aiken (R-Vt.) and Curtis (R-Nebr.) would vote against the Morse motion to refer. He would check Mechem (R-N.Mex.), Morton (R-Ky.), and Allott (R-Colo). He thinks Allott might vote to refer if there were solid instructions.

Rauh wonders what happened to the "Don't embarrass us, be reasonable" theme about which we have heard so much.

Teasdale responds that they did not live up to the psychological implication. He believes that as long as we are pleasant, we will not get anywhere. Our instructions were to skip the two speeches and ask for the regular order on yielding.

Senator Kuchel comments that "Salty [Senator Leverett Saltonstall (R-Mass.)] sat in my lap and thought we ought to let them take all the time they want. The longer they take on this motion, the better it is for the bill since the fence-sitters in the Senate will not distinguish between the various motions.

Rauh recalls that Senators Humphrey and Kuchel agreed never to call for cloture until they had the votes.

Kuchel adds that Democratic Leader Mansfield reserves the right to file a cloture petition in the next week or so. Teasdale does not think Mansfield will do that. Kuchel would keep the Morse referral motion the uppermost and get the votes to defeat that. He thinks that would be 10 days wasted and a psychological setback for civil rights.
Horn disagrees with the "time in our favor" argument made by Rauh.

Rauh believes time does work in our favor. He does not want Civil Rights groups calling for immediate action and forcing votes when we do not have them.

Kuchel wants the opinions of the group on whether we have to offer an amendment in order to permit another two speeches to be made by each senator.

Horn wonders why we are letting them make two speeches.

Kuchel: "Because Hubert [Humphrey] is all heart."

Teasdale thinks that a point of order can be raised during the three hours of germaneness.

Kuchel notes that he is sick that he ever voted for the germaneness rule. "It's a phony and an exercise in hypocrisy."

Rauh thinks that we should stop helping them by talking.

Kuchel: "Hubert['s speech] knocked a home run on the Mississippi Sovereignty Commission."

Stewart indicates that Wes McCune said this morning that the State Sovereignty Commission supplied $20,000 to the Coordinating Committee which then collected $100,000.

Arnold Aronson can see them getting tax deductions for giving to state agencies.

Mitchell interjects that the Mississippi State Sovereignty Commission made contributions to a Keene, New Hampshire newspaper for an ad.

Katzenbach remarks that if a violation of the law occurred, it would be enforced by the Civil Rights Division of the Department of Justice.

Kuchel suggests that we go downstairs and settle the strategy now with Hubert and his staff.
Thursday, March 19, 1964, 11 a.m.

Horn notes various ideas: Can a senator make a speech and then offer an amendment to postpone to a day certain or does he have to offer the amendment first? Can a senator object to another senator making a speech and not being counted and request the regular order? Can a point of order be made during the three-hour germane period that the senator is discussing the bill, rather than the question of taking up the bill? Should we basically pursue a strategy of "stop helping the Southerners by talking" and let our side just sit and force them to use their two speeches?

At 12:15 p.m., Horn, Ferris, and Teasdale discuss some of the issues with Senate Parliamentarian Charles L. Watkins. Watkins grumps: "The Senate's been trying for a 150 years to shut off debate."

At 12:20 p.m., Stewart and Horn join Ferris and Teasdale, accompanied by Grinstein and Wolfinger, in the offices of the Senate Democratic Policy Committee. Teasdale reports the opinion of the Senate Parliamentarian that if a senator makes a speech first and then offers an amendment, it would count as a speech against the bill. If he offers an amendment, the amendment could be tabled. Stewart suggests that we write up a memorandum and get Watkins to initial it. Horn suggests that Watkins initial it in all four corners of the page. Stewart would concentrate on the motion to take up. Horn adds that "they [the Southerners] can move to postpone until Negroes become white folks."

Thursday, March 19, 1964, 4:10 p.m.

Robert Kimball, Legislative Assistant to Representative John V. Lindsay, to Stephen Horn, Legislative Assistant to Senator Kuchel.

