

PERIODIC LOG MAINTAINED  
DURING THE DISCUSSIONS  
CONCERNING THE PASSAGE  
OF THE  
CIVIL RIGHTS ACT OF 1964

by

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United States Senator  
Thomas H. Kuchel (R-Calif.)  
Minority [Republican] Whip  
of the  
United States Senate

Friday, February 28, 1964, 4 p.m.

HORN LOG

Meeting of Democratic and Republican Civil Rights legislation floor leaders in the Office of Senate [Democratic] Majority Whip, S-309, Senate Wing of the Capitol.

Present for the meeting are Senators Hubert H. Humphrey (D-Minn.) and Thomas H. Kuchel (R-Calif.); Stephen Horn, Legislative Assistant to Senator Kuchel; Clarence Mitchell, Director, Washington office of NAACP; Joseph Rauh, Washington attorney and Chairman of the Leadership Conference on Civil Rights; John Stewart, Legislative Assistant to Senator Humphrey; Kenneth Teasdale, Assistant Counsel to the Senate Democratic Policy Committee; and Raymond Wolfinger, Congressional Fellow of the American Political Science Association assigned to the Office of Senator Humphrey.

It was agreed that it was very important to have a bipartisan effort just as that which occurred on the House side. Democratic Leader Mansfield agrees with this. Our problem is how to keep senators here to meet the needs as they arise on the floor.

Senator Kuchel wonders how long debate can occur on motion to set the bill, and Senator Humphrey indicates that it would be five days. Humphrey feels that if we cannot get a motion to take up the bill within five days, we should move for cloture. Mitchell advises against cloture unless we are sure we can win. Humphrey feels that five days of snorting is enough and then we should get the bill up. Kuchel argues that we ought to permit the Southerners to filibuster since the American people will get disgusted with them. He thinks a prolonged filibuster on the motion to set the legislation for action works to our advantage. Humphrey would still give them only a week. Humphrey indicates that Senator Wayne Morse will move to send the bill to the Committee with instructions. He notes that he never sees Wayne except for the body blows as he goes by. Mitchell advises to let the Southerners talk. Rauh is for enforcing the two-speech rule. He does not believe that the Southerners can carry on the debate physically since their average age is 65.

Kuchel is against the Senate permitting any committee meetings to occur while this debate is going on. "It doesn't bother me if the committees do not meet. This should be a show. Let them [the Senators] sit in their offices and answer quorum calls. They have nothing else to do."

Humphrey believes that ultimately we will be meeting from 9 a.m. to 12 midnight for 15-hour-a-day sessions.

Mitchell indicates that "we've talked to the President off the record, and he felt that it would be hard to get 25 Republican senators to help. Thus, we urge the President to advocate the system whereby we would let the people talk. He said let them talk until summer."

Rauh believes that the less talk about cloture, the better. Kuchel agrees. Rauh feels that all talk of cloture brings compromise, and the House bill is a good bill which should not be compromised. Kuchel points out that there are some fence-sitters and some would vote for cloture at the very end if they were tired of it all. He advises the Civil Rights leadership to meet together and then meet with our boys [Horn and Stewart!], and we will hold their hands.

Teasdale points out that if the Senate adjourns, that ends the legislative day. Thus, a morning hour would occur the next day; and if unanimous consent was not secured, it could be required that the Senate Journal be read. We might force the Southerners to amend the Journal until after 2 p.m., otherwise we could bring up the bill. After 1 p.m. and before 2 p.m., we can move to take up the bill and that can be decided without debate. But we would have to send things to the desk.

Humphrey feels the two-speech rule goes.

Kuchel: "I'll be able to use some new stories in my speeches. The current ones are worn out."

Humphrey would object to unanimous consent on speeches. One can always make speeches in the hallways or issue statements to the press.

Kuchel indicates that on Monday he will get hold of "Senate Republican Leader [Dirksen] and tell him that he will have to forego the pleasure of speaking."

