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THE ROLE OF PRESIDENTIAL POWER IN THE PASSAGE OF THE CIVIL RIGHTS ACT OF 1964

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THE ROLE OF PRESIDENTIAL POWER IN THE PASSAGE OF THE CIVIL RIGHTS ACT
OF 1964

By

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Abstract

It is not the job of the President of the United States of America to make legislation, it is understood that this task is largely the job of the U.S. Senate. However, throughout American history, United States presidents have sought to influence this country by enacting laws that align with their views of the direction the country should take. After all, the president's vision for what they consider to be the right direction for the country's well-being is what they tirelessly campaign and become elected on.

This means that although U.S. Presidents have very limited constitutional power of legislation that gets enacted, somehow, their potential sway on the laws, and the socio-political direction that the country adopts is enormous. But, what strategies do they use to bring their vision to fruition? What tactics permit for someone who, by the rules, is seemingly powerless to make major changes? And more importantly, why are some presidents much more effective than others in having a tremendous success for transforming the trajectory of the country according to their ideals, while others remain mostly ineffective?

In this research essay I will compare a couple strategies and tactics of Lyndon B. Johnson and John F. Kennedy to investigate what led these very different presidents of the 1960's to have success, or lack thereof, in their agendas. In an effort to understand how they learn these tactics I will also introduce some aspects of Kennedy and Johnson's personality, as well as their upbringings.

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Introduction

The importance of the Civil Rights Act of 1964 should never be underestimated as it is the culmination of political efforts that date at least from the late 1940s. It is well known that the environment of civil unrest due to the continued disenfranchisement of Black Americans across the country, especially in the South, gave way to calls for the improvement of the rights of Black Americans.

Nevertheless, this is where the general knowledge of this topic typically ends. It usually goes: “Martin Luther King and Malcolm X, through their activism, made the American population understand that the need for civil rights laws was upon the country, and then Congress one day just decided to act on civil rights.” This barebones understanding of the subject could not be further from the truth. Although these civil rights leaders deserve a lot of the praise that they get, as their activism outside of Congress ultimately brought pressure to legislators, they are not the ones who passed the Civil Rights Act of 1964. And this law is perhaps the greatest piece of legislation of the 20th century United States.

To make the Civil Rights Act bill into law would take: endless deal making, betrayal of party ideologies and needs, the breaking of long standing protocols, scarcely used parliamentary tactics, physical and mental strain that dragged on for months, and the death of a beloved president, and this is just short list of factors that had to align inside of Congress for the passage of such coveted legislation. On top of that, it is necessary to remember that this civil rights law came after two similar previous legislations that had failed to address problems of enfranchisement. It would be an understatement to say that after everything that went on in

Washington from the spring of 1963 to the summer of the following year, that the Civil Rights Act in 1964 was truly lightning in a bottle. And of course at the center of all this, are the two presidents of the 1960's: John Fitzgerald Kennedy and Lyndon Banes Jonhson. These two presidents would end up being the unlikeliest of partners in the election of 1960. Kennedy, the winner of the 1960 Democratic primary for the presidency, ended up choosing the leader of the Senate from Texas as his running mate. This however, was a mere political calculation by Kennedy, who sought to appeal to voters in the American south, knowing that his status as a man of the north would probably be a detriment to his campaign in Dixieland. Regardless of the reason, this simple decision would turn the tide of civil rights, as the knowledge and capabilities of Johnson would be the reason the Civil Rights law was pushed across the finish line.

In this essay I discuss the tactics used by Presidents John F. Kennedy and Lyndon B. Johnson in order to achieve the passage of the Civil Rights Act of 1964. Although I mostly focus on the actions taken by these two presidents, I also delve into some of the parliamentary procedures of the House of Representatives and Senate in order to make sense of the legislative process and the reason why the Johnson and Kennedy administrations proceeded in the way they did. I also focus on the efforts that served the purpose of the passage of the law but that did not directly affect the legislative process, such as Kennedy's use of executive orders to "soften up the public."

My project proceeds in chronological order. I began by giving a short biographical introduction of both Kennedy and Johnson, for the purpose of understanding the upbringings of these two characters, but also to underscore how different their upbringings really were, which might have played a key role in helping them to influence the passage of the legislation. Then, in the main section, I begin with John Kennedy's rhetoric and actions on civil rights as president.

The second part examines Johnson's efforts to pass a civil rights law after Kennedy's assassination. The final part of the main section is dedicated to the actions taken by Johnson's allies in the Senate and the breaking of the infamous southern filibuster, culminating with the passage of the bill.

The goal of this project is to give the reader a more comprehensive understanding of the gargantuan efforts that it took to pass the Civil Rights Act of 1964. This study sheds light on the kind of personalities, efforts, and ideologies that may have contributed to the passage of legislation in the 1960s United States.

Biographical Section: Kennedy and Johnson

Born in Brookline, Massachusetts, John Fitzgerald Kennedy descended from an influential family of wealthy socialites, state representatives, and U.S. congressmen. In Kennedy's childhood the greatest influence for his future ambitions were his father and grandfather, who introduced him to the world of politics from an early age. Kennedy's grandfather would take him along on his campaign for governor of Massachusetts when Kennedy was only a kid, while his dad sought to foment political discourse in the young Kennedy by encouraging discussions on the subject. It was Kennedy's father as well who would press the future president to make choices early in his life that could forge the path to a career in government.

For his tenure as a college student, Kennedy first had a stint at Princeton, then enrolled at Harvard where he dedicated himself to playing sports and joining the social clubs of the university. At this time the academic performance of the Bostonian left much to be desired. As his father was the ambassador to England, in his early twenties Kennedy traveled throughout Europe to prepare for his senior thesis. It was also during his time in Europe that Kennedy

learned of the upcoming war. This understanding of the intricacy of European politics and rivalries allowed him to write a book titled *Why England Slept*, published in 1940.

From a very early age to the time he became an adult, John Kennnedy's family sought to instill in the future president a sense of greater purpose. His upbringing in politics, shaped by his family's ambitions, built a man interested in the affairs of the state, whose life was destined to be on a path of continued ascent in high society. The resources and connections that John Kennedy enjoyed throughout his youth, provided for this new generation of the Kennedy family to uphold the socialite status of the past generations.

This same status of privilege was absent from the president brought up in rural Texas, who, although part of a family with a political background, had to find his footing in the world through the varied occupations of his life. This man, through his own labor, came to climb the ladder of American politics like very few in history have done before or since.

Born in Stonewall, Texas, Lyndon Baines Johnson was the son of the populist Democrat, Samuel Ealy Johnson. Samuel had worked as a Texas state representative for five terms before retiring to regain financial stability. Due to the constraints that the Texas constitution placed on state politicians, legislators could only meet for a couple of months every other year. The small pay these short sessions would bring to politicians allowed for rampant bribery within the state legislature. Notably however, for his entire tenure as a legislator Samuel Johnson refused any bribes or promises of patronage. This idealism led the young politician to struggle financially for the majority of his life. Just as it had played out with Kennedy, the political life of Samuel Johnson would later inform the ethics and political leanings of Lyndon Johnson, but Lyndon's upbringings and education were a lot more tumultuous than those of the kid from suburban Massachusetts.

The eldest of five kids, Lyndon experienced poverty for most of his childhood, as the cotton farming of his family in the hill side of Texas barely brought any sustenance to the Johnsons. Lyndon graduated from Johnson City High School in 1924, and for his higher education he enrolled in Southwest Texas State Teachers College, now Texas State University. After briefly attending college, he decided to drop out and move to California where he worked as an office clerk and an elevator operator. He also worked other manual labor jobs. On his return to Texas he again enrolled in college, but paused his education to teach poor Mexican-American kids at Welhausen School located south of San Antonio. After graduating from college with a bachelor's degree in history, Johnson briefly taught public speaking at Sam Houston High School.

Even before entering into any type of political environment, the young Johnson had already accumulated plenty of life experience through his difficult path through college and the various jobs he held. Johnson's rough childhood made him understand that to achieve anything in life he would have to be strategic about the choices he made, as he could only truly rely on himself. The hardships of Johnson's life and the lessons he learned from them were situations that a young Kennedy certainly was unfamiliar with. While Johnson had to drop out of a state school due to his need to work, Kennedy had mostly coasted through Harvard. As a result of his privileged background, the Bostonian managed to acquire enough knowledge to make a quick pivot to be a more academically inclined individual, a luxury the Texan was unable to afford.

Nevertheless, it was in their early twenties where these two future presidents would begin their government careers. These early ventures into the political arena would set Kennedy and Johnson, the unlikely pair of individuals, on a collision course to achieve one of the greatest legislative feats in the history of the United States.

In the early 1930s Lyndon Johnson arrived in Congress as the secretary for freshman congressman Richard Kleberg, a conservative Democrat from Texas. As the legislator was apathetic to his daily responsibilities on Capitol Hill, Jonson would fulfil the tasks for his superior. This ability to move through D.C. under the tutelage of a legislator allowed the young Lyndon to have a higher level of engagement with other congressmen, journalists, and even lobbyists in Washington. It is also during this time that he met his future mentor and future rival Sam Rayburn. Equally as important for Johnson was the political movement that had been gaining steam across the country, that of the New Deal. This program of economic and political reforms would come to inform Johnson's core ideology for the remainder of his days in government. It was in the mid-1930s that Jonson became the Texas administrator for the National Youth Administration, a New Deal program that employed young Americans across the country to work on infrastructure projects.

John Kennedy, on the other hand, would dedicate himself to traveling around the world, after a brief stint at the Stanford Graduate School of Business. Right before the United States entry into World War II, Kennedy enlisted in the United States Naval Reserve. A notable aspect of this venture into the armed forces is that Kennedy's health had disqualified him from an earlier attempt to join the Officer Candidate School. However, due to the influence of the Kennedys, the admiral Alan Goodrich Kirk helped the young Kennedy join the reserve.

It was also his father's intervention that allowed the ambitious John to be a part of the patrol torpedo boat from which he initially had been disqualified. This influence also extended to the relocation of Kennedy from his assignment in the Panama canal to the Pacific theater of WWII.

In the combat zone of the Pacific, Kennedy proved his bravery and loyalty when his torpedo boat was cut in half by enemy fire. With a broken back, the young Kennedy had to rescue a member of his crew in a daring escape to a nearby island. This highly publicized event would earn the future president a purple heart and a functional image of a courageous leader, but it would also leave him with an injury to his back that would follow him to the rest of his life. Kennedy retired from military duty in early 1945.

Although John Kennedy had an interest in journalism, as result of the death of John Kennedy's eldest brother, Joe Jr., Kennedy's father would now place the high ambitions of political office on John. Through his father's dealings, in 1946 Kennedy would be in line for a U.S. House seat of the 11th congressional district of Massachusetts, an occupation of importance that would serve as a breakthrough for the presidential ambitions of the Kennedy family. These two characters, John Kennedy and Lyndon Johnson, couldn't have had more disparate trajectories in their early careers. Johnson had to be ambitious and boorish in order to get what he wanted, while Kennedy was often placed in positions of relevance as a direct result of his family's name. Both of these two future presidents had to show their worth at the appropriate time, but the two of them had different ideological forces that drove their rise to higher levels of power. Kennedy understood that his family's name needed to preserve and elevate its prestige in the world of the American aristocracy. Kennedy allowed his father to place the ambitions of the family on him. The Bostonian was driven to the position that he desired by merely asking, and his family could do the rest. Johnson, on the other hand, had a family that was only known in the Texas countryside. If he was to be anything in U.S. politics, the former teacher needed to climb the ranks of the rural state. The help from his family was minimal, so experience and know-how were his main tools to climb the political ladder. Samuel Johnson's ideological nature, as well as

the real life result of these stances, had most definitely informed the politics of Lyndon. But in this case, it was the lack of ambition by the former state representative that would have the greatest impression on the 36th president of the United States. The thirst for power and control would be a notorious feature of the Texan.

John Kennedy became a Democratic congressman in 1946, a year where the Republican party took control of the House of Representatives. Kennedy's successful campaign is once again attributed to the influence that his father had on the news media in Boston. On Capitol Hill, the congressman from Massachusetts established himself as staunchly anti-communist and anti-union. Although some of his anti-communism concerns focused inside of the United States, most notably he decried the spread of communism in China and Italy.

While in Congress, Kennedy considered running for governor of Massachusetts, but ultimately decided against it, as he saw it as a purely bureaucratic endeavor. It was also in his time in Congress that Kennedy would spend a good portion of his time traveling to Massachusetts to give speeches to different interest groups, as a means to cultivate greater political aspirations.

Johnson, on the other hand, came to power in a special election for the Texas 10th Congressional District. An ardent supporter of the New Deal, Johnson ran on his values of bringing infrastructure to the hill country of Texas. In 1941, after a failed run for the open seat left by the late senator Morris Shepard, Johnson maintained his legislative position in Congress. However, after the attacks on the naval base at Pearl Harbor, Johnson asked for indefinite leave from Congress in order to enlist for active duty. Although Johnson never saw combat, he was stationed in the Pacific to supervise the shortcomings of the U.S. military in that part of the world.

Throughout his early political career, one of the aspects that came to characterize Johnson was his ability to speak to the masses with ardent energy during his congressional and senatorial campaigns. During the first half of the 20th century, it was not uncommon for politicians in the United States to take on excruciating political runs for office. Hopefuls would travel from cities to countryside multiple times a day to speak to as many crowds as possible. Johnson famously converted a small helicopter, “The Johnson City Windmill”, to meet the Texan citizenry where they were. The brutality of the congressional and senatorial campaigns throughout his life took their toll on Johnson to a degree where he would lose dozens of pounds, or even land in the hospital on a few occasions.

However, one of the greatest shows of just how ambitious Johnson was came during his second senatorial run in the late 1940s, when Johnson ran against Texas governor Coke Stevenson. After a close election that eventually went to a run off, Johnson came out victorious. The results were highly contested by Stevenson, reaching the Supreme Court of the United States. Nevertheless, the margin of less than 100 votes that gave Johnson the win, as well as the signatures with the same ink and handwriting that were approved by the Democratic State Central Committee, failed to overturn the results of the election. Johnson had learned from the tough lesson of his first run for the Senate seat, and now, he had “positioned” himself in a better spot to win.

