2-17-1964

Civil Rights Act of 1964

Mike Mansfield 1903-2001

Let us know how access to this document benefits you.
Follow this and additional works at: https://scholarworks.umt.edu/mansfield_speeches

Recommended Citation
https://scholarworks.umt.edu/mansfield_speeches/552

This Speech is brought to you for free and open access by the Mike Mansfield Papers at ScholarWorks at University of Montana. It has been accepted for inclusion in Mike Mansfield Speeches by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.
CIVIL RIGHTS ACT OF 1964

Mr. MANSFIELD. Mr. President, I request that House bill 7152 be read the first time.

The ACTING PRESIDENT pro tempore. The bill will be read the first time.

The legislative clerk read the bill (H.R. 7152) the first time, ASINT. The first time, Title II.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a bill of such wide ramifications, for, in fact, the substance of the civil rights legislation falls with almost equal validity within the purview of several committees. This consideration, together with the procedure which will be followed in bringing the bill directly from the House to the Senate as a whole, has prompted the creation of a special arrangement for the steering of the legislation on the floor of the Senate. In my intention to have the majority whip, the able Senator from Minnesota (Mr. HUMPHREY), together with the distinguished Senator from Michigan (Mr. MAGNUSON), the Senator from Pennsylvania (Mr. CLARK), and the distinguished Senator from Michigan (Mr. HART), assume, in direct contribution to this legislation on the floor. They will be ready to state the case for this bill and to answer the questions to which it may give rise.

Since the 1948 Democratic Convention, the Senate from Minnesota has been one of the Nation's leading advocates of Federal action in the field of civil rights; and his knowledge of this highly complex issue is as broad and deep as that of any other leader in public life today. Each of the other Senators who will work with him in this connection—the Senator from Washington (Mr. MAGNUSON), on public accommodations; the Senator from Pennsylvania (Mr. CLARK), on fair employment practices; and the Senator from Michigan (Mr. HART), on judicial matters—is highly knowledgeable in one or more aspects of this measure. The civil rights bill, Mr. President, is, in good hands, in the hands of this quadrumvirate. I have every confidence that before the debate has run its course, they will have clarified any reasonable doubts or uncertainties which any Member may have with respect to this measure. A Committee or a committee chairman could do no more. They will do no less.

Mr. President, speaking for myself, let me say that all of us believe that I should have preferred it had this civil rights issue been resolved before my time as a Senator or had not come to the floor until afterward. The Senate as a body proceeded to its consideration. The procedures which the leadership will follow are not usual, but neither are they unprecedented. And the reasons for these unusual procedures are too well known to require elaboration.

The substance of the bill has been discussed and debated, not for a week or a month, but for years. President John-CONGRESSIONAL RECORD — SENATE

February 17, 1964

son has prescribed for civil rights legislation, an urgency second to none. Three committees of the Senate have inquired extensively into its features, during the current Congress. Two have completed bills which dovetail with principal segments of the House legislation. Whatever any Senator may lack in understanding of the substance of the bill will, I am sure, be made up in extensive discussion on the floor of the Senate. In one respect, at least, it would appear to me that this approach is to be preferred in connection with a bill of such wide ramifications, for, in fact, the substance of the civil rights legislation falls with almost equal validity within the purview of several committees.

In one respect, at least, it would appear to me that this approach is to be preferred in connection with a bill of such wide ramifications, for, in fact, the substance of the civil rights legislation falls with almost equal validity within the purview of several committees. This consideration, together with the procedure which will be followed in bringing the bill directly from the House to the Senate as a whole, has prompted the creation of a special arrangement for the steering of the legislation on the floor of the Senate. In my intention to have the majority whip, the able Senator from Minnesota (Mr. HUMPHREY), together with the distinguished Senator from Michigan (Mr. MAGNUSON), the Senator from Pennsylvania (Mr. CLARK), and the distinguished Senator from Michigan (Mr. HART), assume, in direct contribution to this legislation on the floor. They will be ready to state the case for this bill and to answer the questions to which it may give rise.

Mr. MANSFIELD. Mr. President, I object to the second reading of the bill today.

The ACTING PRESIDENT pro tempore. Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for the purpose of making two statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and the Senator from Montana will state it.

Mr. MANSFIELD. Mr. President, do I correctly understand that the second reading of the bill is delayed until an adjournment of the Senate has occurred and another legislative day has happened?

Mr. MANSFIELD. Mr. President, I object to the second reading of the bill today.

Mr. MANSFIELD. The Senator from Montana is correct; that is the case, under the rule.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for the purpose of making two statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and the Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, the civil rights bill has now arrived from the House. In the near future, the leadership will propose to the Senate that this measure be placed on the calendar, without referral to committee, and that, subsequently, the Senate as a body proceed to its consideration.