Teasdale advises that Humphrey and Kuchel get together on television and stress the bipartisan nature of the effort.

Mitchell indicates that the Leadership Conference has said that they oppose weakening the bill, and he would like to recommend that when anyone has an amendment they bring it to Celler or McCulloch.

Kuchel mentions the atheism and sex provisions and wonders if we have plenty of time to make agreements. He is willing to take the oath of nonpartisanship. Rauh stresses two kinds of strengthening amendments. One would knock out the atheism provision and the other would introduce a real Part III. Kuchel believes it will take longer on the atheism amendment. Rauh looks down the road one month from now and amendments to strengthen the bill are not tableable. Each amendment we offer will create a new filibuster. We can table their amendments, but not our amendments. We will have to decide if we can get the bill through fast as it is. Our objective is that the bill be as strong at the end of the debate as it is today.

Kuchel asks if we cannot agree today, that we take nothing less than was passed in the House. On both sides there are guys in good faith who have amendments to improve the bill.

Mitchell feels that if he can get the Humphrey Fair Employee Practices Commission substituted for the House FEPC, that would be much better.

--- Humphrey stresses that a constant working relationship with both Celler and McCulloch is essential. Any amendment offered by our people should be cleared with Kuchel and myself. Once an amendment is offered, any Senator can call it up. This bill is a minimum. If we want to strengthen the bill, we should clear those provisions with the leadership and the captains of the particular sections before drawing judgment on them.

Kuchel indicates that he and Humphrey will work closely together and that he has "fondness and admiration for my leader Ev Dirksen. I want to be fair."

Rauh wonders if there are any differences except over Title II.

Humphrey replies that Dirksen has some concerns on the FEPC provision.

Mitchell indicates that Representative Bernie Sisk (D-Calif.) and others wanted a preemption clause.

Kuchel indicates that "Dirksen told me the other day that he wanted to rethink the bill."

Humphrey: "I told Dirksen that it is not Hubert H. Humphrey that can pass this bill, ultimately it boils down to what you do. Dirksen doesn't want somebody picketing him."

Mitchell indicates that "we were surprised as anybody when Mansfield wanted to send the bill to the Judiciary Committee. We do have groups who want to show their concern by demonstration."

Kuchel: "I've got every faith that we will win this fight."

Humphrey: "We need faith and perseverance. I went to see Tommy [Kuchel] and we've got the votes. [Senator Richard] Russell runs a war of nerves. He will yell Benedict Arnold, traitor, and lynch law. He is like that French general who always said, 'Attack, Attack, Attack!' If he were on a bear hunt, he would let rabbits out of the cage and have the hounds chase them. He doesn't want us to get bear."

Mitchell: "Negroes in this country have had a tremendous change. They aren't afraid of dogs. They just try to figure out how to keep them from biting. This isn't the old game where one could say rough stuff in the [press] gallery and nobody would pay attention."

Humphrey: "Javits told us disconcerting news concerning the situation in New York City. The Chief of Police of New York City is worried about demonstrations. We can't lose our temper. We need to state our case. The opposition has more of a record than the proponents of the legislation."

Kuchel: "Okay, Hubert, I agree."

After the others leave, Humphrey, Kuchel, Stewart, and Horn agree with Humphrey as he indicates that we will meet three times a week with the leadership group, Humphrey and Kuchel. We will acquaint our captains at 9:30 a.m., Monday morning. We will set up a meeting with Deputy Attorney General Katzenbach and Kuchel for Monday at 3 p.m. and later go over the bill with the various Republican floor leaders. After that, we will explain the legislation to any Democratic senator who wants it explained, and representatives of Justice, Labor, and Commerce will be available in the Democratic Policy Committee offices.