In great contrast to the rough undertakings of the Texan senator, the young Kennedy’s ambitions for the Senate were to be characterised by a mostly “modern” and personal approach to campaigning. Kennedy would use his looks, his charisma, and of course his family influence to win over the voters of Massachusetts. In his run for the Senate in 1952, John Kennedy

participated in events organized by his sister and mother known as “Kennedy Teas.” In these events the young hopeful would sit with small gatherings of women to drink tea and talk about the issues of the day. This new approach, away from the grandiose stumping speeches and aggressive mass handshaking, managed to craft an image of an energetic but sensible war hero, whose charisma and wit were to be his main attributes as a leader. This noble grassroots strategy of Kennedy paid off in the end, when incumbent senator Henry Cabot Lodge Jr. lost his Senate seat. In later campaigns, Kennedy would come to effectively utilize the charming and attractive looks of his wife, Jacqueline, to further bolster an image of a high class idyllic marriage that was just the right portrayal of what the perfect marriage should be.

The personas that the Bostonian and the Texan presented through their campaigns were to be a major indicator of the way these two future presidents would handle themselves in the highest office. The rough and tumble Johnson, with his aggressive and head-on approach to dealing with situations presented to him, as well as with his tremendous desire for power, would further develop into a statesman who stopped at nothing to get his way. Johnson's cantankerous ways, that employed his incredible speaking skills and massive physique, which he utilized to charm, persuade, and even intimidate his fellow politicians, came to be known as the “Johnson treatment.”

On the other hand, the good looking Kennedy used his connections as well as his image of a young charismatic leader to gain support for his political ambitions. Kennedy's well manicured image lent itself to an interpretation of a new breed of American politicians with fresh ideas for the future of the country, but one that was distinguished by class and more refined in nature. This judicious character would come to inform Kennedy's approach to legislation in the higher office of government.

The senatorial records on civil rights legislation of Johnson and Kennedy leave much to be desired, but they also reflect the posturing for even greater aspirations. Both John F. Kennedy and Lyndon Johnson became senators around the early 1950s, during a time when the issue of civil rights came to the forefront of national politics in the United States. Presidential administrations in the earlier 20th century had made extremely minor changes to desegregate certain portions of the federal government, like Herbert Hoover's breaking up of a segregated office in the commerce department and FDR's executive order to ban discrimination in the defense industry. Nevertheless, both Hoover and Roosevelt pursued the "Southern Strategy", a political stance on racial issues that basically looked the other way regarding racism to appeal to white voters in the then Democratic south.

It was President Harry S. Truman in the late 1940s and early 1950s who would really get the ball rolling on civil rights. Truman introduced legislation to ban lynchings in the south and to prohibit discrimination in public transportation. Although these efforts were in vain due to the split in the lack of support from conservatives on the issue, Truman also signed an executive order to prohibit discrimination in the federal government.

Relatively early in Eisenhower's presidency the Supreme Court landmark decision of *Brown v. Board of Education* desegregated public schools across the country and effectively ended the "separate but equal" policies of the south. Eisenhower eventually signed the Civil Rights Act of 1957, which focused on protecting voting rights, and the Civil Rights Act of 1960, which strengthened the earlier one and expanded enforcement. Although both of these pieces of legislation were monumental for their time, they were notorious for how weak they were in

nature. The southern Democrats and conservative Republicans had managed to water down the legislative efforts on civil rights.

However, the momentum and pressure for greater civil rights had been there throughout the decade of the 1950's and it was in this environment that Johnson and Kennedy found themselves in the Senate. Both of them had to take a stance on the issue of civil rights that could potentially improve or harm their chances at greater political ambitions in the future, and they both knew this all too well.

John F. Kennedy, as the junior senator from Massachusetts, as well as a Democrat, voted in favor of the civil rights legislation of 1957. The young legislator was also in opposition to the initiatives to delay votes on the civil rights act of 1960, but he ultimately came out against ending the filibuster on this same piece of legislation, effectively siding with the southern Democrats on the issue of civil rights. It is here that the timidity, as well as the inclination to please both sides of the issue of civil rights, became a characteristic that would mark the Bostonian for the rest of his life. Kennedy's stronger support for civil rights manifested outside the congressional chambers. He often favored desegregation in rhetoric rather than actual action, as means to not lose Democratic southern support for other legislation.

On the other hand Lyndon B. Johnson was all action on civil rights. Under the mentorship of the Speaker of the House and fellow Texan, Sam Rayburn, Johnson became incredibly dexterous in parliamentary power. Spending six terms in the House of Representatives, Johnson gained unparalleled knowledge of the inner workings of legislative strategy. Nevertheless, his prowess developed during his time in the Senate. It was as a senator that Johnson developed his skills of interpersonal persuasion, a powerful tool that employed relentless badgering of his targets as well as physical intimidation. Johnson quickly climbed the ladder of power in the

Senate becoming Minority Leader in 1953, as a freshman senator, Majority Leader only two years later, one of the fastest ascents into political power in the Senate.

Johnson's record on civil rights was that of a true southern Democrat, generally in opposition to desegregation and the expansion of voting rights enforcement. However, he refused to sign a southern manifesto, perhaps showing that his true feelings regarding civil rights rested somewhere in the middle of the issue. This ambiguity on civil rights action was further evident in Johnson's legislative record. As the leader of the Senate, the southern Democrat helped to pass the Civil Rights Act of 1957 and 1960, but he was also responsible for the massive watering down of these laws. These laws lacked power for enforcement and were mostly declarations that the government looked unfavorably at segregation and discrimination. Remarkably, if it had not been for Johnson, these two pieces of legislation, which effectively facilitated the Civil Rights Act of 1964, would have not come to be.

So here we have two very different characters from extremely different backgrounds and upbringings; two people that for all intents and purposes should have never crossed paths. But their ambitions put them on a trajectory that would result in one of the greatest pieces of legislation in American history. It would become apparent that the combination of Johnson with his cantankerous and aggressive ways of dealing with his opponents and Kennedy with his charisma and idyllic presence was what was needed to achieve meaningful civil rights legislation.

Kennedy and Johnson: The Efforts to Pass The Civil Rights Act of 1964

From the beginning of his tenure, the 35th President knew that to keep the support of the Democratic politicians from the south, he needed to act with caution on any level of enfranchisement of Black Americans. It was in Kennedy's first days in the White House where

the difficulty of negotiating civil rights legislation became abundantly clear to the president, as the fear of angering southern Democratic legislators, a big and powerful political bloc in Congress at the time, prevented the president from pushing a civil rights bill through Congress.¹

In the first month of Kennedy being in the White House, there was a bold attempt to bypass the conservative members of the President's own party in order to enact the new administration's agenda: that of the expansion of the House Committee on Rules. This powerful committee determines which bills reach the House floor for debate, and during the 1950's this faction of 12 members had been controlled by four conservative Democrats who had created an allegiance with two Republicans in order to block liberal legislation from being considered by Congress. The idea to take away the power of the Rules Committee had been proposed two years prior to Kennedy's first days in office by a group of Democrats named the Democratic Study group, but these plans had gone nowhere. So, in January of 1961, Kennedy, with the help of fellow Democrat and Speaker of the House of Representatives Sam Rayburn, pushed for the expansion of the number of members in the Rules Committee in order to break the 6-6 tie vote that tended to deadlocked liberal legislation from reaching debate on the House floor. The strategy of expanding the Rules Committee, which was favored for the purposes of the future passage of legislation, was still viewed as a mild step towards achieving the president's agenda; a more forceful approach, that of the outright removal of one of the conservative Democrats, had been considered but not attempted. A push to oust one of the Democratic members of the Rules Committee who was unfriendly to Kennedy's administration, had the potential to alienate the rest of the Southern Democrats for the remainder of Kennedy's tenure as president. So, after

¹ John F. Kennedy and The Civil Rights for Black Americans, 394 [27547837](#)

receiving the support of the House Democratic Caucus,^{2 3 4 5} on January 31 the initiative to expand the membership of the Committee on Rules was considered in the House of Representatives for a full vote. Speeches for and against the implementation of the rule were made by several members of the House, such as Minority Leader and staunch conservative, Charles Halleck, President Kennedy's ally, Sam Rayburn, and the Chair of the Committee on Rules himself, Howard Smith, who argued that it was his conscience that made him oppose the President's proposed agenda. After the vote the President and Speaker of the House won an incredibly narrow victory of 217 -212.⁶ Although this switch to an 8 to 7 majority in the Rules Committee marked an early victory for the President, whose agenda now had slightly more favorable prospects of getting through Congress without the conservative deadlock from the Committee on Rules, it was in reality still a weak and passive strategy to force liberal legislation through Congress. The inefficiency of the victory regarding the expansion of the committee is remarked on the fact that although the membership was extended by three representatives, one of those members was a Republican, who would side with the conservatives to oppose the president's agenda. Furthermore, the two Democrats placed on the reformed Committee on Rules, a Californian and an Alabamian, were both moderates.⁷ This scenario brought into light

² House Increases the size of the rules committee Politico article
[house-increases-size-of-the-rules-committee-jan-31-1961-373983](https://www.politico.com/news/house-increases-size-of-the-rules-committee-jan-31-1961-373983)

³ House Rules Changes Enhance Majority Rule
https://library.cqpress.com/cqalmanac/document.php?id=cqal65-1259762#_

⁴ Committee on Rules
<https://rules.house.gov/about>

⁵ Criticism on congress provides few changes
https://library.cqpress.com/cqalmanac/document.php?id=cqal63-1317293#_

⁶ Debate to expand the rules committee Teaching American History
<https://teachingamericanhistory.org/document/debate-to-expand-the-rules-committee/#footnote4>

⁷ Criticism of congress provides few changes
https://library.cqpress.com/cqalmanac/document.php?id=cqal63-1317293#_

that, even in victory, President Kennedy had to remain cautious of the power that the conservative southern Democrats had to derail his legislative agenda, as well as the inability to deal with the Dixiecrats head on. On this last point political science professor Robert E. Gilbert writes of the aftermath of a congressional fight to expand the membership of the House Rules Committee in early 1961: "...he [Kennedy] realized only too well that in order to get any of his major legislative proposals enacted, he would need the votes of approximately half of the southern Democrats."⁸ This was a grim prospect for Kennedy, and one that would prevent him from proposing civil rights legislation early in his presidency.

It should also be noted that the reason why the Committee on Rules was expanded was mostly due to the efforts of Sam Rayburn, the liberal Democrat from the southern state of Texas, whose long standing authority had been challenged in recent years by the six conservatives in the committee. Although it was Kennedy's idea to expand of the Committee on Rules, it was Rayburn's brilliance which allowed him to access the proper time to push for the change, to seek support from groups inside and outside of Congress, to create confusion on how he plan to proceed in order to change the Committee on Rules to his benefit, and to use his influence to ask for favors. The President, on the other hand, had resolved not to interfere with the matters inside of the House of Representatives and assisted Speaker Rayburn in other ways. Professor James M. Smallwood informs of Kennedy's helping hand to Rayburn: "The Speaker...asked for the President's assistance and got it; Kennedy and his staff made personal calls on doubtful Congressmen. The new administration's control over public works projects, over job patronage, and over committee appointments influenced many."⁹ Kennedy's help turned out to be useful

⁸ John F. Kennedy and The Civil Rights for Black Americans, 394 [27547837](#)

⁹ East Texas Historical Journal Article, 53

<https://scholarworks.sfasu.edu/cgi/viewcontent.cgi?article=1270&context=ethj>

for Sam Rayburn's great efforts of reform, but it was the speaker's saviness and strong posture on the matter which allowed for the implementation of the rule change and to reject compromise with the members of the Rules Committee. Through the fights, defeats, efforts, and compromises on the matter of the expansion of the Committee on Rules, it was clear that what the conservative members of the Committee feared was that the change of the rules was going to be used to push civil rights legislation. The President learned in this first month that civil rights was going to be a big fight, and he needed to learn how to use his power to enact legislation.

Despite not having the experience of Speaker Rayburn or the support of the Dixiecrats, Kennedy's deficiency in bureaucracy and deal making would not stop him from acting on his civil rights agenda, albeit at first in a more symbolic and strategic manner. On his first day in office Kennedy instructed the Coast Guard to admit Black cadets into the academy. The president also nominated five Black federal judges to the bench, most notably amongst them the future first Black Supreme Court justice, Thurgood Marshall.¹⁰ Kennedy also convinced Edgar Hoover to accept more Black agents to the FBI and demanded that those federal employee unions who were still engaged in segregation to end their practices.¹¹ On this front it is clear that Kennedy sought to use his influence as President to do what he could with regard to the advancement of civil rights.

Although none of these forceful presidential actions had a direct impact on legislation, it made clear to the American public in general, and to Black activists in particular, where President Kennedy's allegiances fell on the issue of civil rights, a distant position from his centrism during his tenure as senator. It can be argued that these initiatives sought to soften up the American electorate to Black people being part of the day-to-day matters of government

¹⁰ John F. Kennedy and The Civil rights for Black Americans, 386 [27547837](#)

¹¹ John F. Kennedy and The Civil Rights for Black Americans, 387 [27547837](#)

rather than just one more historically marginalized community. Also the placement of disenfranchised Black Americans in positions of power, such as those of federal judges and the FBI agents could signal that, if given the chance, Black Americans could in fact perform these very important tasks at the same level as white Americans. This stance would be a very powerful message, as a population that had to that point not even achieved full equal rights was ready to engage in high profile governmental work would have a great impact on the minds of the public. The understanding that people and politicians could obtain from having Black Americans engaging in these duties would allow Congress to more easily sell to their constituents the legislative efforts regarding civil rights.

