

Cloture Motion to Cease Debate on 1964 Civil Rights Bill

Lee Ann Potter

On Monday morning, June 8, 1964, Senate Majority Leader Mike Mansfield (D-MT) presented before the president of the Senate the cloture motion featured in this article. In doing so, he and the other signatories were asking the Senate of the United States to cease debate on House Resolution 7152—*An Act to enforce the constitutional right to vote, to confer 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 in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes*—what would become better known as the Civil Rights Act of 1964. In the process, Mansfield deliberately asked questions about parliamentary procedure, seeking specific information as to when voting on the motion could and would most likely occur.

Mansfield was fully aware that the bill had been proposed by President John F. Kennedy 11 months earlier, that it had passed the House in early February, and that when debate on the bill in the full Senate began on March 30, eighteen Southern senators, seeking to prevent its passage, immediately began a collective filibuster. As a result, the measure had occupied the Senate for 55 working days, including 6 Saturdays.

Acting President Pro Tempore, Lee Metcalf (D-MT) assured Mansfield that according to Senate rules, the cloture motion would come to a vote two days later. It did, following a lengthy individual filibuster opposing the legislation by Senator Robert Byrd (D-WV) that lasted 14 hours and 13 minutes, and a stirring speech by Senator Everett Dirksen (R-IL).

Just before the vote, Dirksen announced, “There are many reasons why cloture should be invoked and a good civil rights bill enacted. First, it is said that on the night he died, Victor Hugo wrote in his diary, substantially this sentiment: Stronger than all armies is an idea whose time has come.” Dirksen continued, “The time has come for equality of opportunity in sharing in government, in education, and in employment. It will not be stayed or denied. It is here.”

The time had come. Following a roll call that confirmed the presence of a quorum, Metcalf asked, “Is it the sense of the Senate that the debate shall be brought to a close?” and the Senate responded with a vote of 71 to 29, four votes more than were required. This was only the sixth time in the history of the Senate that cloture had been invoked—the first time in

37 years, and the only time the Senate had managed enough votes to cut off a filibuster on a civil rights bill.

The term filibuster comes from the Spanish word “*filibustero*,” meaning “pirate.” In legislative terms, it is a tactic used to pirate, delay, or prevent a vote. A filibuster allows a senator to speak on any topic he or she chooses—usually, but not always, related to the legislation in question—for as long as he or she wishes. Some filibusters have become famous. The longest individual filibuster, lasting 24 hours and 18 minutes, was staged by Senator Strom Thurmond (D-SC) arguing against the Civil Rights Act of 1957.¹ Before that, the record was held by Senator Wayne Morse (I-OR). He argued against Tidelands Oil legislation in the spring of 1953 for 22 hours and 26 minutes. And before that, Senator Robert LaFollette (R-WI) argued in 1908 against the Aldrich-Vreeland banking bill for 18 hours and 23 minutes, stressing that changes in policies would only benefit the bankers. Since 1986, when the Senate began televising its debates, the number of individual filibusters has risen dramatically.

Although filibusters were once common in both chambers of Congress, in 1811 the House of Representatives enacted rules limiting debate that put an end to the practice. One hundred and six years later, at the onset of World War I, at the urging of President Woodrow Wilson, the Senate passed Rule 22, allowing for cloture.

Cloture is French for “ending” or “conclusion” and is a legislative procedure that can force debate on an issue to end; it has its origins in the French National Assembly. It was first invoked

motion
CLOSURE

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H.R. 7152), an act to enforce 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 in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