Thursday, March 12, 1964

HORN LOG

Meeting of the Senate bipartisan Civil Rights staff in Capitol S-118, the Office of the Senate Democratic Policy Committee. Present are for the Democrats are John Stewart, Legislative Assistant to Senator Humphrey; Harry Schwartz, Legislative Assistant to Senator Clark; Jerry Grinstein, Chief Counsel, Senate Committee on Commerce (representing Senator Magnuson); William Welsh, Administrative Assistant to Senator Hart; and Charles Ferris, Counsel, and Kenneth Teasdale, Assistant Counsel, Senate Democratic Policy Committee. Present for the Republicans are Stephen Horn, Legislative Assistant to Senator Kuchel, and Frances Henderson, Executive Secretary to Senator Clifford Case.

It is a very jocular crowd. Department of Justice representatives are no longer present!

Schwartz cites various excerpts from the Senate Rules which he regards as what we ought to use in the time of crisis.

Teasdale feels that Senator Douglas overemphasized the importance of adjournment. He points out that the Senate can adjourn in the absence of a quorum. No amendment can be offered to the motion to take up a bill. A senator can move to postpone to a date certain and then, by that, is able to secure the opportunity to make two more speeches. He advises that when something happens on the floor which seems funny, call for a quorum.

Ferris adds that when Senator Douglas drew up his memo, the Democratic Policy Committee was against it.

When someone suggests that we all read [Charles L.] Watkins' and [Floyd M.] Riddick's Senate Procedure, Horn adds that Watkins has the real index under his desk. [That is based on the experience Jack Flynn, then Legislative Assistant to Senator Humphrey, and Horn had in January 1961 when they were coordinating the bipartisan staff to change Senate Rule 22 pertaining to the number of senators invoking cloture. At that time Charlie Watkins, one of the aging fixtures of the Senate and its parliamentarian, gave one set of advice to Horn and Flynn and another set of advice—more accurately!—to the Southerners. There is no question in anyone's mind as to the direction in which the Senate parliamentarian leans.] Horn continues by stating, "Let's make up our mind when we plan to adjourn and stick to it. We need to stay away from mentioning senators by name."

Ferris, Teasdale, and Stewart agree.

Henderson observes that Senators Clark and Case got together for an hour today with Assistant Attorney General for Civil Rights Burke Marshall to discuss Title VII since Marshall knows the emotional context of the bill.

Stewart adds that the AFL-CIO has prepared a speech to answer Senator Lister Hill (D-Ala.) on Title VII.

Horn suggests that we work the material into the speeches which Humphrey and Kuchel will use to lead off the debate for the bill.

Welsh recalls that in 1957 the Senate spent 10 days on the motion to take up the Civil Rights Bill. Stewart points out that Senator Morse's motion to refer to committee can only be made when the bill is pending.

Welsh adds that in 1960 when the legislation was referred to Judiciary, it came back with one line left. He cites a special issue of Congressional Quarterly on the civil rights measures between 1957 and 1960.

Wednesday, April 8, 1964, 9:30 a.m.

HORN LOG

Meeting of the bipartisan Senate leadership in the Office of the Senate [Democratic] Majority Whip, S-309 of the Capitol.

Present are Senators Hubert H. Humphrey (D-Minn.) and Philip A. Hart (D-Mich.); Stephen Horn, Legislative Assistant to Senator Kuchel; Charles Ferris, Counsel, and Kenneth Teasdale, Assistant Counsel, Senate Democratic Policy Committee; Jerry Grinstein, Chief Counsel, Senate Committee on Commerce, representing Senator Warren Magnuson; and Harry Schwartz, Legislative Assistant to Senator Clark; and Nelson Guild and Raymond Wolfinger, APSA Congressional Fellows. Also present is Assistant Attorney General for Civil Rights Burke Marshall.

Senator Humphrey arrives bubbling over. He reports that he met with the Attorney General [Robert F. Kennedy] this morning. He feels that we are starting to move on the public relations. He will engage in Socratic discussion.

Wolfinger interjects, "Look what happened to him [Socrates]."