The idea that the United States President is inherently vested with the power to issue directives with the simple stroke of a pen has been a controversial concept from the inception of the nation. The basis for existence of unilateral presidential mandates is not explicitly stated in the Constitution, and their limits and use are the subject of neverending debate. Nevertheless, despite their controversial nature, executive orders are one of the most powerful tools in the U.S. president's repertoire, as they provide the executive branch with essential means to guide the country's stances on a number of national issues, shepherd the way laws are being implemented, and make powerful statements on the direction in which the administration's agenda is going to move forward. If used strategically, executive orders grant the president a mechanism to implement some of his desired goals without the need to attend to Congress or the courts. The power of the executive order can be so ambiguous in its scope that the sheer concept of its existence has at times been co-opted to drive up opposition against the president, utilizing aggressive rhetoric that the commander in chief wants to be an authoritarian leader or even a

king.¹² However, many momentous events in the history of the United States have been the result of executive actions, most notably, the Emancipation Proclamation, the creation of the Peace Corps, and the internment of Japanese Americans during World War II.¹³

In the case of John F. Kennedy, he would use his executive power to bring about change in the way the federal government conducted business with regard to discriminatory practices. Like Kennedy's predecessor, President Eisenhower, who in 1957 had used his unilateral presidential powers to enforce desegregation in schools in the state of Arkansas,¹⁴ Kennedy would use his presidential powers to ensure federal contractors implemented fair employment practices in the name of equal opportunity. The first civil rights adjacent executive order signed by Kennedy, numbered 10925, was created in March of 1961 and required federal government contractors to ensure that their hiring practices did not discriminate on the basis of race, color, or nationality.¹⁵ This initiative also established the President's Committee on Equal Employment Opportunity which oversaw the implementation of the anti-segregationist policy. It is in this mandate as well, the first time the phrase "Affirmative Action" was used for official government business.¹⁶ This term of affirmative action became an important aspect of the implications of this executive order, as these two words signalled that the administration expected active engagement on desegregation, rather than a passive commitment from federal employers.¹⁷ The enforcement

¹² Lawsuit Reveals the Administration's Attacks on Congressional Power [lawsuits-reveal-administrations-attacks-congressional-power](#)

¹³ History, 10 Most Consequential Executive Orders and Proclamations [10-historic-presidential-executive-orders](#)

¹⁴ The modern Civil Rights movement and the Kennedy administration [Civil-rights-movement](#)

¹⁵ 1961 John F. Kennedy Executive Orders [1961](#)

¹⁶ Affirmative Action and Recruitment Practices [Affirmative-action-and-recruitment-practices](#)

¹⁷ Seedbed of Affirmative action, 42 https://web.archive.org/web/20160304083942/http://shfg.org/shfg/wp-content/uploads/2011/01/4-MacLaury-design4-new_Layout-1.pdf

of this executive order was procured by the Committee on Equal Employment through the use of sanctions if violations were committed.¹⁸

Kennedy's second executive order to advance a civil rights agenda would not materialize until the end of his second year as president, and in similar fashion to his first attempt in the previous year, it would be confined to how the federal government conducted its segregationist practices, but this time on the issue of federal housing. The writing in this executive order, numbered 11063, explicitly stated that the president recognized that minorities in the United States were not able to enjoy their "unalienable rights" as citizens due to discrimination resulting from segregationist practices. Order 11063 established the President's Committee on Equal Opportunity in Housing to report to the president on matters related to federally funded lending agencies compliance with the administration's agenda. However, this executive order regarding housing discrimination would come to be as toothless as the one on Equal Employment Opportunity. First, it lacked any type of policing of the agencies, making it difficult to know if there were any violations of the president's directive. Second, if violations were to be found, executive order 11063 did not explicitly state any type of punishment towards the perpetrators other than the termination of contracts, a rather negligible punishment. And third, the commission's duties were limited to considerations to the president for purposes of future legislation on the matter of civil rights, and to recommendations for further implementation of this executive order.¹⁹ This lack of provisions of enforcement and the functioning of the order as more of a guidance for the hopes of the administration meant that these agencies were largely in charge of policing themselves, leading to continued discrimination in housing and at times tokenism.

¹⁸ U.S. Equal Employment Opportunity Commission, The Early Years [Early-years](#)

¹⁹ Executive Order 11063, Equal Opportunity in Housing [Executive-order-11063-equal-opportunity-housing](#)

Regardless of how ineffective these executive orders were in combating abuses directed towards minorities, or the lack of muscle they had in advancing a civil rights agenda, it could be argued that Kennedy was steadily advancing the fight for civil rights at the national stage. By making calculated moves in areas where he knew he could make a push in a unilateral manner Kennedy could avoid drawing the ire of the conservatives in Congress, while still signaling to civil rights advocates that progress was being made. Through the adoption of a strategy of making weak intermittent progress on civil rights, Kennedy could assess the pulse of the nation on both sides of the issue, as well as measure the amount of gains that he could get away with before receiving any pushback from the public. Also, since these advances were restricted to the federal level and did not outwardly interfere with the states, the risks of rebuttal were likely to be contained to those of people in Washington D.C. rather than state politicians from the south, leading to larger discontent. The fact that the executive orders did not provide tools for enforcement, but were limited to purposes of advisory and oversight, could prevent the administration from looking like an aggressive entity that was gearing for a powergrab on civil rights. These executive orders would have made the members of Kennedy's cabinet understand the president's wishes on the matter of civil rights, and maybe even helped them prepare for a future fight. More importantly, in a somewhat covert manner, these orders would have been an important step to mitigate the impact that a robust and powerful civil rights legislation would have on the American public; although an amazing step towards equality, at this point in history many individuals in the nation were simply not supportive of civil rights at the national level. A civil rights bill could receive more support if the president showed that strides had been made on this topic, and this progress had only helped the people it was seeking to affect without "hurting" the general public.

The symbolic nature of this progress signalled that Kennedy knew that he lacked the support from Democrats along with the know-how regarding working with Congress on a broad civil rights legislation. Through these more passive actions, Kennedy demonstrated his awareness of the fact that in order to pass a civil rights agenda he needed to first “soften up” the electorate, particularly those in regions historically opposed to desegregation and equal rights. By incrementally acting on civil rights Kennedy could also gradually change his previous postures on the matter of civil rights. It is by focusing on this last point that we can observe a shift in the president’s inclination towards enfranchising minorities, a different position from where he stood on the issue just a few years earlier, and a bold strategy to look like a moderate when needed, but as a champion of civil rights when the time was right. This strategy could also help the president save face with the general public, as an abrupt shift in rhetoric would have made him look like a sleazy opportunist, a move that could have also soured the Congress on him. All of this shifting, posturing, signalling, and ordering pointed towards the conclusion that Kennedy was about to make a larger move on civil rights, a move that Kennedy would not see come to fruition.

On January 9 of 1963 the 88th Congress opened without much change regarding the composition from the previous legislature. The Democrats had lost a couple of seats in the House of Representatives, still having the control of the chamber nevertheless, and had made gains in the Senate, adding three seats to their filibuster-proof supermajority.²⁰ Kennedy had entered his third year as president, but the POTUS seemed almost as timid as ever on the issue of civil rights, even with the powerful governmental trifecta that the American people had handed him for the second half of his presidency. It is clear that Kennedy still thought he could not muster

²⁰ Session Summary, Party Leaders, Turnover in 1963 [document.php](#)

the support he needed for the passage of the bill on civil rights and that any attempt to introduce such legislation would have to come from a shift in political momentum that would give the president an excuse to implement his agenda. In a 1964 interview former Washington Bureau director for the NAACP, Clarence Mitchell Jr. explained the Kennedy administration's plans for civil rights agenda entailed: "The whole effort was aimed at trying to make progress in the executive area of operation and to back up whatever progress was being made by the judiciary branch of government"²¹ In Mitchell's opinion, the hesitation of President Kennedy to adopt a bold strategy that would take the civil rights fight to Congress is what ultimately impeded the president from enacting other legislation from the president's New Frontier agenda. It was an unresolved issue that the president carried around his neck, and weighed on other decisions where the people that Kennedy had to deal with knew that as long as civil rights legislation was not successful, this could be used against the president to tie his hands in other matters.

This cautious approach on legislation, now sustained for two years and which had produced marginal results, had made civil rights advocates increasingly impatient with the federal government, and the president specifically for the lack of action. Martin Luther King biographer, Taylor Branch, describes the inefficiency of this approach towards change: "The whole movement was an appeal to the nation to rise up and live out the true meaning of its creed through the federal government. And he appealed to every component branch of it: the judges, the executive branch, and the Congress. Nothing worked..."²² At this point in time it was obvious that something needed to be done to draw attention to the issue of civil rights in order to push for change at the federal level. Fed up with the lack of progress on civil rights, protests

²¹ The Civil Rights Act of 1964: A Long Struggle For Freedom (00:45 - 00:56)
<https://www.loc.gov/exhibits/civil-rights-act/multimedia/clarence-mitchell.html>

²² Taylor Branch, Interview at the John F. Kennedy Library, 2003 [On-kennedy-and-king](#)

began to spread in the spring of 1963. A boycott in the south started what came to be known as the Birmingham Campaign, a series of protests and other types of demonstrations in which the main focus was to bring an end to segregationist practices in this Alabama city, which at the time was considered the most segregated city in the United States. When the authorities in the city turned violent against the protesters, more demonstrations broke out across the country. Even in Washington D.C. protestors organized demonstrations against the Federal government. Former Assistant attorney general, and activist, Roger Wilkins recalls how he demonstrated against what he calls the “lily-white operation” of the Department of Justice led by Robert F. Kennedy: “...we marched around the building. We chanted and we sang and we then congregated at the Ninth and Pennsylvania entrance to the Department.”²³ Inspired by the protests around the country, Wilkins' main issue was that President Kennedy, “was very, very tone deaf on racial issues.”²⁴

Eventually President Kennedy considered sending federal troops to Alabama after a hotel was bombed in Birmingham which led to riots breaking out, but in the end decided against it. However, the following month a weaker but far more publicized attempt to continue the practices of segregation would bring the president to intervene directly on the side of civil rights advocates. On June 11 of 1963, Alabama governor George Wallace in an act of defiance, which served a far more theatrical purpose than a practical one, stood in front of the doors of the University of Alabama in order to prevent black students from enrolling. This action prompted the Kennedy administration to intervene by federalizing the Alabama National Guard. The governor, after giving a brief speech, stepped aside to let the students go into the building. That same night, the President addressed the nation on the need for civil rights legislation at the

²³ Roger Wilkins Interview at the John F. Kennedy Library [On-kennedy-and-king](#)

²⁴ Roger Wilkins Interview at the John F. Kennedy Library [On-kennedy-and-king](#)

national level. For the first time since the beginning of his presidency, Kennedy would try to make good on his promise to tackle civil rights issues at the legislative level. The president at this point was feeling pressure from the demonstrations of the spring, and he feared a renewed wave of protests around the country. The situation was also ripe for this more aggressive push on civil rights as now a case could be made to the American public that to prevent further unrest an all-encompassing civil rights bill was necessary. And Kennedy said as much the night of June 11 during a televised address: “it is better to settle this matter in the courts than in the streets, and new laws are needed at every level.”²⁵ Kennedy was finally ready to make the move that civil rights hopefuls so ardently desired. Matters then would have to turn to a contentious fight of ideologies and capabilities: What would the Civil Rights bill to be introduced to Congress going to look like?

That momentum started to shift in favor of new civil rights legislation was reflected by the fact that over one hundred new civil rights bills were submitted for consideration in Congress in the first months of 1963. Now with the recent violence and chaos in Alabama there was a clearer vision across Washington D.C. that something needed to be done in the arena of civil rights. With this realization however, came the understanding that a civil rights law would have to come from bipartisan agreements. However, despite no clear path forward on the bill H.R. 7152 was formally sent to Congress on June 19 of 1963.²⁶

The southern Democrats, a faction who had opposed such legislation in previous decades, had remained largely unchanged by the summer of 1963, and this block of legislators seemed

²⁵ TELEVISED ADDRESS TO THE NATION ON CIVIL RIGHTS(4:13 - 419)

<https://www.jfklibrary.org/learn/about-jfk/historic-speeches/televised-address-to-the-nation-on-civil-rights>

²⁶ Delivering on a Dream: The House and the Civil Rights Act of 1964 [1964-Essay](#)

unlikely to capitulate to the president's new efforts.²⁷ In January of 1964, Representative Howard Smith of Virginia, a staunch segregationist, and chairman of the Rules Committee, the legislative body that would come to play an important role in the upcoming fight in the House of Representatives, expressed his frustration on the matter of the history of civil rights and this new bill: “And now we have it again. And I just wonder what is the end of civil rights? What do we have to do? What more is needed?... I have been in Congress 33 years, and I never saw any organized minority political power that was ever satisfied with their program.”²⁸ Smith was notorious for his tactics in opposition to civil rights legislation. In his tenure as the chairman of the Rules Committee he would refuse to consider such bills, weaken them, or outright leave to his farm in Virginia in order to ensure a dysfunctional committee.²⁹

Most southern Democrats relied on arguments against civil rights which centered on the belief that such legislation would bring about “the end of the southern way of life”, or that the government was infringing upon the rights of the states to decide their own internal matters, which in the early 1960s still provided a strong case for virulently racist and prejudiced attitudes across the country.³⁰ Democratic Senator Strom Thurmond of South Carolina, famous for his political grandstanding in civil rights affairs, sounded off with harsh remarks in a memorandum in 1959 on the perceived unconstitutionality of the Civil Rights Commission established in 1957: “On the appointment of federal election registrars, he said: ‘Such a proposal would not only be unconstitutional, but would in fact, establish a federal dictatorship--if indeed it could

²⁷ Landmark Legislation: The Civil Rights Act of 1964 [CivilRightsAct1964.htm](http://www.civilrightsact1964.htm)

²⁸ Video on Howard Smith in January of 1964, (2:19 - 2:48)
<https://www.loc.gov/exhibits/civil-rights-act/multimedia/howard-w-smith.html>

²⁹ The Uphill Battle Congress Committee and Civil Right Legislation [Civil-Rights-Capitol-Hill](http://www.civil-rights-capitol-hill.com)

³⁰ The 1964 Civil Rights Act Then and Now [1964-civil-rights-act-then-now](http://www.1964-civil-rights-act-then-now.com)

be enforced ."³¹ And a proposed amendment on elector qualifications "... would transfer all substantial control and authority over the eligibility of voters from the states, where it now resides, to the federal government, where it can only reside in tyranny."³² His harsh remarks signalled that the opposition to civil rights laws was in effect opposition to what he perceived to be a tyrannical government that sought to control the way states functioned; for the conservative block, further legislation on civil rights would be unthinkable. President Kennedy would not be able to count on the support of a major portion of his own party to enact a new civil rights law, as again, he was disliked by many in opposition to him or his policies. So he knew that he had to throw his weight around where he could, and that is exactly what he did.