- | | |
|------------------------------|------------------------------------|
| 1. <i>Everett Dirksen</i> | 21. <i>Thomas J. Dold</i> |
| 2. <i>Mike Mansfield</i> | 22. <i>Philip Hart</i> |
| 3. <i>Thomas H. Kuchel</i> | 23. <i>John Sherman Cooper</i> |
| 4. <i>Robert W. Humphrey</i> | 24. <i>John Stennis</i> |
| 5. <i>Clifford P. Case</i> | 25. <i>Vance Harshbarger</i> |
| 6. <i>Daniel Brewster</i> | 26. <i>Frank E. Moss</i> |
| 7. <i>Jennings Randolph</i> | 27. <i>Warren E. Hearnes</i> |
| 8. <i>Heiam L. Fong</i> | 28. <i>Henry Jackson</i> |
| 9. <i>James Buckley</i> | 29. <i>Tom M. Mikoy</i> |
| 10. <i>Joseph S. Clark</i> | 30. <i>John L. Stennis</i> |
| 11. <i>Frank P. McCort</i> | 31. <i>Clair P. Pell</i> |
| 12. <i>Pat McNamara</i> | 32. <i>Edward Nelson</i> |
| 13. <i>Richard D. Linn</i> | 33. <i>Maurine Neuberger</i> |
| 14. <i>J. Lee Rankin</i> | 34. <i>Harrison Williams</i> |
| 15. <i>Anderson</i> | 35. <i>Beckley</i> |
| 16. <i>Samuel Hays</i> | 36. <i>Hugh Scott</i> |
| 17. <i>Lee Stans</i> | 37. <i>Walter</i> |
| 18. <i>Paul McClellan</i> | 38. <i>Hubert H. Humphrey</i> |
| 19. <i>Edward Kennedy</i> | 39. <i>Eugene J. McCarthy</i> |
| 20. <i>Stephen M. Young</i> | 40. <i>George M. Downing</i> |
| | <i>Ernest Gruening</i> |

by the U.S. Senate in November 1919 to end a filibuster against the Treaty of Versailles.

While the cloture rule has enabled the Senate to force a filibuster to end, cloture motions can only succeed when supported by a significant majority of the members. When it was first passed, Rule 22 required that a motion be signed by at least 16 members and that a two-day waiting period be followed by a vote in favor of the motion from at least two-thirds of the Senate (or 67 senators). Then an additional allowance of 100 hours (one hour per member) of debate was permitted before debate would actually end. As a result of revisions to the rule in 1975, cloture still requires that a motion be signed by at least 16 members and that a two-day waiting period be followed by a vote. But now, three-fifths of (or 60) members must vote in favor of the motion, and an additional allowance of 30 hours of debate is permitted before debate ends.

Between 1917 and 2010, 1,240 cloture motions were filed; 901 of them were brought to a vote; and cloture has been invoked 394 times. Twenty-one of those instances occurred between 1917 and 1974, the rest—373—have occurred in the past 35 years.

In the case of the Civil Rights Act of 1964, three days before the cloture motion passed, a bipartisan compromise bill was proposed that was weaker than the original House version in regard to government power to regulate the conduct of private

business. After the cloture motion passed, due to the 100-hour rule allowance, debate continued until June 19, and when the compromise bill was finally put to a vote, it passed 73 to 27. It was noted in the Congressional Record that applause broke out in the Senate galleries, and President Lyndon B. Johnson signed it into law on July 2. 🇺🇸

Note

1. Strom Thurmond changed his party affiliation from Democrat to Republican in September 1964.

Note about the Document:

The Cloture Motion for the Civil Rights Act of 1964, 10 June 1964 (introduced 8 June), comes from motions and orders (SEN 88A-M5), 88th Congress, Records of the U.S. Senate, Record Group 46, Center for Legislative Archives, National Archives, Washington, D.C.

Note of Thanks

The author would like to thank Christine Blackerby of the Center for Legislative Archives at the National Archives, Elizabeth Rybicki at the Congressional Research Service, and Mary Baumann at the Senate Historical Office for their assistance with the research for this article.

For further reading:

Carlson, Peter. "A Short History of the Filibuster." *American History Magazine* (October 2010): 58-65.

Congressional Record, Vol. 110, parts 10 and 11; 88th Congress, 2nd session.



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1. Provide students with copies of the featured document, or project an image of it for students to see. Ask them to read it and respond to the following questions: What kind of document is it? Who created it and for what purpose? When do you think it was created? What questions in your mind does the document prompt?
2. Review the terms cloture, filibuster, partisan, bipartisan, motion, and petition with students. Assign each student one or more of the names from the featured document. Direct them to conduct a quick online search to find out the party affiliation and the state represented by their assigned senator. Ask students to share their findings with the class and annotate a copy of the document with the information they provide (use of a Smart Board would work well with this activity). Ask students to what extent this motion was a partisan or bipartisan measure, and to what extent it was a regional one. Encourage them to suggest reasons they think such a motion was made and predict whether the motion was successful or not.
3. Inform students that the motion was successful in ending debate on H.R. 7152; nine days later the Senate voted to approve a compromise bill that became known as the Civil Rights Act of 1964, and President Johnson signed it into law on July 2. Divide students into six groups, and assign each group one of the following provisions from the legislation:
 - *enforce the constitutional right to vote*
 - *confer relief against discrimination in public accommodations*
 - *authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education*
 - *extend the Commission on Civil Rights*
 - *prevent discrimination in federally assisted programs*
 - *establish a Commission on Equal Employment Opportunity*