The procedures which the leadership will follow are not usual, but neither are they unprecedented. And the reasons for these unusual procedures are too well known to require elaboration.

The substance of the bill has been discussed and debated, not for a week or a month, but for years. President John-
and in advancing the welfare of all the people of the United States.

At this critical moment, the majority leader, for one, is not prepared to say to the President and to the court: "Re­ solve this important manifestation of the divisive issue of civil rights as best you can. We wish you well or we wish you ill. But most of all, in the Senate, we wish you the best possible solution."

If the Senate were to choose such a course at this time, Mr. President—the course of evasion and denial—we would leave a substantial factor in the Government of the United States in limbo. I do not believe that the Senate will choose the course of evasion and denial.

In so stating, Mr. President, let me make clear that I am not prejudging what the Senate ought to do or what it will do in the weeks and months ahead. I do not believe that the Senate will choose the course of evasion and denial, but I do not believe that the Senate will do anything.

In this profound issue of civil rights, we have before us the President's views and the views of the Department of Justice on civil rights. We have views from individual Members of the Senate in the form of bills introduced. We have views from the President, and action by the President, in the form of executive orders. We have an immense documentation of public and private views which has accumulated, over the years, to a point that is condition not to be deplored. Certainly, the majority leader does not deplore it. A diversity of viewpoint on significant issues is a hallmark of the institutional validity and vitality in a dynamic nation.

The majority leader will do whatever he can to facilitate the process of decision in order that the Senate may reach a point of final judgment as promptly as possible. But I am compelled to remind the Senate again, as I did in the Telstar debate last year, that the Senate rules provide the majority leader with no special or unique powers. He has the same rights as any other Member of the Senate, no more, no less. He may propose. He may debate. He may cast one vote. Every other Member of this body may do the same. And even as rights are equal in this body, so too are the responsibilities. The majority leader will propose in procedural matters but it will not be the majority leader alone who will decide, and the minority leader jointly do or fail to do. It will be because the whole membership is prepared to look at the world and at the Nation and to cast the vote as it wishes. The Members of the Senate, all the Members, on both sides of the aisle, are prepared to assume full responsibility, alone or together, on the right side. The Senate will fully respond to the problem at hand.

I implore the Senate, therefore, to consider the consequences of such a course, not only to the Nation but also to the reputation of the Senate, as one of the great institutions upon which the Nation rests. And may I say, Mr. President, that when we have considered deeply, I do not believe that this Senate will choose the course of evasion and denial.

The majority leader has no suave parli­ mentary tactics by which to bring about legislation. He has no power by which to alter the rule and he is fully aware that there are many tactics which can fore­ stall a vote. That is why the majority leader, in the Telstar debate in 1962, when the brilliant parliamentary tac­ ticians in opposition to the measure tied up the Senate for weeks. A vote on the measure came not because of the parlia­ mentary skill of the majority leader but because Senators—two-thirds of this body—were prepared to put aside their reluctance to apply the cloture rule of the Senate. It was no trick, Mr. President; it was no suave tactic. It was a preponderance of the Senate's will. It was responsibilities irres­ pective of their feelings about the par­ ticular issue involved.

Even if there were parliamentary tricks or tactics, Mr. President, the majority leader would not be inclined to employ them. I can think of nothing better designed to bring this institution into public disrepute and derision than a test of wills by an exercise in parliamentary pyrotechnics. For the truth is that we will not find in the Senate rules book even the semblance of an answer to the burning questions which now confront the Nation and, hence, this Senate.

We, Mr. President, Senators would be well advised to search, not in the Senate rules book, but in the Golden Rule for the semblance of an adequate answer to this issue. Or let them search, if they will, in the long and tortuous history of human lib­ erty. Let them search in the Constitu­ tion and in the documents of freedom which we have enshrined.

Let them search among the fears and hopes of a whole people— all the Americans. Let them search in the dark chasms of ignorance and arrogance which divide, and among the slender bridges of understanding and humanity that tie us.

And I say in all bluntness if we are to reach a point of decision in this matter, in the last analysis, it will be not because of what the majority leader alone does or the minority leader jointly do or fail to do. It will be because the whole membership is prepared to look at the world and at the Nation and to cast the vote as it wishes. The Members of this body are ready to face this de­ cisive moment in the Nation's history and we are ready to face it because the Members of this Senate, all the Members, on both sides of the aisle, are prepared to assume full responsibility, alone or together, on the right side. The Senate will fully respond to the problem at hand.