Kimball did not think Humphrey was too clear on television last night. He claimed that the Republicans were responsible for the Fair Employment Practices Title [Title VII] and there was some vagueness on what he said. Kimball is concerned that Senators Humphrey and Russell were on the Today Show this morning, and the show made the Republicans look like they were not involved and the Democrats were doing everything, and the Administration is doing all of what they do. He thinks that it also sounded as if Humphrey was willing to talk in terms of compromise. The implication was that the bill started in The White House [which overlooks the fact that the Kuchel-Javits group in the Senate and the Lindsay group in the House had been prodding the Administration for two-and-a-half years before a bill ever left The White House.]
Thursday, March 19, 1964, 5:20 p.m.

Horn walked into the bipartisan Civil Rights staff meeting late and kids Stewart on Humphrey's agreeing "to compromise" with Russell on the Today Show. Horn tells him that maybe he should take Kuchel's name off the memorandum since our friends would never understand why we were there—besides Kuchel was the only Senator present in the room.

Frances Henderson, Executive Secretary to Senator Case (R-N.J.), observes that the Southerners will take a beating on every title but Title VI. She thinks that title will hurt enough economically that there will be additional opposition to it from non-Southern senators.

Teasdale adds that Title VI is in there to avoid the [Adam Clayton] Powell Amendment. He reports that the motion to take up will occur on Tuesday, and Morse will then offer his motion to refer to the Judiciary Committee. He thinks that there might be a vote on Wednesday as the Associated Press story on Russell suggests.

The group then agrees to the text of the following memorandum issued March 19, 1964. We do not note that "the Democratic floor managers" are the staff assistants. Humphrey and Kuchel sign off on it and the text goes out as follows:
March 19, 1964

Memorandum on suggested steps to reach a vote on Mansfield motion to proceed to consideration of H.R. 7152.

At a meeting of Democratic floor managers (3/19/64), with Senator Kuchel also present, the following steps were suggested as means of bringing the Mansfield motion to proceed to the consideration of H.R. 7152 to a vote without resorting to cloture:

1. At this juncture, limit as much as possible the affirmative argumentation by the bill's supporters. This strategy will help strengthen the image of the opponents as unduly delaying a vote on this preliminary motion. The supporters should, however, arise periodically (at least once every two hours) with the parliamentary inquiry: "Mr. President, what is the pending business?"

2. Cease requesting unanimous consent for a morning hour. This will further isolate the opponents as delaying the Mansfield motion.

3. Floor captains should object to unanimous consent requests that Senators may yield without losing their rights to the floor.

4. Floor captains should also object to unanimous consent requests that extraneous remarks of a Senator not be considered as a separate speech or that a Senator may continue at a later date with his remarks to be considered as a continuation of his earlier speech. On this latter point, it is essential that a quorum be available when objection is made.

As of today (3/19/64) the opponents to the bill have used only 12 of 38 speeches on the Mansfield motion. Many times the opponents have avoided being charged for a speech by the use of unanimous consent.

5. Floor captains should make a point of order against non-germane discussion during the daily period of germaneness.

It is further suggested that the majority leader or Senator Humphrey announce tomorrow (Friday) that another unanimous consent request to vote on the Mansfield motion will be propounded Monday morning. If agreement is not secured at that time, it should be announced that supporters of the bill will follow the policies outlined above. This announcement will put all Senators on notice that the supporters will be "tightening up business on the floor starting Monday if an agreement to vote is not possible.

It was deemed crucial that these steps be considered seriously as the most constructive way to preserve the initiative in the present situation and to demonstrate the toughness which seems to be called for under the present circumstances of delay.
Friday, March 20, 1964, 10:30 a.m.