On Kennedy's orders, Assistant Attorney General Burke Marshall descended on Ohio in early July of 1963 to speak to Republican representative William McCulloch, a ranking member of the Judiciary Committee, who was considered a moderate and who detested the racism of the southern states. Burke and McCulloch worked out a deal in which McCulloch would offer to sway Republican support in favor of the administration to ease the passage of the bill; in exchange Republicans would get the credit for the legislative victory. Additionally, McCulloch requested the bill to be practical and moderate, without strong amendments either in the House or the Senate; McCulloch wanted the bill to be liberal but not too liberal. The administration agreed with the conditions as this allegiance promised to bring more than fifty votes from House Republicans to Kennedy's side.

³¹ Office of Senator Strom Thurmond Memo, 1
<https://open.clemson.edu/cgi/viewcontent.cgi?article=2920&context=strom>

³² Office of Senator Strom Thurmond Memo, 2
<https://open.clemson.edu/cgi/viewcontent.cgi?article=2920&context=strom>

McCulloch quickly found an ally in the House Judiciary Committee for the purpose of the passage of the civil rights legislation, the chair of the committee himself, Emanuel Celler. Celler, a Democrat from New York, would offer to bring the more liberal interests in the Judiciary Committee into line in order to present a bill that looked favorable enough for passage. McCulloch would work to make sure the bill was favorable for Republicans. The two heads of the Judiciary Committee would entertain a bill that was far reaching in scope but relatively mild in enforcement. However, the promises made for the consolidation of this allegiance quickly fell apart when the majority of the House Judiciary committee was able to suggest amendments on the legislation before them. Celler was not able to control the members on his side of the committee who wanted a stronger, more liberal bill. After being amended by the liberal wing, the now stronger H.R. 7152 ensured that voting rights were extended to the states, not just the federal government as in the original bill and made the Attorney General able to directly intervene on the side of citizens whose civil rights were denied by the states. The bill also forced desegregation across the board. McCulloch's opinion on this reformed and strengthened bill: "It's a pail of garbage."³³

Angry, knowing that this new more liberal proposal would fail in both the House of Representatives and the Senate, McCulloch told the Judiciary Committee to fix the bill. The president's allies now would have to come to the table again and negotiate among themselves on how much of H.R. 7152 they were willing to compromise; however, this time there would have to be the involvement of northern Democrats and the full Judiciary Committee. President Kennedy himself was frustrated with the new promises that the bill had made, as he knew the bill in its more liberal form was bound to lose support from even Republican congressmen

³³ The Republican Who Saved Civil Rights- Politico Magazine [the-movers-behind-the-civil-rights-act-105216](https://www.politico.com/story/2018/07/16/the-movers-behind-the-civil-rights-act-105216)

sympathetic to the president's efforts. In late spring of 1963 before legislation was even introduced to congress, Kennedy new worries were placed on the prospect that a civil rights law would bring adverse consequences to the nation.³⁴

In a meeting with religious leaders on June 17, 1963, Kennedy voiced some of his hopes and concerns towards the fight that was ahead of them: "I am now asking you to join together as the religious leaders of this country, as men who are committed by their choice to the welfare of all people" "We have two or three communities now in the United States where we could have the most desperate kind of violence in the next few days, so this is not a matter from which any of us could stand aside."³⁵ In these assertions and pleas to the religious community Kennedy showed that he expected the clergymen of the country to wrangle up some of the constituency on both sides of the issue of civil rights in order to prevent discontent towards the civil rights bill, which could result in a loss of support for the legislative initiative among congressmen. Nevertheless, in this same meeting, the Attorney General indicated that a major expectation rested in the reality that legislation would not go as far as many civil rights advocates wanted. The administration conveyed that the emphasis of civil right integration and desegregation should be a process that is undertaken by every community independently: "If we felt there was a violation of federal law we would go to the local political leaders, county leaders and say we found a violation of the law." According to the Attorney General this approach "has the advantage of having the remedy come from within, not coming from Washington telling somebody what to do and how to live."³⁶ Even on the verge of a groundbreaking legislative fight

³⁴ The Republican Who Saved Civil Rights - Politico Magazine
<https://www.politico.com/magazine/story/2014/03/the-movers-behind-the-civil-rights-act-105216/>

³⁵ CIVIL RIGHTS: MEETING WITH RELIGIOUS LEADERS, 17 JUNE 1963 Pg.2
https://www.jfklibrary.org/asset-viewer/archives/jfkpof-097-011#?image_identifier=JFKPOF-097-011-p0031

³⁶ CIVIL RIGHTS: MEETING WITH RELIGIOUS LEADERS, 17 JUNE 1963 Pg.3
https://www.jfklibrary.org/asset-viewer/archives/jfkpof-097-011#?image_identifier=JFKPOF-097-011-p0031

where allies of the president undoubtedly would want a legislative proposal that was up to par with the expectations from many civil rights advocates at the time, John F. Kennedy was already signaling that he would basically settle for scraps. The president's trepidation towards civil rights and that of his administration had not changed three years into his presidency. He seemed to still want to make everyone happy, while not really achieving anything of significance.

The president's weak approach towards the civil rights opposition is again seen in a September meeting with civil rights leaders, among them Martin Luther King Jr., who came to the White House after four black girls were killed by the bombing of a church in Alabama. These leaders had come to ask for better protection from the federal government, not only for their own wellbeing but for that of race relations in the nation. "The negro community is about to reach a breaking point"... "If you walk the street, you aren't safe. If you stay at home, you aren't safe. There is a danger of a bomb. If you're in church now, it isn't safe."³⁷ In this plea to the president, Dr. King expressed what Kennedy had refused to see or was too ineffective to consider achieving, that the civil rights legislation, more than three months after being introduced to Congress, would have to be far more aggressive on its enforcement of protection from the consequences of the negligence of state leaders. Kennedy's reply, as dispassionate as always, "So everybody just has to keep their nerve"... "So that I think that we got to tell the Negro community this is very hard price, which they have to pay to get this job done."³⁸ While the civil rights leaders wanted stronger action from the president, POTUS still refused to believe that he could get a civil rights act passed without the support of adversary white Americans. While violence and rioting would have soured a large part of the population to the civil rights cause, the

³⁷ Excerpt of video UVA Miller Center (1:26 min - 2:20min)
<https://millercenter.org/the-presidency/educational-resources/the-civil-rights-act-of-1964>

³⁸ Excerpt of video UVA Miller Center (3:13 min - 4:42min)
<https://millercenter.org/the-presidency/educational-resources/the-civil-rights-act-of-1964>

president still believed that civil rights would not be enough, hearts and minds had to be changed slowly and gradually, and that a powerful push from the federal government would only make matters worse. This strategy from the president in which the government was not there to dictate anybody's way of life, but simply to make sure other people's rights were not being violated, is perhaps what King and the group of civil rights leaders were there to change but apparently with no success. Perhaps Dr. King had gone to the White House to try to apply pressure not expecting much from the president. Maybe the president knew he could not overpromise to civil rights advocates. Whatever the case, the president remained adamant to limit the civil right law to one that would affect only the federal government and not the states. The president, as always, wanted to play both sides without committing too much on anything, except for rhetoric which signaled that the federal government was on the side of civil rights hoping that the public would see the light.

The weakness of the approach of Kennedy's blueprint for civil rights in which people were just supposed to come around to the idea of the enfranchisement of Black Americans was again demonstrated in a meeting in late September of 1963. Here Kennedy addressed a group of white leaders from the city of Alabama on the prospect of integrating the city to avoid further unrest. In Kennedy's own words towards these white educated southerners "...my opinion is if you can integrate an armed service where you have to live together, eat together, use the same john, all the rest, you can in these cases work together..."³⁹ Although the president made his antisegregationist stances clear towards the group, and was adamant that the progress that had been made in the southern city had been marginal but a good step towards what he considered a righteous and moral cause, Frank Newton, the President of the Birmingham Chamber of

³⁹ Excerpt of video UVA Miller Center (2:03 min - 2:13 min)
<https://millercenter.org/the-presidency/educational-resources/the-civil-rights-act-of-1964>

Commerce, responded to the president “We believe that your public accommodations goes beyond that, though.”⁴⁰ The president would yet again be left disappointed by white southern stubbornness to recognize the urgency of desegregation. Although the president was making efforts on the grounds to change people’s views on civil rights, there was just no appetite for much change in the southern United States. This would have surely made Kennedy realize that if the public, even educated southerners, were against his efforts of integration and enfranchisement, congressmen beholden to this entrenched constituency were not going to budge.

Nevertheless, in the summer, the fight in Congress and the wrangling of support for civil rights legislation was still afoot. In the Judiciary Committee, the factions were not as entrenched as they were outside of Congress, but they still had different perspectives on what H.R. 7152 should include. In this fight, between the more liberal version from the Judiciary and the watered down proposal that Bill McCulloch preferred, the president would throw his weight around, albeit through his Attorney General Robert F. Kennedy. In a statement to the House Judiciary committee in October of 1963, Robert Kennedy urged that the passage of legislation should be as quick as possible because “Every day of delay aggravates the problems of discrimination by hardening resentments and undermining confidence in the possibility of legal and peaceful solutions.”⁴¹ Since the bill was brought to the Judiciary Committee, disagreement on the robustness of enforcement had been a contentious issue for both sides of the aisle. The split had made consensus difficult. Robert Kennedy continued: “A strong civil rights bill can only be enacted if this Committee and this Congress put aside partisan considerations and both political

⁴⁰ Excerpt of video UVA Miller Center (2:19 min - 2:33 min)

<https://millercenter.org/the-presidency/educational-resources/the-civil-rights-act-of-1964>

⁴¹ Justice. Gove Statement from Bobby Kennedy 1

<https://www.justice.gov/sites/default/files/ag/legacy/2011/01/20/10-15-1963.pdf>

parties work together towards that end.”⁴² Since the bill was now in the Judiciary Committee for consideration, this opened an opportunity for the president to use a new strategy, that of pressuring Congress. Since now a new front on the issue of civil rights had been opened, there were even more opportunities for the Kennedy administration to posture in front of civil rights advocates. There was also the prospect of using this new platform to branch out into other fronts for the fight of civil rights; that is to say, an argument for civil rights could be created in Congress and disseminated towards the outside. Earlier in the summer, Robert Kennedy had made a push to the subcommittee No. 5, the subcommittee in charge of drafting the bill before being sent for consideration to the full Judiciary Committee, to make the case that federal intervention was necessary for the enforcement of civil rights. However, swayed by President Kennedy, Robert by the middle of October had made the case to the Judiciary committee that there needed to be compromises on the bill. This again signals the determination of the president to ask for as little as possible in order to achieve even a minor victory on civil rights.

Before the bill came to the full Judiciary Committee for a vote, just like Halleck wanted, it was amended by cutting down the enforcement abilities that the more liberal proposal had sought to give to the attorney general. It also made the Civil Rights Commission permanent and expanded its powers. The civil rights groups outside of Congress however, were furious with this version of the legislation, claiming that the administration had surrendered to the more centrist and conservative factions of Congress. The final meeting for the full Judiciary Committee came on October 29 of 1963, and the bill passed by a vote of 20 to 14. The legislation that had been introduced to Congress in June had finally passed its first hurdle after more than four months in this committee. Although the journey of bill HR. 7152 through the first committee had been a

⁴² Justice. Gove Statement from Bobby Kennedy 2
<https://www.justice.gov/sites/default/files/ag/legacy/2011/01/20/10-15-1963.pdf>

tough and uncertain one, in which plenty of negotiation and compromise had resulted in a new bill where no one had gained totality of what they wanted, it was nonetheless a win for John Kennedy. The president had finally shown that he had some fight in him at the legislative stage, but he had also shown that he was willing to take anything he was offered, no matter how little it was, in order to score a victory. Now H.R. 7152 would have to go to the Rules Committee, the same congressional body that Kennedy had expanded earlier in his presidency. This was not only the committee where progressive legislation had historically come to die, but it was chaired by the notorious segregationist Howard Smith who had many times opposed civil rights in the past, and had even come between President Franklin Roosevelt and his New Deal agenda. The bill arrived in the House Committee on Rules on November 20 of 1963.

Upon the bill's arrival, Howard Smith, as expected, refused to schedule the bill for a floor debate. Getting through the segregationist leader from Virginia, who could prevent legislation from even being debated on the House floor, was not going to be an easy task.

The president at the same time had started his trip to Texas, where he would attempt to unify the liberal and conservative factions of the Democratic party, as well as to maintain support of the state that he so desperately needed if he was to win reelection the following year. However, the reelection, the upcoming fight in committee on rules, and Kennedy's New Frontier programs, would all be thrown into uncertainty the following day, November 22 of 1963 when the president was shot in the back of the head while riding in a motorcade next to his wife in the city of Dallas.

Kennedy would be rushed to the hospital, but declared deceased shortly after.

The United States of America once again would have to reckon with the reality of its head of state being assassinated. In an age of much faster communication, compared to the crime

that ended President William McKinley's life 62 years earlier, the instant broadcast news of the president's fate would bring the nation into immediate shock. Important personalities showing distress on television, and radio bulletins constantly updating the public on the details of Kennedy's assassination, contributed to the atmosphere of affliction felt throughout the nation. The tragedy of America's leader being murdered would allow for these same public faces and reactions from the media to create a unified image of the grief from the American public that was mirrored back to itself in real time. That same afternoon of November 22 of 1963 in Dallas, there was a man who found himself with a new task and purpose, one that came somewhat unexpectedly to him. This was a man whose entire career and life had all but prepared him for this day.

