

Thursday, April 16, 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 Senators Hubert H. Humphrey (D-Minn.) and Joseph S. Clark (D-Pa.); John Stewart, Legislative Assistant to Senator Humphrey; Stephen Horn, Legislative Assistant to Senator Kuchel; Jerry Grinstein, Chief Counsel, Senate Committee on Commerce, representing Senator Magnuson; Frances Henderson, Executive Secretary to Senator Clifford P. Case (R-N.J.); Harry Schwartz, Legislative Assistant to Senator Clark; and Raymond Wolfinger, APSA Congressional Fellow assigned to the Office of Senator Humphrey. Non-Senate members present are Joseph Rauh, Washington attorney and Chairman, Leadership Conference on Civil Rights; Clarence Mitchell, Director, Washington office, NAACP; Andrew Biemiller, Director, Department of Legislation, AFL-CIO; John H. Beidler, United Automobile Workers; and Assistant Attorney General for Civil Rights Burke Marshall.

Senator Clark wants to know, "How do you put the heat on Dirksen concerning cloture? Would it help to involve Chuck Percy and the various Republican governors?"

Mitchell feels that there has been an incredible reversal of our agreements. He wonders if our side is caving in. We are not going to let us get in a box and nailing down the cover. It is unfair to cave-in because we need a two-thirds vote to invoke cloture and shut off the debate. Fifty-one senators will insist that we pass the legislation. Let the South talk if it can talk. We should not be dealing with Senator Dirksen through intermediaries. Nick [Katzenbach] shouldn't be it. We should talk directly with Dirksen.

Clark adds that we went over it senator by senator yesterday. "Hubert says there should be no cry for cloture until the end of May. The President and Hubert are for going around the clock soon. Mansfield is not for going around the clock."

Mitchell indicates that "we haven't tried to exhaust them."

Clark: "I don't disagree, but we must persuade Mansfield."

Mitchell: "We need to get tougher during the regular period of debate."

Clark: "Can we hold our troops to answer quorum calls?"

... Rauh interjects that "the Leadership Conference [on Civil Rights] is united in thinking that a cloture discussion is unwise. Cloture means compromise. There should be no cloture until the votes are counted. We had that pledge from Hubert in this room. They are running out of their two speeches. We need to hold Dirksen off re his amendments."

Clark: "That's folly--Erwin can offer the amendments."

Rauh: "We should use the guillotine on the various amendments."

Clark: "I don't disagree."

Rauh: "If he has used up his two speeches, he must offer an amendment to continue."

Horn: "We could move to strike."

Clark: "That would take three years."

Rauh: "Let them offer a few amendments and then start to move to table."

Clark: "That could not arrive before the Republican Convention."

Rauh: "We could do it by July 13th."

Mitchell: "We start with the President and it could take all summer."

[Senator Hubert H. Humphrey enters the meeting.]

Mitchell summarizes the discussion for Humphrey.

Clark: "They want exhaustion ahead of cloture."

Humphrey: "We are going to talk about cloture. We have to think ahead. We have to plan to pass the bill as it is or might be. We will plan."

Mitchell: "To date, the South has the advantage. We are not winning, not because we are strong but because we are gentlemen."

Humphrey: "We want them to make fools of themselves. If they run out of speeches on this, then they will have amendments. We will have to plan on cloture. Nobody won a war on starving the enemy. We must shoot them on the battlefield."

Mitchell: "You are shooting the friends if you trade with Dirksen."

Humphrey: "We don't have 65 votes for cloture."

Rauh: "Suppose we went to the President and said that we cannot get cloture? We need to guillotine their amendments."

Humphrey: "We intend to do that."

Rauh: "Public discussion of cloture leads to talk of compromise with the Dirksen amendments. Some of those are just as bad as the Southerners. He's not moving."

Humphrey: "We made no deal. We have to talk out loud."

Mitchell: "There are 19 Southern senators who are not convinced."

Humphrey: "Dirksen may offer some amendments. He will kill that stuff of mine with 500 amendments. We cannot get a quorum this Saturday. All those brave fighters for civil rights are elsewhere. We don't have Bobby Baker here. I'm the Bobby Baker. Democratic senators have told me that 'if the life of the nation depends on my vote, then I say to hell with it.'"

Mitchell: "I got one senator and you let him go, Hubert. I don't blame the fellows for not being around."

Humphrey: "I'm interested in them making speeches."

Clark: "I went to Sam Ervin. He said, 'I'll speak for one hour, from 10 p.m. to 11 p.m.'"

Humphrey: "Unless we are ready to move in our clothes and our shavers and turn the Senate into a dormitory--which Mansfield won't have, we have to do something else. The President grabbed me by my shoulder and damn near broke my arm. He said, 'I'd run the show around the clock.' That was three weeks ago. I told the President he is grabbing the wrong arm. I have the Senate wives calling me right now asking, 'Why can't the Senator be home now?' They add: 'The place isn't being run intelligently.' Sometimes I'm working for longer hours. The President says, 'What about the pay bill? What about poverty? What about food stamps?' Clarence, we aren't going to sell out. If we do, it will be for a hell of a price. I'd better answer the quorum [the quorum bells had rung]. It would be a hell of a thing, if I missed it."

Clark: "Johnson knew where every senator was but he would not compel attendance. It's hard to have Joe Duke [the Senate Sergeant-at-Arms] arrest Dick Russell!"

Rauh: "If the bill looks like it is watered down, we will have real trouble in the country."

Clark: "We'll go to the country with broken promises if we are kept here all summer."

Stewart: "We need to defeat the Dirksen amendments now."

Henderson: "I would not attack the Dirksen amendments."

Horn: "We are talking about CORE picket lines around Dirksen."

Mitchell: "I'm saying softly and with humility that we would hope that the Kuchel and Humphrey statement on violence does some good."

Horn: "You would have to crack down on the Democratic absentees."

Rauh: "I assume a decision will be made either Monday or next Thursday?"

Mitchell: "We are ready to meet any time."

Stewart suggests that we all meet at 5:30 p.m. today.

Biemiller indicates that he does not know who the Democratic absentees are.

Stewart indicates that the following Democratic senators are absent: Bartlett, Dodd, Douglas, Gruening, Hartke, Jackson, Kennedy, Muskie, Nelson, Neuberger, Pastore, Ribicoff, Symington, Yarborough, and Young of Ohio. Hart might also be absent.

Thursday, April 16, 1964, 3:10 p.m.

HORN LOG

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

Senate Republican Leader Everett McKinley Dirksen called Representative William M. McCulloch (R-Ohio) over to his office following the luncheon of the House and Senate Republican policy committees. McCulloch found some of the Dirksen amendments unobjectionable, but he found several objectionable--such as the state preemption, and the proposal to take the Fair Employment Practices Commission out of the business of filing suits. He did not like the delay involved but he could live with it. Senators Case and Keating have spoken with McCulloch. Basically, House Republican Leader Halleck doesn't give a damn. McCulloch will object but probably not.

I briefed him concerning the morning meeting in Humphrey's office and the cloture fight. We then exchanged comments on Dirksen's role and agreed that he is dramatic and wants to show when he finally lands on our side that the matter has been thoroughly considered.