Present are Senators Joseph Clark and Philip Hart for the Democrats and Thomas H. Kuchel for the Republicans. Staff members present are John Stewart, Legislative Assistant to Senator Humphrey, accompanied by Raymond Wolfinger, APSA Congressional Fellow in the Office of Senator Humphrey; Charles Ferris, Counsel, and Kenneth Teasdale, Assistant Counsel, Senate Democratic Policy Committee; Jerry Grinstein, Chief Counsel, Senate Committee on Commerce representing Senator Magnuson; Harry Schwartz, Legislative Assistant to Senator Clark; William Welsh, Administrative Assistant to Senator Hart; and Stephen Horn, Legislative Assistant to Senator Kuchel. Also present are Deputy Attorney General Nicholas deB. Katzenbach and Assistant Attorney General for Civil Rights Burke Marshall.

The discussion concerns the vote on the Morse referral amendment which will come up on Tuesday.

Horn suggests tightening the screws on the speaking.

Kuchel comments, "Our beloved Democratic leader, Hubert, has spoken four times; it is hard to limit our colleagues. As to the votes, I'll massage Salty [Saltonstall]. The others might go over on the Morse referral motion."

Clark reports that he saw [Francis R.] Valeo [the Secretary for the (Democratic) Majority] and he implied that we had the votes to table the Morse referral motion. Morse said that he wouldn't make a speech until after the motion to take up, but he is worried that somebody will move to table. Any senator who did would be in the dog house. He thinks the speeches will last two days on the Morse motion.

Katzenbach believes that the Morse motion will probably go over until after the Easter recess.

Clark and Kuchel agree with that assessment.

Clark adds that the problem will be getting a quorum on Thursday and Monday. He thinks it is a folly to come in before noon on Monday.

Katzenbach believes that the general public is not sensitive to the Senate Rules.

Kuchel would invite Celler and McCulloch over some morning to meet with us.

Katzenbach indicates that it is difficult to get McCulloch over to the Senate side since he does not think that he wants to get into this. McCulloch does not want a deal to weaken the bill, but he has never stated his views on the other amendments.

Kuchel to Horn: "Steve, get me over to see McCulloch next week."
After the meeting had adjourned at 11:20 a.m., Senator Kuchel and Horn have coffee in the Senate dining room with Robert Kimball, Legislative Assistant to Representative John V. Lindsay (R-N.Y.).

Kimball mentions that McCulloch is under pressure from some of the House Republicans to go slow. They are worried about the demonstrations occurring, the mail that is coming in, et cetera.

Horn asks about the Republicans on the Rules Committee. Kimball replies that Clarence Brown [the ranking Republican on the House Committee on Rules] is in his quiet way for Civil Rights. As for [Republican Floor Leader Charles A.] Halleck, he stuck with us, but it was close. Sixty of the House Republicans put a black Neville Chamberlain umbrella on Halleck's desk. That is probably why he overreacted on foreign aid and the wheat credits to the USSR in December.

We agree that we need a statement by the Republican leadership denouncing the Coordinating Committee's ad.
Tuesday, March 24, 1964, 10:30 a.m.


Present are Senators Hubert H. Humphrey (who arrives 15 minutes late) and Joseph S. Clark. Staff members present are Stephen Horn, Legislative Assistant to Senator Kuchel; Charles Ferris, Counsel, and Kenneth Teasdale, Assistant Counsel, Senate Democratic Policy Committee; Harry Schwartz, Legislative Assistant to Senator Clark; William Welsh, Administrative Assistant to Senator Hart; and Raymond Wolfinger, APSA Fellow in the Office of Senator Humphrey. Also present are Deputy Attorney General Nicholas deB. Katzenbach and Assistant Attorney General for Civil Rights Burke Marshall.

Clark would consider Senator Norris Cotton's comments on extraneous speeches.

Katzenbach would keep the speeches to a minimum.

Horn suggests that a press conference be held off the floor so that pictures could be taken and better play made of the supporters of Civil Rights legislation.

Ferris would use the morning hour three-minute period to put material in the Congressional Record.

Teasdale reports that Senator Morse has advised Senator Russell that he might offer his referral motion on Wednesday.

Clark adds that Senator Humphrey thought that the motion to take up the bill would occur on Wednesday and then Morse would make his pitch, and the vote would occur after Easter.