Two hours after President Kennedy's death, on board Airforce One, at the Dallas Love Field airport, Vice President Lyndon Johnson was sworn in as the new leader of the United States⁴³. Flanked to his right by his wife Claudia Alta, or as she was affectionately known, Lady bird, and to his left by a bloodied and distraught Jackie Kennedy, Lyndon Baines Johnson raised his right hand in front of Texas Judge Sara T. Hughes to take the oath of office.⁴⁴ The new president had inherited from his predecessor a fractured Congress⁴⁵, a divided population⁴⁶, the very real prospect of a nuclear war⁴⁷, and a conflict the U.S. military was beginning to be directly involved with⁴⁸. Lyndon Johnson however, had spent most of his life in politics, had

⁴³ Dallas-Lovefield airport plaque [lbj-observation-deck](#)

⁴⁴ Wisconsin Historical Society Newspapers <https://www.wisconsinhistory.org/Records/Image/IM105370>

⁴⁵ Delivering on a Dream Delivering on a dream (Paragraph 5 -7)
<https://history.house.gov/Exhibitions-and-Publications/Civil-Rights/1964-Essay/>

⁴⁶ Civil Rights Act of 1964 <https://www.loc.gov/exhibits/civil-rights-act/civil-rights-era.html>

⁴⁷ Remembering the Gulf of tonkin [remember-gulf-tonkin-resolution](#) [remember-gulf-tonkin-resolution](#)

⁴⁸ Office of the Historian: Interview about involvement in Vietnam
<https://history.state.gov/historicaldocuments/frus1961-63v04/d50>

come from a family of politicians, had been a strong supporter of the New Deal, became a firebrand in the American south, where to make it in politics more than strong support was needed⁴⁹, and had labored as a hired hand in his youth. He had tremendous work experience, and most importantly he knew how to obtain power. Now at 55 years of age, Johnson had finally climbed to the top of the political ladder to become “the leader of the free world”; a long way from his time as a teacher of Mexican-American kids in Texas⁵⁰, or an elevator operator in San Bernardino, California.

Lyndon Baines Johnson began to demonstrate his abilities as someone who knew how to garner sympathy from those around him. It is even before his first address to Congress that we can observe one of the most important of the strategies that Johnson would utilize to achieve the passage of the coveted civil rights legislation. In a number of recordings from the extensive collection of phone calls and Oval Office meetings taped during the Johnson administration, the 36th president put to use some of the communication skills and charisma that he was so notorious for⁵¹. In a time of national vulnerability and change, Johnson sought to keep the support of Kennedy’s allies⁵². The Texan had to make sure he could count on the connections the former president had already made if there was to be a smooth transition of power that would allow for the continuity of a congruent agenda, otherwise he could lose the momentum for any

⁴⁹ Britannica: Lyndon B. Johnson <https://www.britannica.com/biography/Lyndon-B-Johnson>

⁵⁰ LBJ Presidential Library: Biography Lyndon Johnson
<https://www.lbjlibrary.org/life-and-legacy/the-man-himself/biography>

⁵¹ Discover LBJ
https://discoverlbj.org/item-search?search_api_fulltext=&f%5B0%5D=collection%3ARecordings%20and%20Transcripts%20of%20Telephone%20Conversations%20and%20Meetings&page=0

⁵² Miller Center - The Johnson Transition [johnson-transition](https://www.millercenter.org/robert-f-kennedy-center/johnson-transition)

planned goals⁵³. In a phone call to Arthur Goldberg the same night of Kennedy's death, the president asked the Supreme Court justice, who had also served Kennedy's secretary of labor, to "be thinking about what we ought to do, to try to bring all of these elements together and unite the country ...". As one of Kennedy's former advisors, and a friend of Johnson, Goldberg reassured his support for the new president. "You'll do well, we have complete confidence"⁵⁴. The same night, Johnson called the Treasurer of the Democratic National Committee, Richard Maguire, a secretive but powerful figure who had met John F. Kennedy in the mid-1940's, when the now-deceased president was campaigning for the seat in the House of Representatives⁵⁵. Although someone who always worked in the background, many in Washington at the time of Johnson's ascension to the presidency considered Maguire one of the most powerful non-elected officials in the country⁵⁶. Just like with Goldberg, Johnson's message to Maguire was a simple one, "I want the same type of relationship tomorrow as we had yesterday." Before offering his condolences to the Treasurer, the president also asked for Maguire to be ready to give some advice⁵⁷. In his very first day as president, Johnson demonstrated an ability that he had been so familiar with throughout his career, that of being tactful at the appropriate moment, while also procuring the support of those he perceived as valuable for his ends. He knew he could not afford to alienate the people he needed by demanding specific favors in such a sensitive time, but he

⁵³ LBJ Presidential library - The cabinet –

<https://www.lbjlibrary.org/life-and-legacy/lbjs-administration/cabinet#:~:text=Members%20of%20the%20Cabinet%20include.to%20ensure%20a%20smooth%20transition>.

⁵⁴ Johnson phone call # 4 Goldberg, 11/22/1963 <https://discoverlbj.org/item/tel-00004>

⁵⁵ Richard Maguire - New York Times

<https://www.nytimes.com/1983/02/21/obituaries/richard-maquire-close-aide-to-president-kennedy-dies.html>

⁵⁶ New York Times - Richard Maguire Dies [richard-maquire-close-aide-to-president-kennedy-dies.html](https://www.nytimes.com/1983/02/21/obituaries/richard-maquire-close-aide-to-president-kennedy-dies.html)

⁵⁷ Richard Maguire call #6 Johnson phone call <https://discoverlbj.org/item/tel-00006>

also considered it necessary to quickly secure the support of the pertinent individuals who had been close to the former president. Johnson was so aware that this tactful communication was such an important strategy to muster future support that he would come to regret the first public statement to the nation, which he delivered as soon as his flight landed earlier in the day, disregarding the prepared remarks as forced and harsh.⁵⁸

Perhaps it was in Johnson's mind that strengthening his position with politically influential characters who labored outside of the confines of the U.S. Congress would give him an edge when needing advice from people who had no direct stake on legislative affairs, but who had still enough experience and sway in the political arena to counsel him. It could also be that since these individuals had been close to Kennedy for many years, they could serve as a liaison between the cabinet Kennedy left behind and the new commander in chief. These connections could also provide a more personal insight into Kennedy's approach towards the people and situations the former POTUS had to deal with. Communication with Kennedy's allies was a way for Johnson to understand the advice that Kennedy had received as president and be able to mold for his own agenda and goals.

The same pattern of reaching out to non-congressional figures followed the next day, with a call to the powerful union leader Geroge Meany to whom Johnson yet again pitched the same plea as before: "let's try to put our country upright, and pull it out of this terrible situation in which we find our selves." Although still in shock from the assassination of Kennedy, Meany would join the ranks of those pledging his support to the new president. The acquisition of Meany's backing, as Johnson had surely understood the moment he became president, would be essential to his passage of the president's agenda known as the "Great Society."⁵⁹ On that same

⁵⁸ The American Presidency Project [remarks-upon-arrival-andrews-air-force-base-0](#)

⁵⁹ Johnson phone call # 8 Meany, 11/23/1963. <https://discoverlbj.org/item/tel-00008>

day, Johnson would call House Leader, Carl Albert, to again request future advice, and to ask if it would be appropriate to address a joint session of Congress, to which Albert replies in the affirmative.⁶⁰ With the support secured from some of the most influential people in politics, Johnson now had to face the people he would need to work with if he was to pass his agenda.

The formality of gathering the three branches of the federal government in order to speak about the prospects, achievements, and direction of the nation is an event the government reserves for the often controversial annual State of the Union Address. However, at times when an important personality comes to the United States, or the commander in chief needs to address a pressing matter, a Joint Session of Congress can be called.⁶¹ While a State of the Union Address is a televised event⁶² of ceremonial grandeur and subdued spectacle, an opportunity to display to the nation that Washington gets along, even if only in appearance, the Joint Session of Congress can take a rather somber tone⁶³. The motive for the convocation of the judicial, executive, and legislative branches can be the result of Washington feeling that the nation should be made aware of a momentous occasion.⁶⁴

This time, like only a handful before, the government would have to sit through a joint session of Congress immediately after a tragedy that had rocked the country. In this instance the commander in chief would have to reassure the people in mourning that he procured some type of continuation of Kennedy's goals.⁶⁵ Johnson had to urge elected officials in his party and those

⁶⁰ Carl Albert call # 9 Johnson phone call <https://discoverlbi.org/item/tel-00009>

⁶¹ Joint Session and meetings - Gov https://www.senate.gov/reference/resources/pdf/joint_sessions.pdf

⁶² Broadcast Milestones In the House [broadcast-milestones-in-the-house-of-representatives](https://www.house.gov/broadcast-milestones-in-the-house-of-representatives)

⁶³ A Dramatic Session - United States Senate [Dramatic_Session.htm](https://www.senate.gov/legislative/a_dramatic_session.htm)

⁶⁴ History, Evolution, and Practices of the President's State of the Union Address: Frequently Asked Questions [R44770](https://www.whitehouse.gov/the-press-office/2017/01/20/history-evolution-and-practices-of-the-presidents-state-of-the-union-address-frequently-asked-questions)

⁶⁵ President Lyndon Johnson First Address To A Joint Session of Congress - History Arts Archives

across the aisle to adopt his vision for the United States, without sounding out of step with the gravity of the situation that had just developed or giving the appearance that he was merely supplanting the beloved former president. It was essential for Johnson to use the full weight of the greatest bully pulpit in the world, knowing that the American people would surely have in mind the oratory capabilities of the charismatic Kennedy. The Texan had to prove in his first address to the nation that he was not simply there by chance as just another figurehead to fill a position that had become empty, but that he, and only he, was the man for the job.

On November 27 of 1963, Lyndon Baines Johnson came to meet his first challenge in front of the entire Congress. The president walked to the front of the House chamber to the thunderous applause from his former colleagues, and after shaking hands with the Speaker of the House, John McCormack, he waited to be introduced and for the applause to die down and then he spoke: “Mr. Speaker, Mr. President [pro-tempo], members of the House, members of the Senate, my fellow Americans, all I have I would have given gladly not to be standing here today, the greatest leader of our time has been struck down...”⁶⁶ With these words Johnson began his speech with a tribute to the fallen John F. Kennedy. This eulogy remarked on the sadness he felt and the greatness of Kennedy, but went on to say “no words are strong enough to express our determination to continue the forward thrust of America that he began.”⁶⁷ From the start he was already signaling to congress not only that he planned to maintain Kennedy’s agenda, but that it was also everyone’s responsibility to help achieve those goals.

[President-Lyndon-B--Johnson-s-first-address-to-a-Joint-Session-of-Congress](#)

⁶⁶ November 27, 1963: Address to Joint Session of Congress (00:21-00:56)
<https://millercenter.org/the-presidency/presidential-speeches/november-27-1963-address-joint-session-congress>

⁶⁷ November 27, 1963: Address to Joint Session of Congress (01:32- 01:49)
<https://millercenter.org/the-presidency/presidential-speeches/november-27-1963-address-joint-session-congress>

Early in the speech, Johnson began to remark on the varied “dreams” that his administration planned to achieve, maintaining the ideals of the Kennedy presidency. These aspirations included: “Conquering the vastness of space”, “the dream of a peace corp”, “the dream of jobs”, “the dream of an all out attack on mental illness,” but this list of proposed legislative goals ended with the words: “but above all, the dream of equal rights for all Americans, whatever their race or color.”⁶⁸ The new president then tied these expectations to the agenda of Kennedy “and now the ideas and ideals which he so nobly represented must and will be translated into effective action.”⁶⁹ After speaking of the future of the country and reinstating the responsibilities of United States around the world, Johnson then brought civil rights legislation back to the forefront of the conversation, but this time as a responsibility to Kennedy himself: “no memorial oration or eulogy could more eloquently honor President Kennedy's memory than the earliest possible passage of the civil rights bill for which he fought so long.”⁷⁰ In his first address to the nation Johnson had managed to make Congress agree that the memory of Kennedy should be honored, he listed the goals he planned for his tenure as president, save Congress the task of achieving that vision, and finally tied it all together as to assure that the expected agenda would be inseparable from the memory of the recently deceased commander in chief. As the nation remained in shock from Kennedy’s death, Johnson understood in this sensitive moment it was important to use Kennedy’s death as a means to achieve civil rights

⁶⁸ November 27, 1963: Address to Joint Session of Congress (02:01- 02:47)
<https://millercenter.org/the-presidency/presidential-speeches/november-27-1963-address-joint-session-congress>

⁶⁹ November 27, 1963: Address to Joint Session of Congress (3:07-03:21)
<https://millercenter.org/the-presidency/presidential-speeches/november-27-1963-address-joint-session-congress>

⁷⁰ November 27, 1963: Address to Joint Session of Congress(13:31-13:48)
<https://millercenter.org/the-presidency/presidential-speeches/november-27-1963-address-joint-session-congress>

legislation, so he put in the minds of Congress that a failure on civil rights would be a failure to the beloved Kennedy himself.