Humphrey recalls that he was once introduced to the NAACP convention as the "John-the-Baptist of the Civil Rights movement. I feel like it."

Horn reports that Senator Hruska probably will not show. He notes that Representative McCulloch is a good friend of Hruska and could be helpful. Humphrey asks Marshall to contact McCulloch to see if he will call Hruska and get him to make a speech.

Humphrey adds, "Generally, the feeling is that we should let the Southerners talk and keep quiet."

Horn indicates that "that strategy is okay with us, but we might want to attack the Coordinating Committee again after they file their Lobby report on April 10th."

Wednesday, April 8, 1964, 10:30 a.m.

Conversation between Senator Thomas H. Kuchel (R-Calif.) and Stephen Horn, Legislative Assistant to Senator Kuchel.

Kuchel advises Horn to keep the various Dirksen amendments confidential and adds, "I'll vote against all of them if I have to."

Thursday, April 9, 1964, 10:30 a.m.

HORN LOG

Meeting of the bipartisan Senate leadership in the Office of the Senate [Democratic] Majority Whip, S-309 of the Capitol.

Present are Senator Hubert H. Humphrey (D-Minn.); John Stewart, Legislative Assistant to Senator Humphrey; Stephen Horn, Legislative Assistant to Senator Kuchel; Harry Schwartz, Legislative Assistant to Senator Clark; Jerry Grinstein, Chief Counsel, Senate Committee on Commerce, representing Senator Warren Magnuson; and Nelson Guild and Raymond Wolfinger, APSA Congressional Fellows. Non-Senate members present are Assistant Attorney General for Civil Rights Burke Marshall; Joseph Rauh, Washington attorney and Chairman, Leadership Conference on Civil Rights; and Clarence Mitchell, Director, Washington office, NAACP.

Horn enters late. Marshall is reviewing the various Dirksen amendments. He feels the state would preempt the Federal Commission. He reviews the use of the term "willful." He thinks that if it pertained to Motorola, that might be one thing; but if it is a criminal use in a civil process, that is another.

Humphrey indicates that the House people are willing to accept some amendments.

Rauh believes that Dirksen's amendments are diabolically well done: "Dirksen took out the exemption for the religious organizations. But we can no longer assume that that is being constructive."

Humphrey advises that we "follow the course of not being openly antagonistic to Dirksen. The Republicans must carry the fight. Let the Republicans argue it out with their own leader. Dirksen told me that if he could not get support, then he would have to retreat."

Horn: "Our theory is that Dirksen will go through his public acting process, take a licking, and then be with us. How many Democratic votes do you have to defeat Dirksen's gutting amendments?"

Stewart replies that their count is between 35 and 40 Democratic votes available.

Horn: "Then we've got him."

Rauh wonders how we get Representative McCulloch's views on the Record on both the atheist and sex amendments.

... Marshall: "We won't get his views on the Record. Let us just keep him informed."

Mitchell suggests that Marshall get Representatives Celler and McCulloch together.

Rauh would like the state Fair Employment Practices Commission people to analyze the various Dirksen amendments to the FEPC section. He indicates that he asked Representative Celler last night to call McCulloch and say that he was concerned over Dirksen's Title VII amendments.



Friday, April 10, 1964

HORN LOG

Stephen Kurzman, Legislative Assistant to Senator Javits, conversation with Stephen Horn, Legislative Assistant to Senator Kuchel.

Kurzman hears that Dirksen told a conference that collectively and individually he had an open mind on these amendments. He wonders if Len Jordan (R-Idaho) could be helpful on the FEPC section. Kurzman indicates that "he was magnificent in the Senate Committee on Labor and Public Welfare. He was very helpful in the Executive Session and supported Javits on every vote.

Horn promises to have Kuchel contact Jordan and he will contact Norman Halliday, Jordan's Legislative Assistant.

Thursday, April 23, 1964, 9:30 a.m.