Direct them to conduct “before and after” research on their provision; ask them to find out what conditions were like before passage of the Civil Rights Act of 1964 and after.
4. Inform students that opponents of the filibuster view it as “an instrument of minority rule” and supporters believe it is “a weapon against majority oppression.” Divide students into two groups; assign one point of view to each group, and direct students to conduct research in support of their assigned point of view. Hold a class debate, based on the students’ research, on the value of the filibuster.
5. Provide students with information from the background essay on cloture. Direct them to look at the table available from the Senate’s website at www.senate.gov/pagelayout/reference/cloture_motions/clotureCounts.htm titled “Senate Action on Cloture Motions.” Lead a class discussion about what the data reveals.
6. Encourage students to conduct an online search on the term “threat of filibuster” and select three articles to read. Ask them to write a paragraph to share with the class explaining whether the information presented in the three articles reinforced or changed their interpretation of the data presented in the Senate’s table on cloture (from activity #5).
7. Write the phrase “Stronger than all armies is an idea whose time has come” on the board or in your class blog. Ask students to write what they think it means and to what extent they believe it to be true, encouraging them to cite examples from history and/or current events to support their position. Ask them what they think this quote has to do with filibusters and cloture motions. Tell them that prior to the Senate’s vote on the Cloture Motion for the Civil Rights Act of 1964, Senator Everett Dirksen referred to this maxim by the French poet Victor Hugo.
8. Visit the National Archives’ new website to create an activity about the filibuster, cloture, or the Civil Rights Act of 1964. From docsteach.org/tools you might find the “Focusing on Details” tool useful in creating an introductory activity in which students are asked to look closely at either the first page of the act or one of two Clifford Berryman cartoons (“In the Heat of the Tariff Debate” or “Unlimited Debate Rules”). After you have created the activity, share it with students in class or via the new activity’s unique URL. 

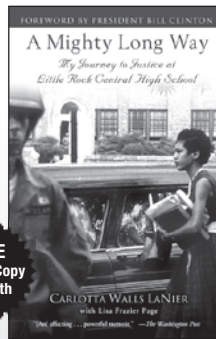
LEE ANN POTTER is the director of education and volunteer programs at the National Archives and Records Administration in Washington, D.C. Potter serves as the editor of “Teaching with Documents,” a regular feature in *Social Education*. For more information about the National Archives education program, visit www.archives.gov/nae/; to create your own teaching with documents activities, visit www.DocsTeach.org.



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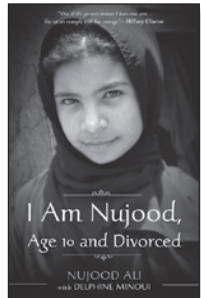
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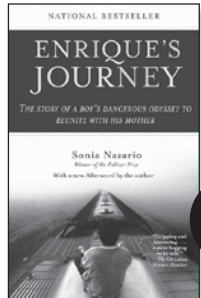
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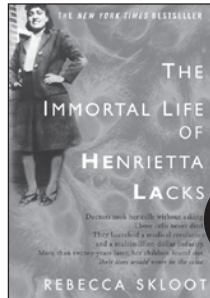
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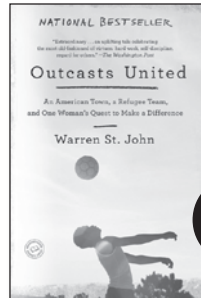
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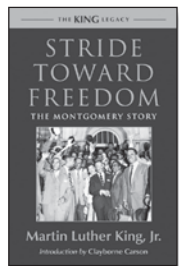
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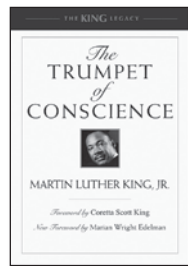


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