In a phone call with civil rights leader Whitney Young on November 24 regarding the upcoming civil rights fight, Johnson had expressed his urgency to “devise a strategy to get it done.” The president mentioned to Young that on Thanksgiving, Congress would go into recess, they would leave Washington D.C., and return on December 10th, and that even then, nothing would be done due to the upcoming Christmas break.⁷¹ However, a document dated 9th of December of 1963, during the recess, would come to shake up the fight for civil rights. Although the chances for the passage of this proposition were slim, the intended message that it could potentially send was worth the attempt.⁷²

A discharge petition refers to a tactic available to any congressman, which provides for legislation to bypass a committee in order to be debated on the House floor, but only after it has resided 30 days in said committee. In other words, this motion, if approved by a simple majority of the House of Representatives, can take legislation that has been pigeonholed in a committee in Congress and force it into debate. The procedure is rarely sought⁷³ since due to the nature of the inner workings of Congress, a discharge petition can mean that a political party in the United States Congress is going against its own leadership, or at least the ruling faction plays the main role in the attempt to bypass the committee⁷⁴. This motion is one of the strategies that Johnson and his allies in congress were attempting in order to gather support to get the civil rights

⁷¹ Whitney Young Phone call #38 - LBJ Library <https://discoverlbj.org/item/tel-00038>

⁷² Discharge Petition - History, Art and archives <https://history.house.gov/HouseRecord/Detail/25769811477>

⁷³ Discharge Petition - Congress. Gov [R45920](https://www.congress.gov/legislation/house-bills/45920)

⁷⁴ Discharge Petition on Dreamers: An Explainer [discharge-petition-dreamers-explainer](https://www.dreamers.org/discharge-petition-dreamers-explainer)

legislation out of the Rules Committee.⁷⁵ The president's frustration towards the leader of the Rules Committee, Howard Smith, and his stubbornness to allow for hearings on the legislation, was palpable in a November 29 conversation with Speaker John McCormack. Johnson was informed by McCormack of the 218 vote threshold the discharge petition needs to be successful and that Howard Smith had already plainly stated that he would be of no help for the passage of the bill. With the initial support of only 160 or so Democrats, it quickly became abundantly clear that the prospect of victory for the discharge petition was slim from the beginning.⁷⁶ However, on the 29th of November, the president told Union leader David McDonald to "talk to every human you could" so that the remaining 60 plus votes needed for the discharge petition to succeed would be secured on the Republican side. The president declared to McDonald that the discharge petition should have the potential second effect of sending a message to the Senate, once the bill makes its way there, that any opposition in the Senate "could see we had the power to discharge them, therefore we'd have the power to apply cloture."⁷⁷ Unlike Kennedy, who had greatly struggled just to get the H.R. 7152 legislation through the Judiciary Committee, and whose whole attention and effort had remained for months only in the House of Representatives, Johnson just a week after becoming president had already devised a forceful plan of action against the leadership of his own party. Moreover, the new president was already thinking of what he would have to do in the Senate, contemplating that the discharge petition alone could address some opposition in both chambers. The timidity towards Congress on the issue of civil rights that had characterized the presidency of Kennedy was now gone. Although Johnson had

⁷⁵ Delivering on a dream: The House Rules Committee [1964-Essay](#)

⁷⁶ John McCormack <https://discoverlbj.org/item/tel-00127>

⁷⁷ David McDonald <https://discoverlbj.org/item/tel-00133>

his doubts on how much he should directly intervene in House matters, he had begun moving his connections to make sure that the bill had a chance to pass committee.

Civil Rights activist and labor unionist Philip Randolph, would be given the same instructions as McDonald: in order to secure the votes needed for the discharge petition, every congressman possible needed to be reached out to, but it needed to be done on the down, and without the president being mentioned in conversation.⁷⁸ At the same time Johnson was using one of the aces up his sleeve in order to achieve the success of the discharge petition. In the communications the president had with the different influential characters, Johnson would often put these people in a tough spot as a result of the media accessibility that the office of the president afforded him.

For instance, in early December of 1963, the president held a phone call with the influential Washington Post publisher, Katharine Graham, regarding several issues, amongst them the discharge petition about to be introduced to Congress. Johnson informed Graham of the discharge petition and the actions of the headstrong Howard Smith and how he had refused to hold a hearing for the civil rights bill on the Rules Committee. The president then instructed Graham in a lecturing tone: “Now every person that doesn't sign that petition is gotta be fairly regarded as being anti-civil rights... I don't care if he votes against the bill after he gets a chance to vote on it... we got the votes to pass it.” The president had made very clear what he wanted the publisher to do, later mentioning that Kennedy had had the newspapers on his side. Then Johnson put it more bluntly: “So we’ve got to get ready for that, and we got to get ready every day, front page, in and out, individuals, ‘why are you against a hearing!?’ And point it up, and have their pictures, and have editorials, and have everything else.” Through his influence on the newspaper media the president wanted to out the people who refused to sign the discharge

⁷⁸ Philip Randolph <https://discoverlbj.org/item/tel-00147>

petition as cowards, as individuals who were so unfair against procedure that the simple routine action of holding a hearing was out of their reach; he wanted to portray these legislators to the American people as do-nothings. The president also told Graham, “Now if we could ever get that signed, that would practically break their back in the Senate, because they could see that here is a steam roller that can petition it out, and they put cloture on.”⁷⁹ As someone who had been the leader of the Senate, Johnson understood that what worked in the House of Representatives could have ripple effects on the Senate. So, if Katherine Graham came through regarding the bad publicity House members would receive if they refused to sign the discharge petition, senators would definitely think twice before going against the bill once it reached their side of Congress. In early December of 1963, H.R. 7152 was receiving increasingly more support from Republicans. Member of the Judiciary Committee, William McCulloch,⁸⁰ who earlier worked on the civil rights bill passage through his committee, had pledged to Johnson the support he had given the Kennedy administration.⁸¹ Nevertheless, McCulloch and other Republicans were against the discharge petition that was going to be introduced in the House of Representatives, citing the potential alienation of other congressmen who might perceive the discharge petition as too rough. According to McCulloch there was also the uncertainty of the procedure itself, as previous discharge petitions had only succeeded a handful of times.

Another point of skepticism brought by the Republican from Ohio was the timing of the discharge petition. McCulloch knew well,⁸² just like Johnson had mentioned in his phone calls

⁷⁹ Katarine Graham <https://discoverlbj.org/item/tel-00227>

⁸⁰ Image 1 of Evening star (Washington, D.C.), December 4, 1963
<https://www.loc.gov/resource/sn83045462/1963-12-04/ed-1/?sp=1&st=text&r=0.816.0.821.0.186.0.203.0>

⁸¹ William M. McCulloch: A Legacy of Leadership [william-m-mcculloch-legacy-leadership](https://www.william-mcculloch-legacy-leadership.org/)

⁸² Image 1 of Evening star (Washington, D.C.), December 4, 1963
<https://www.loc.gov/resource/sn83045462/1963-12-04/ed-1/?sp=1&st=text&r=0.816.0.821.0.186.0.203.0>

regarding procedure,⁸³ that Congress was notorious for how unwilling they were to work close to the December break, so a debate on the bill inside of the Rules Committee before the new year was highly unlikely. House Leader Charles Halleck also declared his negative outlook towards the discharge petition on the grounds that it was too disruptive to normal procedures.⁸⁴ Before the end of the year and only two weeks after becoming president, Johnson, his allies, and the House of Representatives knew that the chances for the success of the discharge petition were miniscule, but that even if successful, a debate in the house was unlikely until January.

However, the point of notoriety with the discharge petition and perhaps the main purpose of using this risky tactic was that it brought attention to the issue of civil rights during a time of the year when Congress spends little time thinking of their jobs. This forceful congressional motion kept in the minds of legislators that coming back from the winter break, a debate on the bill was something that they would have to deal with; the House of Representatives would eventually have to face another civil rights bill. It was also useful for Johnson in order to signal to Congress and the nation the type of approach that he would be taking towards legislation, a far more aggressive route than that of his predecessor. This new president was willing to use tactics that were seen as disruptive in Congress regardless of the feathers that he would ruffle, a different attitude from Kennedy who always wanted to keep everyone on his side by being cautious and timid. The relentless Johnson, after working as a politician for most of his life, understood that a discharge petition would fail, but the potential outcomes that the sheer existence of this document would bring to the fight for civil rights more than outweighed the drawbacks.

⁸³Lyndon Johnson and Martin Luther King, Jr. on 25 November 1963 [notes_open](#)

⁸⁴ Image 1 of Evening star (Washington, D.C.), December 4, 1963
<https://www.loc.gov/resource/sn83045462/1963-12-04/ed-1/?sp=1&st=text&r=0.816,0.821,0.186,0.203,0>

On Monday December the 9th of 1963, the discharge petition was introduced by House Judiciary committee chair, Emanuel Celler. The document's language lays bare the intentions of the motion: "Move to discharge the committee on Rules from the consideration of the Resolution 574, entitled, a resolution providing for the consideration of the bill (H.R. 7152)." The controversial move, which was favored by the president, and whose goal was to free the civil rights bill from its pigeonhole, would end up receiving only 174 signatures, well short of the 218 needed to call for a vote on whether the bill should leave a committee. By the end of December the discharge petition was basically dead.⁸⁵ The civil rights bill now would have to leave the Rules Committee on its own, largely being left to the discretion of the segregationist Howard Smith. To the president and his allies it was obvious that Smith's intentions for the civil rights legislation was to trap the bill in his committee for as long as possible so once it arrived in the United States Senate H.R. 7152 would have run out of steam.

Although Representative Howard Smith was famously anti-civil rights,⁸⁶ opposed Franklin D. Roosevelt on his New Deal,⁸⁷ and notorious for trapping legislation he disliked in the Rules Committee,⁸⁸ he was still just a congressman, and therefore vulnerable to some of the tactics practiced in Congress. As previously noted, one of the strategies Lyndon Johnson used when dealing with the House of Representatives was to appear as if he was letting things play

⁸⁵ Discharge Petition Document, with signatures
<https://history.house.gov/Exhibitions-and-Publications/Civil-Rights/1964-Documents/>

⁸⁶ Our History Featured Alumni Howard Smith
[Smith-howard-worth-1883-1976](https://history.house.gov/Exhibitions-and-Publications/Civil-Rights/1964-Documents/)

⁸⁷ Howard Worth Smith (1883-1976)
<https://encyclopediaofvirginia.org/entries/smith-howard-worth-1883-1976/>

⁸⁸ Our History Featured Alumni Howard Smith
<https://libguides.law.virginia.edu/c.php?g=39996&p=254173>

out by themselves, instead of being outwardly involved with congressional matters he favored. Johnson had most likely made the calculation that if he was to publicly persuade representatives on the issue of civil rights, it could sour some prospective legislative swing votes. If Johnson were to show how much he wanted the civil rights legislation to pass and the amount of effort he was putting behind the scenes, his opposition would now have a more concrete line of attack. If the segregationists could identify the president as the main driving force behind the bill, they could forge a unified message to rally around, and possibly even have a clearer path to kill the civil rights bill. This strategy from the Texan of maintaining the fight for civil rights behind the scenes is well noted in the phone calls he made with sympathizers of the civil rights legislation, in which he and his allies always agreed that the president should stay away from making a public stand on what went on in the House of Representatives. And it is this same approach of keeping the cards close to the chest that allowed for another tactic to be used on Howard Smith without the president being involved, that of putting pressure on the Virginian to push the bill out of the congressman's committee.

Although the discharge petition had failed to reach the 218 signature threshold required for a vote, the support the bill needed to pass for consideration in the House of Representatives could already be there in late December. The problem for Howard Smith was that some of the congressmen who had refused to sign the discharge petition had done so largely out of the idea that normal House procedure should be followed, and not out of opposition to the civil rights bill itself. Many congressmen still wanted to vote on the bill when it left the Rules Committee. Although the support for the discharge petition came short by more than 40 signatures, the signatures that it gathered were still plenty to send a message that there was support for the bill to leave the committee. There is also the fact that although many in Congress declared that they

would not sign the petition, there never was a strong declared opposition mounted against the discharge petition. There is even the possibility that the motion would have had more support if it had been introduced outside of the month of December. And on the other side of this whole issue, of course, is the man himself, Howard Smith.

Smith, a powerful figure whose influence rested not solely on his ability to block legislation, but very much on support from his fellow congressmen, could have risked losing the backing of his own committee and allies if he didn't play his cards the right way. If he became too overzealous in his opposition to civil rights he could end up alienating himself on the issue, as his fellow committee members might want to distance themselves from the anti-civil rights rhetoric. And now, many in Congress had taken a strong stance that the bill should leave the Rules Committee. This position from legislators had at this point been taken to a degree where many of them had signed onto the discharge petition, in order for business to continue through the House. In other words, representatives had refused a drastic step to advance legislation through Congress using the discharge petition, but at the same time these congressmen probably looked more unfavorably at the scheme used by Howard Smith to bottle up legislation on his own as compared to the rarely used congressional tool of discharge.

In the end, an influential and important figure like Smith had relied on his ability to singlehandedly block legislation;⁸⁹ after all, he was one of the few members in Congress who had that ability to do so.⁹⁰ This stronghold on the ongoing matters in the House remained a sizable part of his power, and it was crucial that everyone in Congress was aware of this ability. By the time important legislation reached Smith's Rules Committee, there was a great chance that it

⁸⁹ When Liberals Were Organized
<https://prospect.org/2015/01/22/liberals-organized/>

⁹⁰ The Kennedy-Mcormack connection - McCormack speaks.
<https://blogs.umb.edu/mccormack-speaks/2017/05/26/923/>

would be molded to his liking. The Virginian therefore enjoyed incredible soft power without even lifting a finger.⁹¹ So, a successful discharge petition could have dire consequences to the influence of the segregationist, as it not only would bypass his power, but could also demonstrate a weakness on his hold on the Rules Committee. The sway the Smith had on the Rules Committee could be put in jeopardy, and Johnson knew this all too well.⁹²

In an early December conversation with Representative Richard Bolling, a member of the Rules Committee,⁹³ the president was again reassured by the legislator from Missouri of the quiet machinations tactic that was to be utilized to put pressure on Howard Smith into releasing the bill from the rules committee.⁹⁴ Although Howard Smith was aware that Johnson was pressing for support of the civil rights bill from behind the scenes, the president always made sure that his allies understood to always work as if the commander in chief had nothing to do with it.⁹⁵ This tactic had the intention of creating the illusion that the bill had organic and unified support from different areas of government and private sector. Richard Bolling also suggested that the influence of the Speaker of the House, John McCormack, be used to push H.R. 7152 out of the Rules Committee. McCormack was to talk to Howard Smith and threaten to sign the discharge petition himself.⁹⁶ So McCormack, a supporter of the seniority system that allowed Howard Smith to bottle up the legislation by himself, declared that he would sign the discharge petition,

⁹¹ Brookings: Vital Stats: Southern Congressmen are gaining committee chairmanships <https://www.brookings.edu/articles/vital-stats-southern-committee-chairs-congress/>

⁹² Brookings: How The Discharge Petition Can Help Congress Move on Immigration Reform <https://www.brookings.edu/articles/how-the-discharge-petition-can-help-congress-move-on-immigration-reform/>

⁹³ Provision of civil rights Act of 1964 [document.php](https://www.documentcloud.org/documents/1360000-civil-rights-act-1964)

⁹⁴ Johnson phone call # 247 Bolling, 12/2/1963 <https://discoverlbj.org/item/tel-00247>

⁹⁵ Notre Dame Magazine <https://magazine.nd.edu/stories/extreme-measures/>

⁹⁶ Johnson phone call # 247 Bolling, 12/2/1963 <https://discoverlbj.org/item/tel-00247>

which by late December had come short of the signatures needed. For the Speaker of the House to declare that he would bypass one of the chairmen in the legislative chamber, and one as notorious as Howard Smith, was a drastic measure that could set a dangerous precedent.⁹⁷ With the threat of the support of the Speaker of the House for the consideration of the bill, the situation for H.R. 7152 had now been taken to a much higher level. Howard Smith knew he had been defeated. The Virginian now had no choice but to agree to hold hearings on the bill or face the embarrassment of having the leadership of his own party rebuke him for his stubbornness.