HORN LOG

Meeting of the bipartisan Senate leadership in the Office of the Senate [Democratic] Majority Whip, S-309, of the Capitol.

Present are Senators Philip A. Hart (D-Mich.) and Clifford P. Case (R-N.J.); John Stewart, Legislative Assistant to Senator Humphrey; Stephen Horn, Legislative Assistant to Senator Kuchel; Frances Henderson, Executive Secretary to Senator Case; Harry Schwartz, Legislative Assistant to Senator Clark; Charles Ferris, Counsel, and Kenneth Teasdale, Assistant Counsel, Senate Democratic Policy Committee; and Nelson Guild and Raymond Wolfinger, APSA Congressional Fellows. Non-Senate members present are Joseph Rauh, Washington attorney, and Chairman, Leadership Conference on Civil Rights; Clarence Mitchell, Director, Washington office, NAACP; James Hamilton, Director, National Council of Churches; Andrew Biemiller, Director, Department of Legislation, AFL-CIO; Thomas Harris, Counsel, Department of Building Trades, AFL-CIO; Arnold Aronson, Secretary, Leadership Conference on Civil Rights; and Burke Marshall, Assistant Attorney General for Civil Rights.

Rauh asks if Representative McCulloch approved the jury trial amendment.

Mitchell wonders what is going to be done to assure that what is done in the Senate meets the approval of the House leaders and the Civil Rights groups.

Marshall replies that the jury trial is required in all criminal contempts.

Teasdale adds that No. 513 would require a jury trial in every federal criminal contempt.

Hart would add the Humphrey amendment just on this bill. (Senator Case enters.) That amendment would provide that if the penalty exceeded 45 days and \$300, then a jury trial would be in order. He assumes that neither Representative Oeller nor Representative McCulloch will disagree.

Rauh believes that it is a tactical matter. He was surprised when it won in the House, and he would get as much as you can for introducing and passing it.

Case argues that you need to get something even if you give up on the innocuous Dirksen amendment.

Mitchell would get agreement from the Southerners that if we yield on this amendment, then let us start voting on the bill.

Stewart reminds the group that Southerners can count votes too and they might just win.

Rauh thinks that you can make a good argument against the Talmadge amendment since it goes against the courts and it is beyond the bill.

Mitchell would get a vote count on who is willing to go for a modified version.

Case indicates that the jury trial idea appeals across the board whether you are talking to liberals or labor leaders or conservatives. He does not think we are in a strong position here. He feels that we should delay until the major amendments are laid out before the Senate. "They say that Dirksen does not have many more amendments on Title II. He thinks Mansfield would be happy to offer the jury trial amendment since it would help with his constituency."

Biemiller believes a White Paper should be developed on the various Dirksen amendments and we need to find out what effect they will have on the states.

Rauh is opposed to adding much more than making the Commission's studies public and the conciliation matters not public and taking care of the atheism provision.

Mitchell has a concern with regard to hiring halls.

Biemiller indicates a great emotional issue over the hiring halls provision.

Tom Harris points out that hiring halls are now covered.

Case adds that if hiring halls are in, why do we care?

Marshall indicates that the Department of Justice agrees that hiring halls are included.

Case thinks it is just as well not to formalize a position on the matter.

Harris agrees, but he would also like to show the affirmative help of the law.

Aronson feels a need for state Commission enforcement. He thinks that we could probably get a statement from the various heads of state FEPC's.

Mitchell suggests that we ask John Hannah, Chairman of the U. S. Commission on Civil Rights, for a study. We are too short-handed to do that staff work.

Benderson remarks that a general fund to pay lawyers is suggested by Dirksen.

Marshall indicates that there is no such fund.

Mithcell reminds us that a number of newspapers imply that we are being sold out.

Tuesday, May 12, 1964, 9:50 a.m.

HORN LOG

Meeting of the bipartisan Senate leadership in the Senators' Conference Room, S-209, of the Capitol.