And we should delve neither ourselves nor the people of the Nation that they will be anything else. An issue of this magnitude carries the accumulated ac­ tion and neglect, the accumulated achieve­ ments and failures, the accumulated com­ missions and omissions of generations of Americans. And it will take, for many years, the combined contribu­ tions of the Senators from every part of the Nation to bring the issue to adequate resolution.

The Senate's role, then, Mr. Presi­ dent, is one of leading a participant, an essential and active participant in shaping the con­ tinuing process of equalizing opportuni­ ties, that all Americans may share fully in the promise of the Constitution.

We shall not fulfill that role, Mr. President, if we calculate its dimensions in the slide rule of political expediency. To act on this issue on the basis of the white or black vote, the North, the South, East, or West vote, is as illusory as it is de­ ployed. It is no solution for anyone in this issue. At least there is no political profit which can be realized except at the expense of the Nation's welfare. History teaches us anything. It teaches that the passions are short lived even to those who reap them and that their heavy costs are paid, in the end, by the whole Nation.

We shall not fulfill that role in which we are cast at this moment in the Na­ tion's time, if some Members choose the occasion to display an arrogance of moral righteousness. I would devoutly hope that no Senator will cast the first stone. I would devoutly hope that no Senator will assume for his State a superior en­ try, emissary of this issue. They are stones enough to be thrown by all and targets enough for all the stones that can be thrown. There are inadequacies of thought and action. There is moral perfection on this issue in none of us and in no place—North, South, East, or West—in the land.

And, so, Mr. President, as we approach this vote, I appeal to the рам­ bership, to join with me—and I know he will—in finding the Senator's best possible contribution at this time, to the resolution of this grave national is­ sue. I appeal to the Senator from Ver­ mont (Mr. Aiken) and the Senator from Iowa (Mr. Hickenlooper), whose many years of outstanding and exceptional service have given them a deep perception, not only of the needs of their States but of the needs of the Nation's progress. I appeal especially to the Senators from those States where this issue is not necessarily acute at the moment, to the Senators of many of the Western and Central States. I appeal to provide an active and objective participa­ tion, if not in terms of the future problems of their States, then on behalf of the Senate itself and on behalf of the Nation of which their States are an inseparable part. I appeal to the Senator.
from Illinois [Mr. Douglas], to the distinguished Senator from the State of Lincoln, to lend us not only of his profound convictions on human freedom but of his warm and compassionate nature to help close the wounds of division. And I appeal to the Senator from Georgia [Mr. Russell], not as the leader of any bloc, not as an outstanding legislative tactician, but as the great American and the great Senator which he is, and I beseech him to give us not only of his immense parliamentary capacity but even more of his legal wisdom and of his heart in order that this Senate will be remembered, not for what it did not do, but because of what it did for the Nation.

And, finally, Mr. President, I appeal to every Member of this body to bring to this issue, when it is before the Senate, all their resources of wisdom, courage, perseverance, and understanding, so that we may, with mutual restraint and in all humility, fashion a contribution to the freedom, order, and well-being of American life which is worthy of ourselves, of the Senate, and of the Nation.
and in advancing the welfare of all the people of the United States.

In the moment, the majority leader, for one, is not prepared to say to the President and to the court: "Re­solve this present manifestation of the divisive issue of civil rights as best you can. We wish you well or we wish you ill. But most of all, in the Senate, we wish you no part in the same rights as any other Member of the executive branch. We have entered it.

In this profound issue of civil rights, Mr. President, let me make clear that I am not prejudging what the Senate will do or what the Senate will do in the months ahead. I daresay that there are as many views of what ought to be done with respect to civil rights as there are Senators. That is a condition not to be deplored. Certainly, the majority leader does not deplore it. A diversity of viewpoint on significant issues is a hallmark of the Senate and of its continuing institutional validity and vitality in a dynamic nation.

In this profound issue of civil rights, we have before us the President’s views and the views of the Department of Justice on civil rights. We have views from individual Members of the Senate in the form of bills introduced. We have views from Cabinet members and other persons who have participated in an immense documentation of public and private views which has accumulated over the years. We have, finally, the bill of Mrs. Holmes of Florida, which has brought to the highest point of perfection which it is capable. The majority leader hopes that this measure will be the case. Whether or not such will be the case rests with the Senate as a whole to decide.