Schwartz reports that Senator Magnuson asked Senator Russell if the bill would be brought up, and he replied that he "didn't know."

Katzenbach does not believe anyone will take a quorum seriously until we miss one of them. Ferris indicates that we had 12 Southerners answer the quorum on Saturday.

Wolfinger indicates that Senator Humphrey took a message to the President suggesting opposition to the various citizens' committees.

Horn inquires as to when Humphrey and Kuchel should make their speeches on the full bill.

Clark would not have them made until after Easter.

Horn indicates that Senators Keating and Scott are prepared to fight the Morse referral motion.
Katzenbach suggests that Senator Hart try to get every non-Southern Democrat on Senate Judiciary and Keating try to get every Republican member of Senate Judiciary to oppose the Morse referral motion. [Republicans on Judiciary are Dirksen, Hruska, Keating, Fong, and Scott.]

Senator Humphrey arrives and reports that he took up with The White House the need to motivate some of the religious groups. He met with Larry O'Brien [Lawrence F. O'Brien, Special Assistant to the President in charge of Congressional Relations] and Lee White [Assistant Special Counsel to the President]. Humphrey wants them to liven up the people on the Democratic National Committee.

Katzenbach claims that he is trying to set that up. [That's a switch in a previous view he had.] He reports that he has spoken to Biemiller on putting together two programs: Who is Behind and Who is For the Civil Rights Bill? He wants to have interviews with the families of Negro troops killed in Viet Nam.

Humphrey stresses that the Southerners use dramatic words and phrases. We have to bring out the gruesome details. Show what has happened to educated Negroes who have been deprived of their rights and quit arguing about details. The opposition is saying that this is a bad bill and these incidents are local. We need to build up a backdrop so people will understand it.

Horn suggests that we concentrate on using the material developed by the United States Commission on Civil Rights. The Commission has documented voting and public accommodations abuses all over the South.

Marshall adds that the Mississippi Advisory Committee Report to the United States Commission on Civil Rights is good. It has lots of photos at Oxford, Mississippi.

Grinstein comments that Senator Magnuson heard that the Southern Caucus voted 7 to 5 to let the Civil Rights Bill come up this week.

Ferris has a count that six Democrats whom we need are absent at this time.

Tuesday, March 24, 1964, 12:20 p.m.

Clarence Mitchell, Director, Washington office, NAACP, indicates to Stephen Horn, Legislative Assistant to Senator Kuchel, that he is worried about the Democratic leadership count on the Morse referral motion. Horn doubts that Valeo knows how to count and promises Mitchell that he will talk to Keating, Scott, Fong, Morton, and Saltonstall to see where they stand.
Wednesday, March 25, 1964, 10:30 a.m.


Present is Senator Joseph S. Clark. Staff members present are John Stewart, Legislative Assistant to Senator Humphrey, accompanied by Raymond Wolfinger, APSA Congressional Fellow in the Office of Senator Humphrey; Stephen Horn, Legislative Assistant to Senator Kuchel; Jerry Grinstein, Chief Counsel, Senate Committee on Commerce, representing Senator Magnuson; Harry Schwartz, Legislative Assistant to Senator Clark; and William Welsh, Administrative Assistant to Senator Hart. Also present is Deputy Attorney General Nicholas deB. Katzenbach.

Katzenbach indicates that President Johnson will talk to the newspaper editors on the need for responsible reporting. He does not believe the President should shoot his wad early.

Clark feels that President Johnson should be a pinch-hitter; when the bases are loaded is when we should call him in. He understands that we will not vote today since Senators [Olin D.] Johnston (D-S.C.) and [Strom] Thurmond (D-S.C.) are away.

Katzenbach is bothered by that.

Clark adds that Senator Russell felt that no vote would occur today but it probably would occur tomorrow. Senator Morse thought that he would like a vote later on Thursday.

Katzenbach believes we have picked up two to three votes because of Morse's attitudes on committee meetings.

Stewart reports that Senator Humphrey will give a keynote speech on Monday and it will go out to the press this Saturday.