Present are Senators Thomas H. Kuchel (R-Calif.), Jacob K. Javits (R-N.Y.), and Kenneth B. Keating (R-N.Y.); Stephen Horn, Legislative Assistant to Senator Kuchel; Patricia Connell, Counsel to Senator Keating; Stephen Kurzman, Legislative Assistant to Senator Javits; William Welsh, Administrative Assistant to Senator Hart; Charles Ferris, Counsel, and Kenneth Teasdale, Assistant Counsel, Senate Democratic Policy Committee; John McCarthy, Stanford-in-Washington intern on the staff of Senator Kuchel; and Raymond Wolfinger, APSA Congressional Fellow assigned to the staff of Senator Humphrey. Non-Senate member present is Assistant Attorney General for Civil Rights Burke Marshall.

Senator Kuchel opens the meeting by stressing that we need the cloture vote pinpointed and that we should know who will vote for cloture by June 1st.

Javits wonders what inspired Senator Humphrey to lay it on with such a sword yesterday. He feels that such comments invite an attack on the leadership. He sees 60 supporters, 10 doubtful, and 30 against. He believes Humphrey "should make sure which bullet he is shooting and not put all our strength in doubt. There will be a call for round-the-clock sessions and presidential intercession." He would brief Humphrey and then have a colloquy on the floor. He stresses that "we can't lump all people together."

Kuchel adds that "we should have bipartisan senators and staff meet here when Hubert [Humphrey] gets back." He then turns to Assistant Attorney General Marshall and asks: "Burke, where does the Leadership Conference [on Civil Rights], Dirksen, and [the Department of] Justice stand today?"

Marshall replies that the stands are "no different than last week. Some staff work is going on and there are language difficulties."

Javits wonders if there is a minimum which has been agreed to.

Kuchel: "In my judgment, Dirksen will not require agreement on Titles II and Amendment 511 as the price for cloture. If Justice and the people around [this] table could accept some of Dirksen's amendments, then we could get him to go for round-the-clock sessions and cloture."

Javits: "That would be a big feather in his cap, and I'd like to see it. Business is disquieted on the recordskeeping provisions. I would rather use 'knowingly' or 'intentionally' than 'willfully.' The Screws case sets a standard of intent which is hard to prove. The progress with Dirksen, however, has to be accelerated. The sooner Justice gets down to cases with Dirksen and transmits a sense of urgency, the better it will be. But let Tommy [Kuchel] and I know since you don't hold my proxy any more than I hold yours. I thought you'd finish your work last week."

Kuchel: "That couldn't be done, Jack [Javits]. I see nothing wrong with the Attorney General saying what amendments he will accept or not accept. I think it is a horrible mistake to file a cloture petition on the Mansfield-Dirksen amendment. The Southerners are trying to get us to do just that. We have to be careful in cross-examining Dirksen. The comment I made a short time ago I would not want to make in front of [Bourke B.] Hickenlooper [R-Iowa] and [John G.] Tower [R-Tex]."

Ferris reminds the group that during the last week in May because of Memorial Day and the various Kennedy Salute dinners, there will be a week off for the Senate.

Kuchel: "This is my number-one duty, but God knows that I've got real problems in California." [He is referring to the Rockefeller primary campaign against Goldwater, an effort of which he is chairman and which he has asked Horn to go to California to try to salvage the effort.]

Welsh: "We talk of the last week in the last part of May as lost. It doesn't have to be. We could have the Leadership Conference [on Civil Rights] people heat senators up when they are back home."

Kuchel: "I don't know. It could work the other way. The latest poll [in California] shows that the Rumford [Anti-Fair Housing] initiative will be approved."

After the meeting as we are standing in the center aisle of the Senate floor, Senator Joseph S. Clark (D-Pa.) comes up to Kuchel and states, "This guy [i. e., Horn] is great. We respect what he says." Then Senator Jacob K. Javits (R-N.Y.) comes up and gives me the arm grip as he tells Kuchel to designate someone to replace me since "it is important and crucial while he is in California." A few accolades and low pay keep the staff going.