The majority leader will do whatever he can to facilitate the process of decision in order that the Senate may reach a point of final judgment as promptly as possible. But I am compelled to rem­ark the Senate again, as I did in the Telstar debate last year, that the Senate rules provide the majority leader with no special or unique powers. He has the same weight as any other Member of the Senate, no more, no less. He may propose. He may debate. He may cast one vote. Every other Member of this body has the rights and responsibilities of a Member of the Senate, no more, no less. He may propose. He may debate. He may cast one vote. Every other Member of this body has the rights and responsibilities of a Member of the Senate, no more, no less. He may propose. He may debate. He may cast one vote. Every other Member of this body has the rights and responsibilities of a Member of the Senate, no more, no less.

And I say in all bluntness if we are to reach a point of decision in this matter, in the last analysis, it will not be because of what the majority leader alone does or the majority leader and the minority leader together do. It will be because the whole membership is prepared to look at the world and at the Nation as it is and to do what it wishes to do. It will be because the Members of this body are ready to face this decisive moment in the Nation’s history and the Senate’s history. It will be because the Members of this Senate, all the Members, on both sides of the aisle, are prepared to assume full responsibility, along with their rights in the Senate, full responsibility for writing an honorable chapter in both histories, irrespective of what their views may be on this particular issue. We will not write that chapter, Mr. President, if we waffle, if we evade. And we cannot write that chapter on the basis of the Senate rules. We can write it only by facing the substance of the issue itself, by debating it and by voting on it.

The majority leader has no suave parliamentary tricks or tactics, Mr. President, the majority leader does not deplore it. A diversity of viewpoint on significant issues is a hallmark of the Senate and of its continuing institutional validity and vitality in a dynamic nation.

Nor shall we fulfill the role in which we are cast at this moment in the Na­tion’s time, if some Members choose the occasion to display an arrogance of moral righteousness. I would devoutly hope that no Senator will cast the first stone. I would devoutly hope that no Senator will assume for his State a superior enlight­enment on this issue. There are stones enough to be thrown by all and targets enough for all the stones that can be thrown. There are inadequacies enough and to spare for all. There is no new perfection on the part of any of us and in no place—North, South, East, or West—in the land.

And, so, Mr. President, as we approach this issue, I appeal to the Senators not to strive for the world of rhetoric and to think of nothing better designed to bring this institution into public disrepute and derision than a test of this profound and tragic issue by an exercise in parliamentary pyrotechnics. For the truth is that we will not find in the Senate rules book even the semblance of an answer to the burning questions which now confront the Nation and, hence, this Senate.

As I am therefore, Mr. President, Senators would be well advised to search, not in the Senate rules book, but in the Golden Rule for the semblance of an adequate answer to this issue.

Or let them search, if they will, in the long and tortuous history of human lib­erty. Let them search in the Constitu­tion and in the documents of freedom which we have enshrined.

Let them search among the fears and the hopes and the dreams of many of the American people. And let them search in the dark chasms of ignorance and arrogance which divide, and among the slander, bribery, understanding and humility which unite.

And even then, Mr. President, even then the answers which we shall find will be tentative, uncertain, and inadequate. And we should delude neither ourselves nor the people of the United States. We shall be called to account for our part in what will be anything else. An issue of this magnitude carries the accumulated ac­tion and neglect, the accumulated accomplishments and the accumulated commissions and omissions of genera­tions of Americans. And it will take, for many years, the combined contribu­tion of all the Members of the Senate itself and on behalf of the Nation of which their States are an inseparable part. I appeal to the Senator...
CIVIL RIGHTS ACT OF 1964

Mr. MANSFIELD. Mr. President, I request that House bill 7152 be read the first time.

The ACTING PRESIDENT pro tempore. The bill will be read the first time.

The legislative clerk read the bill (H.R. 7152) the first time by title, as follows:

An act (H.R. 7152) to ensure the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination by federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. MANSFIELD. Mr. President, I object to the second reading of the bill today.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. Do I correctly understand that the second reading of the bill will not take place until an adjournment sine die, or is there another legislative day has happened?

The ACTING PRESIDENT pro tempore. The Senator from Montana is correct; that is the case, under the rule.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for the purpose of making two statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and the Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, the civil rights bill has now arrived from the House. In the near future, the leadership will propose to the Senate that this measure be placed on the calendar, without referral to committee, and that, subsequently, the Senate as a body proceed to its consideration.

The procedures which the leadership will follow are not usual, but neither are they unprecedented. And the reasons for unusual procedures are too well known to require elaboration.

The substance of the bill has been discussed and debated, not for a week or a month, but for years. President Johnson has prescribed for civil rights legislation an urgency second to none. Three committees of the Senate have preferred it.