Horn suggests that we let Senator Dirksen make a speech and get it out of the way on Thursday. When Dirksen speaks, we should just smile and have patience.

Katzenbach would use the Jacksonville incident. Businessmen have tried to make progress but they have been frustrated by one important holdout. They have tried to make progress on a voluntary basis and created a climate where the Negro could advance.
Meeting of the Senate bipartisan staff to support the passage of the Civil Rights legislation in Room 127, Senate Office Building.

Present for the Democrats are John Stewart, Legislative Assistant to Senator Humphrey; accompanied by Raymond Wolfinger, APSA Congressional Fellow assigned to the staff of Senator Humphrey; Jerry Grinstein, Chief Counsel, Senate Committee on Commerce, representing Senator Magnuson; Harry Schwartz, Legislative Assistant to Senator Clark; William Welsh, Administrative Assistant to Senator Hart; and Nelson Guild, APSA Congressional Fellow. Present for the Republicans are Stephen Horn, Legislative Assistant to Senator Kuchel, and Stephen Kurzman, Legislative Assistant to Senator Javits.

There is a feeling that Martin Luther King should stay out of the gallery when the vote is underway. There will be a possible 11 a.m. meeting of senators to discuss the Morse referral motion. The Senate will convene at 9 a.m. The vote is expected by 10 a.m. Morse intends to speak for one hour and Dirksen for an hour and a half. The motion to table would be made at 2 p.m. and not later than 4 p.m.

There is a danger that Morse will tailor his motion to take into account various objections.

Mansfield is fearful that the committee chairmen will turn on him since they will want to assure the prerogatives of committees to hear testimony on and to mark up legislation.

In terms of who votes which way, everyone on Judiciary is part of a subcommittee, and all monies for subcommittees must clear through the full Judiciary Committee. There is no assurance at this point that Chairman Eastland will call for a vote or even hold hearings. There is a tradition that any matter can lie over for a week at the request of one member. There is no way that a majority of the Judiciary Committee can stop a member from talking in committee and talking can prevent having the bill come to a vote.

At 5:45 p.m., Clarence Mitchell, Director, Washington office, NAACP, joins Horn, Stewart, Kurzman, Guild, and Wolfinger to assess the votes.
Thursday, March 26, 1964, 12:30 p.m.

Luncheon of Republican staff including Stephen Horn, Legislative Assistant to Senator Kuchel, accompanied by Robert Loevy, APSA Congressional Fellow assigned to the Office of Senator Kuchel; Milton Eisenberg, Administrative Assistant, and Patricia Connell, Counsel, to Senator Keating; Stephen Kurzman, Legislative Assistant to Senator Javits; Bailey Guard, Administrative Assistant to Senator Cooper, accompanied by Mr. Maury Wolf; Donald Chang, Minority Counsel, Senate Judiciary Special Subcommittee on Refugees and Escapees, representing Senator Fong; Charles Clapp, Legislative Assistant to Senator Saltonstall; Richard Murphy, Legislative Assistant to Senator Scott; and guests William H. Copenhaver, Associate Counsel, House Committee on Judiciary [representing Representative William McCulloch (R-Ohio)], and Robert Kimball, Legislative Assistant to Representative John V. Lindsay (R-NY).

Copenhaver discusses the Mississippi Sovereignty Commission which is mentioned in a House report on lobbying. The feeling is that Kuchel and Humphrey should shoot for a strong pro-Civil Rights statement for Sunday. Copenhaver suggests that Kuchel show his statement to McCulloch. We discussed strengthening Title VI. We feel victims of discrimination should be able to bring suit against government discrimination. In 1957, 25 Republican senators and 13 Democratic senators were concerned about the need to initiate suits in the case of police brutality, and certainly the Attorney General ought to be able to initiate such suits.

Copenhaver and Kimball feel that if the Republicans are united, we will be far ahead. They are worried that if the Democrats see strengthening amendments, title by title, they can bat them down.
Monday, March 30, 1964, 11:30 am.