Howard Smith finally scheduled the hearing in the Rules Committee for early January 1964,⁹⁸ and the first hearing was held on the 9th of that same month. In the opening statements of the Rules Committee hearings, Congressman Emanuel Celler used some of President Johnson's words to affirm his support and necessity for the civil rights bill. Celler quoted the president's urgency for the legislation: "All of these increased opportunities, employment, education, housing, every field, must be open to Americans of every color."⁹⁹ Even in a procedure where Johnson was supposed to be completely absent, his words and his aggressive support for the bill were present through his civil rights allies in Congress. It is unclear if the president's rhetoric supporting the bill would help H.R. 7152 out of the Rules Committee, but if the late Kennedy had pushed the bill this far into the legislative process, chairman Howard Smith and his fellow southerners in the committee surely would have been less than amused by Kennedy's declared stances. As the hearings went on Howard Smith used the opportunity to argue with the committee members as much as possible, making his disdain towards the bill a notorious part of the hearings.

⁹⁷ McCormack Speaks <https://blogs.umb.edu/mccormack-speaks/2017/05/26/923/>

⁹⁸ Delivering on a Dream <https://history.house.gov/Exhibitions-and-Publications/Civil-Rights/1964-Essay/>

⁹⁹ Rules Committee Hearing Pg. 89 <https://babel.hathitrust.org/cgi/pt?id=uc1.a0000094094&seq=95>

On January 30th, after several amendments to the legislation had been proposed and testimony from supporters and opponents of the bill had been heard, the Rules Committee voted 11-4 to send H.R. 7152 to the House floor for debate. Under the “open rule”, the Rules Committee had established that amendments could be made to the bill on the House floor. And by striking down segregationist southern proposals, the Rules Committee strengthened the civil rights legislation. H.R. 7152 had finally made it out of the Rules Committee and was now heading to the floor of the House for debate.¹⁰⁰

On February 1st of 1964 the full House of Representatives finally began to hold hearings for the consideration of H.R. 7152.¹⁰¹ During the early days of February, President Lyndon Johnson mostly limited himself to attending to matters of the governorship of Texas, which were of great interest to him,¹⁰² and to discuss the issue of school desegregation in the southern states. From time to time the president would be updated on current developments in the House of Representatives regarding the debate on the civil rights bill.¹⁰³ On February the 5th, Assistant Attorney General Burke Marshall informed Johnson that the bill “is going well” and that “the votes have been pretty safe”, and “every one of these amendments they come up so fast, they are all very nerve-racking.”¹⁰⁴ Marshall was referring to the proposed amendments which were coming from the southern representatives attempting to water down the bill. And of course there were plenty of amendments that sought to weaken the civil rights legislation by cutting down on the powers and government enforcement already in place. But there were also some proposed

¹⁰⁰ Provisions of Civil Rights Act of 1964 (HR 7152–PL 88-352)
<https://library.cqpress.com/cqalmanac/document.php?id=cqal64-1304544#>

¹⁰¹ The Civil Rights Act of 1964 Pros and Cons
https://www.senate.gov/artandhistory/history/resources/pdf/CivilRights_CRSReport1965.pdf

¹⁰² LBJ and the Texas 1964 Democratic Primary <https://allthewaywithlbj.com/lbj-jim-wright/>

¹⁰³ Lyndon Johnson and Roy Wilkins in February of 1964 [9040071](https://www.9040071.com)

¹⁰⁴ Telephone conversation # 1892, BURKE MARSHALL, 2/5/1964 <https://discoverlbj.org/item/tel-01892>

amendments to strengthen the bill in order to make it less appealing for passage when the final vote was held. Among these proposed anticivil rights amendments, one that tried to limit the scope of the language in the “Title 2 Public Accommodations” also failed in different votes. In the bill’s “Title one – Voting Rights”, there was an amendment that called for voting rights protections to be absent from state elections and be made available only for federal elections. In “Title VII – “Fair Employment”, an amendment which would have made it unlawful to discriminate based on age was rejected. It is also in the Fair Employment provision that a series of exemptions for certain private practices were attempted, but failed. Nevertheless, it is also in Title VII that one of the most interesting events of the debate, and in the history of civil rights occurred. The segregationist and leader of the rules committee, Howard Smith, introduced an amendment in which he included the words “based on sex”, referring to the need to stop discrimination against women in the workplace. Even many of the original crafters of the bill decided that the amendment was inopportune for the moment. However, the amendment ended up passing.

On February 10 of 1964, after only 9 days of debate, the House passed the civil rights bill with a vote of 290-130. There were no amendments made to the legislation which the original framers of the bill were in complete disagreement with, on the contrary the bill had been strengthened in the House floor.

After H.R. 7152 had left the Rules Committee and entered the House for a full debate, the southern Democratic opposition was never able to make a unified stand against the bill. It was noticeable that these segregationists did not expect the bill to leave the rules committee as fast as it did. They also most likely were expecting the bill to have much less support than the one it received. The quiet machination tactics of Johnson had kept the opponents of the civil rights

legislation second guessing a strategy. In the end the members of the southern caucus got nothing of what they wanted; they had been humiliated.¹⁰⁵

On the day the House passed the civil rights bill, Johnson spent a great part of the day jubilantly calling the members of the House which had helped and ushered the legislation through the House of Representatives. The bill that had been proposed, introduced, and supported by the late John F. Kennedy in June of 1963 that had spent seven months in the House of Representatives trapped in different committees and was in ideological opposition to a large portion of the country had finally been approved. Johnson had come into the White House and immediately made civil rights his top priority. What Kennedy couldn't get done in 3 years, the Texan had achieved in less than three months. Johnson had also managed to pass through the House a far stronger legislation than the one Kennedy had envisioned during the bill's days in the judiciary committee.

With his deep knowledge of the inner workings of congressional matters, the influence that he had garnered in his time as a legislator, and the brash personality that informed his approach to tackling different issues in government, Johnson had gotten the best version of the civil rights bill he could ask for. However, during the same period of time that the civil rights legislation was being debated on the House floor, some of the conversations that Johnson was having with different allies was to plan for the strategies that would be used for the bill's fight in the Senate. Now that the bill was heading to the Senate for consideration, the support for the bill in that chamber was more uncertain and the opposition to civil rights much stronger. Johnson knew that he would need a far more aggressive approach towards the members of the Senate if the bill was to have a chance to be enacted into law.

¹⁰⁵ Provisions of Civil Rights Act of 1964 (HR 7152–PL 88-352) [document.php](#)

The civil rights bill formally arrived in the Senate on February 26 of 1964.¹⁰⁶ However, before the bill had even made it out of the House of Representatives on February 7th, Johnson had spoken to Senator Mike Mansfield about the legislation and the strategies on how to proceed once the bill arrived in the Senate. The president directed Mansfield to “intercept that thing at the door” and “let the conference report to get this bill in conference, tell our boys to agree just as quickly as they can, so they can get ahead of it if they can.”¹⁰⁷ The strategy that Johnson had in mind was that of pushing the civil rights bill onto the Senate floor for a vote as soon as possible, in order to avoid another bottling up of the legislation by the southerners. Johnson was aware that the anticivil rights coalition in the Senate was far more organized than the one in the House of Representatives. Therefore, if the bill were to be placed in the hands of the Senate Judiciary Committee, there would be a repeat of the delaying of the bill that occurred in the House Rules Committee. During his time as a senator, Johnson had learned how staunch the Southern Democrats were in the senate, particularly on civil rights.¹⁰⁸ Immediately after the bill’s arrival in the Senate, Majority Leader Mike Mansfield planned the bill to be placed on the Senate calendar for direct consideration, instead of being sent to the Senate Judiciary Committee. Mansfield knew that H.R. 7152 needed to avoid the Judiciary Committee at all costs, since in 1964 the Judiciary Committee was headed by James Eastland, a Democrat from Mississippi who strongly supported segregation. This Senate Judiciary Committee had previously stalled and refused to place on the floor of the Senate so many civil rights bills to a degree that it became

¹⁰⁶ Landmark Legislation: The Civil Rights Act of 1964 [CivilRightsAct1964.htm](https://www.civilrightsact1964.htm)

¹⁰⁷ Telephone conversation #1920 Mike Mansfield 2/7/1964 <https://discoverlbj.org/item/tel-01920>

¹⁰⁸ Civil Rights Act of 1964 | Proponents Build a Strategy for Success—Images [featured-images-civil-rights-strategy.htm](https://www.civilrightsact1964.com/featured-images-civil-rights-strategy.htm)

known as the “graveyard” of civil rights legislation.^{109 110} In a February conversation with Robert Kennedy, the president reestablished his intention to send H.R. 7152 straight to the floor of the Senate to avoid the trapping of the legislation inside any committee. However, Johnson also mentioned to Kennedy that Mansfield was hesitant to utilize the tactic of bypassing opposition by using parliamentary tools. He argued that Mansfield’s indecision could reinforce the resolve of the informal anti-civil rights caucus if the segregationists sensed disunity from the pro-civil rights coalition. The president told the attorney general that: “I want to do everything that I possibly can, but I don't want anybody to think that there is any disagreement between us”...“So I am going is to talk to him [Mansfield] and I'm gonna suggest he talk to you, and you touch whatever bases you think your wisdom will indicate.”¹¹¹ The president was not only strategizing on how to defeat the opposition to the bill, but he was also arranging for the people on his side of the issue to convince one another, while potentially making the whole affair look organic. This strategy had the quiet machination tactic of keeping the plan of action under the surface, but it would also make it seem like the bill had natural support from people outside of Congress, part of which was absolutely fabricated. In the end, with a vote of 67-17, the Senate got behind the strategy of the president, and the bill was able to be scheduled for consideration on the floor of the Senate without going into committee.¹¹² Nevertheless, the fight for the civil rights bill passage through the Senate would be much fiercer than anybody would anticipate.

¹⁰⁹ Civil Rights Act of 1964 | Proponents Build a Strategy for Success
<https://www.senate.gov/artandhistory/history/common/generic/CivilRightsAct1964.htm>

¹¹⁰ MIKE MANSFIELD AND HUBERT HUMPHREY; "CONDITIONING FOR THE LONG ORDEAL" pg. 129
<https://faculty1.coloradocollege.edu/~bloevy/toEndAllSegregation/ToEndAllSegregation-007.pdf>

¹¹¹ Telephone conversation #2003 Robert Kennedy 2/10/1964 <https://discoverlbj.org/item/tel-02003>

¹¹² Civil Rights Act of 1964 | Proponents Build a Strategy for Success—Images
[featured-images-civil-rights-strategy.htm](https://www.senate.gov/artandhistory/history/common/generic/CivilRightsAct1964.htm#featured-images-civil-rights-strategy)

Although Mike Mansfield had prepared for the upcoming civil rights debate by clearing the Senate calendar in February and early March of 1964, it was known from before H.R. 7152 left the House of Representatives that the southern Democrats would mount a strong opposition to the legislation. And of course, since the bill was already in the Senate ready to be taken for full consideration, the anti-civil rights coalition decided that the best approach to kill the bill, or force a compromise on it, would be through the filibuster.¹¹³

In the 1950s and early 60s, there had been filibusters against civil rights bills in which southern Senators forced great compromises ultimately watering down the legislation.^{114 115} Notably, in 1957, Senator Strom Thurmond, of South Carolina had spent more than 24 hours on the Senate floor prolonging debate with the aim of stopping a civil rights bill from being voted on.¹¹⁶ This same tactic of prolonging debate was to be used by the Senate segregationists in the spring of 1964 in order to kill H.R. 7152. After the bill arrived in the Senate, on March 9th, Mike Mansfield and the pro-civil rights senators sought to make the civil rights bill the “pending business” of the Senate, so it could eventually be voted on. Nevertheless, the simple introduction of the bill was to be impeded by the southern Democrats. A filibuster with the aim to kill the civil rights bill before it was introduced in the Senate floor for full consideration was started by Richard Russel and the Southern Democrats.¹¹⁷

¹¹³ Landmark Legislation: The Civil Rights Act of 1964
<https://www.senate.gov/artandhistory/history/common/generic/CivilRightsAct1964.htm>

¹¹⁴ Civil Rights Act of 1964 | Proponents Build a Strategy for Success
<proponents-build-a-strategy-for-success-essay.htm>

¹¹⁵ MIKE MANSFIELD AND HUBERT HUMPHREY; "CONDITIONING FOR THE LONG ORDEAL" pg. 129
<https://faculty1.coloradocollege.edu/~bloevy/toEndAllSegregation/ToEndAllSegregation-007.pd>

¹¹⁶ MIKE MANSFIELD AND HUBERT HUMPHREY; "CONDITIONING FOR THE LONG ORDEAL" pg. 130
<https://faculty1.coloradocollege.edu/~bloevy/toEndAllSegregation/ToEndAllSegregation-007.pd>