Tuesday, May 12, 1964, 12:50 p.m.

HORN LOG

Meeting of the bipartisan Senate leadership in the Office of the Senate [Democratic] Majority Whip, S-309, of the Capitol.

Present are Senator Hubert H. Humphrey (D-Minn.); John Stewart, Legislative Assistant to Senator Humphrey; Stephen Horn, Legislative Assistant to Senator Kuchel; Stephen Kurzman, Legislative Assistant to Senator Javits; William Welsh, Administrative Assistant to Senator Hart; Charles Ferris, Counsel, Senate Democratic Policy Committee; and Nelson Guild and Raymond Wolfinger, APSA Congressional Fellows.

Humphrey opens the meeting by stating, "What we did yesterday is paying off. I talked to [Gordon] Allott [R-Colo.], Dirksen, and [Norris] Cotton [R-N.H.] to urge a vote. We had four or five fellows I called who just wouldn't come last night. We are up to 50, despite three guys being in bed within 10 minutes of the Capitol."

Stewart: "Who's in bed with whom?"

Humphrey laughs and moves to the next subject: "We need Ed [Edward V.] Long [D-Mo.] or Bob [E. L.] Bartlett [D-Alaska]. Then we could throw in Wayne Morse [D-Ore.] to stir them up real good."

Stewart observes that many feel in error on what they have been doing.

Humphrey reports that he took Dirksen out to dinner last night: "I know his views and Mansfield's concerning holding around-the-night sessions. The President was up in arms at the Congressional leadership meeting this morning."

In response to a query from Ferris, Humphrey feels the middle of June is probably the right time for cloture.

We then settle down to count votes.

We estimate that there are 55 sure "yes" votes for cloture. There are nine "possible" votes. They include Senators George D. Aiken (R-Vt.), Frank Carlson (R-Kans.), Everett McKinley Dirksen (R-Ill.), Edward V. Long (D-Mo.), Jack Miller (R-Iowa), James B. Pearson (R-Kans.), Frank J. Lausche (D-Ohio), and Norris Cotton (R-N.H.).

Humphrey indicates that besides Dirksen, he had dinner with Pearson and Prouty.

The "no" votes include Carl Hayden (D-Ariz.), Harry Flood Byrd (D-Va.), James O. Eastland (D-Miss.), Allen J. Ellender (D-La.), Sam J. Ervin, Jr. (D-N.Car.), J. William Fulbright (D-Ark.), Barry Goldwater (R-Ariz.), Albert Gore (D-Tenn.), Lister Hill (D-Ala.), Bourke B. Hickenlooper (R-Iowa), A. Willis Robertson (D-Va.), John G. Tower (R-Tex.), and Herbert S. Walters (D-Tenn.).

As Humphrey reviews the list and comes to Senator Gore, he notes that "maybe Johnson can do something with him, but he does face reelection."

Ferris notes that Gore is particularly interested in Title VI.

Humphrey then reviews the "doubtful" votes. They include Wallace F. Bennett (R-Utah), Alan Bible (D-Nev.), Howard W. Cannon (D-Nev.), Norris Cotton (R-N.H.), Carl T. Curtis (R-Nebr.), Roman L. Hruska (R-Nebr.), Len B. Jordan (R-Idaho), Edwin L. Mechem (R-N.Mex.), Karl E. Mundt (R-S.Dak.), Milward L. Simpson (R-Wyo.), John J. Williams (R-Del.), Ralph W. Yarborough (D-Tex.), and Milton R. Young (R-N.Dak.). Cotton and Williams of Delaware appear on both the "possible" and the "doubtful" list.

Humphrey and Horn agree that Mundt, et al, are part of the Goldwater operation and a slight difference might be made after the California primary on June 2nd. Horn adds that Cotton has said publicly that he is for cloture.