Present are Senators Hubert H. Humphrey (D-Minn.) and Thomas H. Kuchel (R-Calif.), co-floor leaders for the passage of the Civil Rights legislation. Staff members present are John Stewart, Legislative Assistant to Senator Humphrey; Stephen Horn, Legislative Assistant to Senator Kuchel; Charles Perris, Counsel, and Kenneth Teasdale, Assistant Counsel, Senate Democratic Policy Committee; Jerry Grinstein, Chief Counsel, Senate Committee on Commerce, representing Senator Magnuson; Harry Schwartz, Legislative Assistant to Senator Clark; and Raymond Wolfinger, APSA Congressional Fellow, assigned to the staff of Senator Humphrey. Non-Senate members are Deputy Attorney General Nicholas deB. Katzenbach; Clarence Mitchell, Director, Washington office, NAACP; Andrew Biemiller, Director, Department of Legislation, AFL-CIO; James Hamilton, National Council of Churches; and Joseph Rauh, Washington attorney and Chairman of the Leadership Conference on Civil Rights.

Katzenbach observes that the day is the 94th anniversary of the ratification of the Fifteenth Amendment. He notes that they can have available the members of the President's Committee on Civil Rights as well as past presidents of the American Bar Association and former attorney generals to defend the constitutionality of the Civil Rights Act.

Horn suggests that they be saved for another day.

Humphrey agrees. He would save them until the constitutionality of Titles II and VII are attacked.

Biemiller refers to the Senate hearings on the Fair Employment Practices Commission and quotes AFL-CIO President George Meany as saying point blank that where the unions are only letting in the sons and nephews of the members, that needs to be changed.

Humphrey feels that Civil Rights did well over the weekend. He does not feel that anyone should yield for questions until all the speeches are over. He notes that Spessard Holland (D-Fla.) is raising unshirked hell and that must make his second speech tonight.

Mitchell agrees that neither Humphrey nor Kuchel should yield until both of their major speeches are completed.

Humphrey says that he will take two hours at the most. Since there was no legislative history in committee, he feels that it must be done in a committee of the whole. We should not be running because "lynch mob" and "tyranny" are being yelled by Senator Russell. He will insist that senators issue statements and ask unanimous consent to have them inserted in the Congressional Record. On March 31st, Keating and Hart will explain Title II.
Horn raises various questions on the particular titles.

Katzenbach assures him that Justice has prepared the material on the effect on the armed services of Negroes being unable to enter various public accommodations.

We agree that Senator Saltonstall should place that material in the Record.

Senator Kuchel enters after Senator Humphrey leaves and agrees with the "no yielding" strategy.

Horn and Grinstein advise the group to go slow on pressuring Senator Hruska since he is coming along. Senator Magnuson will be out of town all week.
Tuesday, March 31, 1964, 10:40 a.m.


Present are Senator Hubert H. Humphrey (D-Minn.); Stephen Horn, Legislative Assistant to Senator Kuchel; Jerry Grinstein, Chief Counsel, Senate Committee on Commerce, representing Senator Magnuson; Harry Schwartz, Legislative Assistant to Senator Clark; William Welsh, Administrative Assistant to Senator Hart; Raymond Wolfinger, APSA Congressional Fellow on the staff of Senator Humphrey; and Charles Ferris, Counsel, and Kenneth Teasdale, Assistant Counsel, Senate Democratic Policy Committee. Non-Senate member present is Deputy Attorney General Nicholas deB. Katzenbach.

Horn raises the question on the pace of the debate. He also again advises that they hold off on Hruska until after an April 13th picnic in Nebraska. By that time Hruska will have had an opportunity to study the legislation.

Grinstein agrees with Horn. [Grinstein had told Horn coming to the meeting on the Senate subway that the reason we were not going ahead on Title I was that Senator Keating was not ready.]

Horn raises the issue of the failure to move ahead on Title I and wonders who is doing the talking to the press. He notes that he had talked only to Senator Keating as well as to Pat Connell, Keating's counsel, and Bill Welsh, Hart's administrative assistant.