This consideration, together with the procedure which will be followed in bringing the bill directly from the House to the Senate as a whole, has prompted the creation of a special arrangement for the steering of the legislation on the floor of the Senate. It is my intention to have the bill moved into the able hands of Senator from Minnesota [Mr. Humphrey], together with the distinguished Senator from Washington [Mr. Magnuson], the distinguished Senator from Pennsylvania [Mr. Clark], and the distinguished Senator from Michigan [Mr. Hart], assume direct responsibility for the handling of this legislation. They will be ready to state the case for this bill and to answer the questions to which it may give rise.

Since the 1948 Democratic Convention, the Senator from Minnesota has been one of the Nation's leading advocates of Federal action in the field of civil rights; and his knowledge of this highly complex issue is as broad and deep as that of any other leader in public life today. And each of the other Senators who will work with him in this connection—the Senator from Washington [Mr. Magnuson], on public accommodations; the Senator from Pennsylvania [Mr. Clark], on fair employment practices; and the Senator from Michigan [Mr. Hart] on judicial matters—is highly knowledgeable in regard to one or more aspects.

The civil rights bill, Mr. President, is in good hands, in the hands of this quadrumvirate. I have every confidence that before the debate has run its course, they will have clarified any reasonable doubts or uncertainties which any Member may have with respect to this measure. A committee or a committee chairman could do no more. They will do no less.

Mr. President, speaking for myself, let me say at the outset that I should have preferred it had the civil rights issues been resolved before my time as a Senator or had it not come to the floor until afterward. The Senator from Montana has no last for pending connection with this matter; yet this question is one which invites conflict, for it divides deeply. It is approached not only with the acquiescence of the able Members on both sides of the issue and on both sides of the aisle; and since the Senator from Montana holds the Members of this body on both sides of the issue and on both sides of the aisle in affection and respect, he is frank to state that he was not prepared for what he had the civil rights issue been resolved before his time or had it not arisen until later.

Mr. President, great public issues are not subject to our personal time-tables; they do not accommodate themselves to our individual preference or convenience. They emerge in their own way and in their own time. We do not compel them; they compel us.

We look in vain if we look backward to past achievements which might spare this Senate the necessity of reaching difficult decisions on the civil rights question.

We hope in vain if we hope that this issue can be put over safely to another tomorrow, to be dealt with by another generation of Senators.

The time is now. The crossroads is here in the Senate.

To be sure, the issue will not be fully resolved by what we do today. Its resolution depends also on what is done tomorrow, and on many, many tomorrows. Indeed, it will involve every American and all the institutions—public and private—of this Nation. We are with this issue as a society of diversity in one nation and it will involve all for a long time to come. In truth, it is a universal issue which, for this Nation, has begun with the Declaration of Independence and persisted through the decades will hardy dissolve in the Senate of the 86th Congress.

Nevertheless, at this moment in the Nation's history it is the Senate's time and turn.

Individually, each Senator will consult his conscience and his constituency on this issue as on any other. It is for each Senator to determine whether he is prepared to ignore, to evade, or to deny this issue or some aspect of it. The Senator from Montana will do the same.

But in so far as the majority leader is concerned he must state to the Senate that he would be as solicitous to dispose of this body as a whole a whole to elect the closed-eyes course of Inaction. That course, Mr. President, would disclose a cavalier disrespect or a legislative impotence on this issue and either would be completely inconsonant with the serious domestic situation which now confronts us.

It is bad enough to evade decision on any major proposal of any President. It is inexusable in this issue which has drawn a curtain of uncertainty and insecurity over the entire Nation and over which blood has already run in the streets.

In these circumstances, I cannot believe that this Senate will abdicate its constitutional responsibilities. The Constitution, Mr. President, charges the Congress and the Senate as a part of it—no less than the President and the courts—with the achievement of its fundamental objectives. It is our duty no less than the duty of others to share in this accomplishment. It is our duty no less than the duty of others to share in the maintenance of the tranquillity of all the people of the United States. It is our duty no less than the duty of others to share in securing the equity of the rights
from Illinois [Mr. Douglas], to the distinguished Senator from the State of Lincoln, to lend us not only of his profound convictions on human freedom but of his warm and compassionate nature to help close the wounds of division. And I appeal to the Senator from Georgia [Mr. Russell], not as the leader of any bloc, not as an outstanding legislative tactician, but as the great American and the great Senator which he is, and I beseech him to give us not only of his immense parliamentary capacity but even more of his legal wisdom and of his heart in order that this Senate will be remembered, not for what it did not do, but because of what it did for the Nation.

And, finally, Mr. President, I appeal to every Member of this body to bring to this issue, when it is before the Senate, all their resources of wisdom, courage, perseverance, and understanding, so that we may, with mutual restraint and in all humility, fashion a contribution to the freedom, order, and well-being of American life which is worthy of ourselves, of the Senate, and of the Nation.