Ferris notes that Yarborough is putting out mixed signals.

Humphrey asks about Bennett and Horn sees "little chance." When Humphrey asks about Curtis, Horn indicates that he "doubts it is possible to secure his vote." When Humphrey mentions Hruska, Horn indicates that he has not talked to Hruska's administrative assistant, Robert Kutak, lately. But we have had church groups working on Hruska.

Kurzman adds that the church groups are optimistic.

Humphrey observes that "church groups are well-wishers." [An interesting comment from a usually perennial optimist.]

When Humphrey asks about Simpson, Ferris replies that the view of the administrative assistant to Simpson is that Senator Simpson would find it inconsistent to vote for cloture and then against the bill.

Humphrey sums up that we have 55 votes for cloture including Senator Clair Engle (D-Calif.) who has been ill. If Engle cannot make it to the floor, then we have only 54 "sure" votes. He believes that the President can help in the case of the following people: "Walters, Hayden, Byrd of West Virginia, Bible, Cannon, and maybe Fulbright."

Ferris interjects that the Department of Justice claims that it had a firm commitment from Walters.

Humphrey would include Senator J. Howard Edmondson (D-Okla.). He recalls that the late Senator Robert Kerr was for public power and had a liberal streak in him. He adds that the late senator from Georgia and "power" on the Senate Committee on Finance, Walter George, said, "Oh God, he's [Kerr's] a menace to the tax structure except on oil."

Horn indicates that with more work to be done we are really talking about aiming for a vote on cloture for Friday, June 12th, after many of the senators have returned from the various Kennedy dinners.

Friday, May 15, 1964, 10 a.m.

HORN LOG

Meeting with Senator Kenneth B. Keating (R-N.Y.); Deputy Attorney General Nicholas deB. Katzenbach; John Stewart, Legislative Assistant to Senator Humphrey; Stephen Horn, Legislative Assistant to Senator Kuchel; and Patricia Connell, Counsel to Senator Keating. [No indication of room where meeting was held.]

Before the meeting, Katzenbach and Horn discuss the status of Republican support for the package being prepared. Katzenbach feels that Senator Case seems satisfied. He does not think that Senator Dirksen and Representative McCulloch have talked in three weeks. He is worried that McCulloch will be irked at the dropping of Title V from the bill and the fraud provisions which he very strongly backed.

Attorney General Kennedy talked to the Business Advisory Council on Saturday. Somebody mentioned an Indian reservation contract quota for Indians. On Monday morning, Dirksen had the language from Mundt as his price:

When Senator Keating arrives, the meeting opens with Keating's query as to "How does this package get additional votes for cloture when some want a watered-down bill before cloture? I thought those not prepared to vote for cloture wanted a substantively weaker bill, yet stories are coming out that this is a good bill. How come?"

Katzenbach does not directly answer it but he claims that Senator Dirksen has told him that he has 25 Republican votes for cloture.

Keating: "In other words, the Democrats can't pull two-thirds of their quota. Does Dirksen concede that?"

Katzenbach: "I wasn't here Wednesday; however, I did see Senator Dirksen's quote in the Chicago Tribune on Thursday."

Connell: "What happens if Dirksen shows the Republican conference amendments and nobody changes their minds on cloture?"

Katzenbach: "[Assistant Attorney General for Civil Rights Burke] Marshall and I will slit our throats!"

Keating: "I think this package does weaken the bill."

Katzenbach: "[Senator Peter H.] Dominick [R-Colo.] seems to be for the bill. I can't believe that Dirksen would go as far as he did unless he is able to produce the votes. I think that to vote cloture, title by title, would be wrong."

(Stewart enters.)

Keating: "What is the effect of the Leadership Conference [on Civil Rights] statement?"

Katzenbach: "They said that they never agreed to these amendments and will await studying and analyzing the bill before commenting."