Wolfinger keeps pressing Horn as to why the delay on Hruska. Horn [who does not have much patience with Wolfinger generally] simply says, "Relax and forget it."

Katzenbach suggests that we should schedule the titles so that they are jumbled and that way, passing over Title II [public accommodations], would not stand out. We can say that we are scheduling them because of opponents' desires as well as proponents.

Senator Humphrey enters and Horn mentions the discussion on the pace of the bill.

Humphrey indicates that he and Kuchel will issue a joint statement for the press which has been prepared by the Lawyers' Committee on Civil Rights. It analyzes the constitutionality of the legislation. It will be issued Thursday for release for the Sunday papers. He asks if his letter has gone out to other senators on using their radio broadcasts and newsletters to push the Civil Rights legislation. He is upset over the switch of Keating and Hart from Tuesday to Wednesday. He is also bothered by 29 Democratic absentees today. [Horn notes that we have always delivered more than our share of the Republican votes.] Humphrey agrees that we will not take up Title II now. He knows that a lot of people want to speak on it, but he wants to save Titles II, VI, and VII until the end. He adds that he will fly to Washington for the Magnuson and Jackson dinner on Thursday and come back the same day.
Horn raises the question on going one title of the bill at a time versus speaking affirmatively and then leaving two days for the Southerners to answer. At the end of 21 days, we could say, "Let's vote."

Humphrey feels that the debate will give life to the bill and we need to interpret it and appeal to the intellect. He feels that the aim of the filibusterers will simply be to have bodily attrition set in. He does feel that he spoke too long yesterday.

[AAfter the meeting, Horn told Kuchel that he has to get together with Humphrey to settle on the schedule to be followed.]
Tuesday, March 31, 1964, 2:30 p.m.

Stephen Horn, Legislative Assistant to Senator Kuchel, talking to Stephen Kurzman, Legislative Assistant to Senator Javits.

Kurzman reports that Javits "is all in a rush to speak." Horn told him to have Javits relax and smile since such a rush through one title after another would force people to commit themselves when they are not ready to commit themselves.

Tuesday, March 31, 1964, 3:20 p.m.

Conversation between Stephen Horn, Legislative Assistant to Senator Kuchel, and John Stewart, Legislative Assistant to Senator Humphrey.

We agree not to announce the particular floor leaders in favor of the various sections--just keep the Southerners off guard. Horn adds that if the Southerners are not ready for speaking, then ask for a third reading. He notes that Kurzman is not sure that Javits will be ready with a presentation by Friday. Stewart thinks that Senator Edward V. Long (D-Mo.) would be ready on Monday and wonders about Hugh Scott (R-Pa.). Then we would have Senator Cooper (R-Ky.) and Title IV on Thursday of next week.

At 4:15 p.m., Horn runs into John Averill, Congressional Correspondent for the Los Angeles Times and some reporter coming out of Kuchel's Capitol office. The person accompanying Averill questions Horn as to why the proponents are unprepared. Horn told him, "We had planned a month ago to speak but then decided to let the Southerners stew."

At 4:45 p.m., Horn talked to Maury Wolf of Senator Cooper's staff, asking him to see if Senator Cooper can speak on Title IV on Thursday of next week.

At 4:50 p.m., Horn talked to Robert Kimball, Legislative Assistant to Representative John V. Lindsay. Kimball is writing Senator Scott's speech on Civil Rights. He agrees with Horn that the Community Relations Service should be placed under the Civil Rights Commission. He saw Bill Taylor [General Counsel, United States Commission on Civil Rights] yesterday. Apparently, the Department of Justice tried to prevent the Civil Rights Commission from going into Mississippi. That is the reason for the release of the Advisory Committee Report urging the cutoff of funds for Mississippi. He suggests that I read Maury Kimpton's article in the New Republic.

At 5:15 p.m., Horn gets confirmation that Senator Long (D-Mo.) will be ready to speak on Tuesday for the Civil Rights Commission language in the bill.