¹¹⁷ Landmark Legislation: The Civil Rights Act of 1964 <CivilRightsAct1964.htm>

At this point in time, the Senate rules required that the legislators holding the filibuster stand on the floor of the Senate without pausing their speeches for more than a few moments.¹¹⁸ However, while the Senator who is filibustering cannot stop his speech, mostly on whatever topic he so chooses, other Senators can call for quorum.¹¹⁹ If quorum is invoked, a clerk on the Senate floor has to call the name of every senator to ensure that there is at least a simple majority in order for proceedings to continue.¹²⁰ In the case that there is no majority the necessary senators need to be found and brought into the Senate chamber, otherwise business on the Senate has to be suspended.¹²¹ This tactic is used in order to give the Senator filibustering a break of at least a few minutes to a few hours. If well organized the faction supporting the filibuster can stop consideration of a bill for weeks or even months.¹²²

The anti-civil rights groups in the Senate had managed to organize a group of southern Senators to at least weaken the civil rights legislation. Richard Russell knew that if he could exhaust the pro-civil rights factions, or the senators who were on the margins on the H.R. 7152, he could potentially get the Senate to compromise on the bill, a tactic which had worked many times before.¹²³ The strategy of having different senators ready to filibuster the bill also implied that Senators Mansfield and Dirksen had to have their own Senators coordinated to meet quorum. At the end of the day, the final battle for the civil rights bill was to be a war of attrition on the Senate floor. In that mid-March filibuster, the segregationist factions were not expecting

¹¹⁸ Filibuster and Cloture in the Senate [RL30360.web.html](#)

¹¹⁹ Examination of a Potential Talking Filibuster Rule in the Senate [examination-of-a-potential-talking-filibuster-rule-in-the-senate](#)

¹²⁰ Standing Rules of the Senate [§400d-standing-rules-of-the-senate-summary](#)

¹²¹ Voting and Quorum procedures in the Senate [96-452](#)

¹²² Filibusters and Cloture in the Senate [RL30360](#)

¹²³ The Civil Rights Act of 1964: The Long Struggle For Freedom [civil-rights-act-of-1964.html](#)

the pro-civil rights bipartisan coalition to be as organized as they were. Ultimately, the filibuster in March of 1964 ended after two weeks. The southern Democrats finally allowed for the bill to proceed to the Senate floor for full debate so their energy and influence would be better spent on blocking the final passage of the bill. Now, a much longer battle was about to take place.¹²⁴

The Democrat leadership in the Senate and Johnson's own administration, which were going to take the fight to the anti-civil rights faction, were convinced that the only way to defeat the segregationist caucus' filibuster was by beating the southerners at their own game. The anti civil rights coalition was notorious for how well organized they had become in order to maintain a filibuster for weeks on end. Johnson's allies then needed to prepare for the filibuster fight by coordinating their own group of senators to be ready to block any parliamentary tactics that would allow the rival faction to rest the legislator actively on the floor. The purpose of this tactic was to tire out the southerners on the Senate floor a lot quicker.¹²⁵

Somewhat surprisingly, Johnson himself was doubtful of this tactic of trying to outlast the southerners at their own game. The president, although perpetually strong in his approach to legislation, was well aware of how previous civil rights laws had been watered down by the southerners; no legislation had become law without the Democratic segregationist diluting it first. United States Deputy Attorney General Nicholas Katzenbach managed to convince the president that the approach was going to work. Katzenbach made the appeal to Johnson that if the segregationists sensed doubt in the president, they would be more emboldened to hold the line on the filibuster.¹²⁶ Katzenbach, a strong ally of former President Kennedy, who famously

¹²⁴ Civil Rights Act of 1964 | Proponents Build a Strategy for Success
[Proponents-build-a-strategy-for-success-essay.htm](#)

¹²⁵ LBJ champions the Civil Rights Act of 1964 [Civil-rights-act](#)

¹²⁶ A Civil Rights Landmark [Civil-rights-landmark](#)

stood up to Governor George Wallace at the University of Alabama, had been working closely with legislators on civil rights.¹²⁷ The Deputy Attorney General was to be Johnson's liaison with senators on the filibuster battle.¹²⁸

Key Republican allies of the president and of the civil rights senators were Senate Minority leader Everett Dirksen and Senate Minority Whip Thomas Kuchel. These two powerful Republicans were able to provide a group of over a dozen senators that would be on the senate floor in order to maintain quorum and prevent the Southern Democrats on the floor of the Senate from taking a break.¹²⁹ It was President Johnson who pressured Hubert Humphrey to convince Everett Dirksen to join the ranks of the pro civil rights senators.¹³⁰ As 1964 was an election year, many were convinced that it was a mistake for Dirksen to help the Democratic administration achieve such a monumental victory. Nevertheless, Dirksen, a liberal Republican, favored the passage of civil rights.¹³¹ As the filibuster went on, a compromise between pro civil rights Democrats and Republicans began to take shape. The first aim of the bipartisan coalition was to end the filibuster by invoking cloture. The device to end debate was at the time seen as a shady tactic that broke protocol, as well as the spirit of the U.S. Congress. But the debate had to end in order for a vote on the civil rights legislation to be taken.

¹²⁷ Katzenbach, Nicholas deBelleville [katzenbach-nicholas-debelleville](#)

¹²⁸ Princeton alumnus and trustee Katzenbach, leading figure in U.S. civil rights history, dies [Princeton-alumnus-and-trustee-katzenbach-leading-figure-us-civil-rights-history](#)

¹²⁹ The Long, Hard Furrow: Everett Dirksen's Part in the Civil Rights Act of 1964 PG. 55 <https://dirksencenter.org/wp-content/uploads/The-Long-Hard-Furrow.pdf>

¹³⁰ When LBJ and Hubert Humphrey Teamed Up to Break a Talking Filibuster [When-lbj-and-hubert-humphrey-teamed-up-to-break-a-talking-filibuster-477279](#)

¹³¹ Civil Rights Act of 1964 | Cloture and Final Passage of the Civil Rights Act of 1964 [Cloture-and-final-passage-of-the-civil-rights-act-of-1964-essay.htm](#)

Throughout the month of April Dirksen began to work with Republican senators by proposing different versions of H.R. 7152. Although at first the Republican senators seemed reluctant, a compromise regarding the proposal of amendments on the Senate floor won some of these Republican senators over to the side of Humphrey. By early June, although the anti civil rights factions were as entrenched as ever, Dirksen and Humphrey realized that it was time to proceed with a vote on ending debate, even if the Senate leaders were doubtful on whether they had the support. The date for the cloture vote was to be June 10th. In the last two days before the vote, the three compromise amendments to H.R. 7152 were proposed, of which two failed. On June 9th, in one last attempt to continue the filibuster, segregationist Senator Robert Bird, prepared an 800 page speech on why the debate should not come to an end. However, at 10:00 am on June 10th, it was now the time to push for an end to debate.

Before the final vote on cloture, Senator Humphrey spoke to a packed Senate chamber that the moment to deliver on “justice for all” was upon us. Senator Dirksen spoke of the duty of the Senate to “rise with the occasion.”¹³² As the roll call began people in the chamber watched in expectation. At the end cloture was invoked with a vote of 71 to 29. Forty-four Democrats and twenty-seven Republicans had managed to put an end to the filibuster. Now there were only 100 hours until the final vote for the passage of the civil rights bill. Southerners again tried to amend the bill, but were largely unsuccessful. In the end, only about a dozen small changes to the civil rights bill were made. On June 19th the Senate convened again to vote on H.R. 7152. As the passage of a bill only requires a simple majority, the victory on civil rights for the Johnson administration was basically a forgone conclusion. The final vote for the bill was 73 to 27 in favor of the civil rights coalition.

¹³² Civil Rights Act of 1964 | Cloture and Final Passage of the Civil Rights Act of 1964
[cloture-and-final-passage-of-the-civil-rights-act-of-1964-essay.htm](https://www.ushistory.org/civilrights/1964/act/act.htm)

As the bill had been amended by the Senate, it had to go back to the House of Representatives for a final vote. On July 2nd, a 289 member majority in the house gave final approval to the changes made to the bill. The legislation was now ready to be signed into law by Johnson.¹³³ Even in total victory however, Johnson was still strategizing on how the civil rights legislation should be perceived. Hours before signing the bill into law, Johnson had a discussion with Robert Kennedy on when the bill should be signed. There was hesitation from the attorney general on signing the bill right away, as the Fourth of July holiday could lead to outrage from many Americans who did not support the legislation. However, Johnson insisted that the signing should be right away as it would allow Republicans, still in town, to boast that the legislation had been theirs. If Johnson waited until after the holiday, Republicans would be distracted with their national convention in an election year. Part of the deal for the civil rights bill was that Republicans would get most of the credit for its adoption and passage.¹³⁴ On the evening of July 2nd, the president finally signed the civil rights act into law, delivering on a legislative effort that had been sought for many decades.¹³⁵

The bill that had been introduced by John F. Kennedy late in his presidency, and that had been opposed and supported by many in American society, was now a reality in 1964. The legislative struggle of Lyndon B. Johnson and the people who believed in the promise of civil rights had resulted in a law that contained much more than it promised. Bipartisanship, as well as outside support, had been instrumental to the legislation's survival.

¹³³ Civil Rights Act of 1964 | Cloture and Final Passage of the Civil Rights Act of 1964
[Cloture-and-final-passage-of-the-civil-rights-act-of-1964-essay.htm](#)

¹³⁴ THE CIVIL RIGHTS ACT OF 1964 [The-civil-rights-act-of-1964](#)

¹³⁵ Secrets of the Serial Set: Lyndon B. Johnson Signs the Civil Rights Act of 1964
[secrets-of-the-serial-set-lyndon-b-johnson-signs-the-civil-rights-act-of-1964](#)

Even in the face of defeat or when it looked like the efforts would collapse, strong willed legislators managed to rescue the bill. Civil rights leaders and their supporters also had a strong hand in making sure that the United States understood that the time for civil rights had come.

Conclusion

The passage of the Civil Rights Act of 1964 was succeeded by the Voting Rights Act of 1965, riding a wave of pro-civil rights sentiment around the country. However, this era was short-lived as the chaotic political environment in the late 1960s and early 1970s led to the deterioration of the center-left alliance in congress and resulted in a growing conservative anti-civil rights movement. The leaders of the civil rights era were either pushed out of power, retired due to their advanced age, died out in the 1960s, or in the case of personalities like Martin Luther King and Robert Kennedy, were assassinated. Partly as a result of the growing unpopularity of civil rights, politicians like Nixon and Reagan gained tremendous momentum in politics. During the 1970s and 1980s the American south, which had been in the hands of Democrats for most of U.S. history, became Republican, slowly solidifying the conservative environment of modern politics.

It is in retrospect that we can better analyze the political and social factors that had to fall into place in order for the Civil Rights Act of 1964 to become reality. The growing public demand for civil rights across the country combined with the violence carried out as a result of the enforcement of pro-civil rights judicial decisions gave momentum to those in Washington to deliver on civil rights. The Supreme Court had come down on the side of equal rights in cases such as *Brown v. Board of Education* (1954) and *Browder V. Gayle* (1956), court cases which outlawed the policies of “separate but equal” in schools and ended discrimination in public transportation respectively. In Congress, civil rights legislation had been attempted under the presidency of Dwight D. Eisenhower in 1957 and 1960. Nevertheless, these pieces of legislation

had come up way too short of their intended aims, as the southern Democrats had always managed to obstruct and water down these types of legislations into mostly symbolic acts of congress. A civil rights law that could carry the weight of enforcement seemed unlikely. But all of this was about to change in the 1960's.

John F. Kennedy became the youngest president in American history in 1961 after winning a close election against the Vice President of the time, Richard Nixon. Although Kennedy was a politician that embodied a youthful and charismatic approach to the office of the President, an aspect of leadership popular at the time, for most of his life he had gotten ahead through the help of his influential family. The young northerner had been a centrist Democrat for all of his career in Congress and lacked the influence and experience to pass his agenda. His running mate, Lyndon Johnson, on the other hand, had everything that the young president lacked regarding influence, power and ways to acquire what he wanted.

Born, raised and educated in Texas, Johnson had a rough upbringing, with his family constantly struggling financially. He dedicated his youth to working as a teacher, and as a hired hand. Johnson had attended an in-state school and had only made it to political office through sheer determination and ambition. The people that mentored him later in life had instilled in him the skills to become a powerful leader in Washington, but also entrenched the boorish personality of the Texan. Kennedy and Johnson could not have been more different from each other. But Kennedy understood that to win the presidency he needed someone like Johnson, someone from the south who knew how to speak the language of the people from the rural United States. Although different in character, and largely avoidant of each other during the Kennedy presidency, these two characters would come to pull off one of the greatest pieces of legislation of the 20th century.

The tale of the Civil Rights Act of 1964 is a story of how Kennedy and Johnson used the momentum of the era to achieve a goal that many thought was unreachable. Kennedy instilled in the public a sense of hope for the future of the country during a time where the world seemed like it was at the brink of total destruction. The charisma of the northerner created an impression that some things needed to change. After his gruesome and untimely death however, his running mate used the memory of Kennedy's personality, and the hope that he represented, as the basis to push for civil rights legislation. Then, the southerner quickly used all his experience to force his agenda through Congress. It is reasonable to believe then, that if these two disparate characters had not played off of each other, the Civil Rights Act of 1964 would have never been achieved.

The lesson that we can learn from this important event is that continuity matters. That sticking to a plan, and seeing it through regardless of what gets in the way is what really makes things become reality. Under the leadership of Kennedy and then Johnson, many of the key players in the House of Representative and Senate put their ideals of conventionality and partisanship aside in order for the Civil Rights law to triumph. The anti civil rights forces were not ready for this type of unity on something that is considered a positive achievement to this very day. Modern politicians could probably learn that slowly building a coalition in Congress, taking advantage of momentum, and abandoning their conventional ideals for a greater purpose is what could get legislation passed in such a complicated federal system.

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