THE ROLE OF SUPPORT IN SENATORIAL DECISION-MAKING:
CIVIL RIGHTS LEGISLATION IN THE 89th CONGRESS

by

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STATEMENT BY AUTHOR

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ABSTRACT

The United States Senate considered civil rights legislation in both sessions of the 89th Congress. The Senate enacted the voting rights bill of 1965 in the first session. But, in the second session, the Senate defeated the civil rights bill of 1966. The concept "support," as explicated in David Easton's systems framework, is used to examine Senate decision-making on these two bills.

It was found that two clarifying dimensions of support had to be introduced when applying the support concept to political realities. The dimensions were: the mobilization of support and the perception of support.

The two dimensions revealed interesting characteristics of decision-making peculiar to the civil rights legislation examined. First, support is affected by those actors who participate in the decision-making process, i.e., the actors themselves have supportive influence on decision-making. Second, political events influence supportive attitudes. Third, the building of supportive coalitions is an essential element in insuring legislative outputs. Finally, a measure of communication among the actors participating in the decision-making process is necessary to insure support at the legislative level.
CHAPTER 1

INTRODUCTION

In 1964 Congress passed the most comprehensive civil rights bill in its history. Riding the crest of his public mandate, President Johnson asked for an extensive voting rights bill in 1965, which also passed by wide margins in both houses. In 1966 additional legislation in the area of civil rights was sought. But the door to social change closed. The civil rights bill of 1966 passed the House of Representatives with less support than in 1964 and 1965 and was defeated in the Senate. There had been virtually no political changes in the policy-making institutions between 1965 and 1966. Johnson remained in the White House, and his party commanded Congress by a 68 to 32 margin in the Senate and a 293 to 140 margin (with two vacancies) in the House. What had changed?

The events leading to the passage of the voting rights bill of 1965 suggest that widespread support existed for enactment of legislation in the area of civil rights. The President placed the full force of his influence behind the bill. Civil rights advocates consolidated their demands and exerted maximum pressure for Congressional
action. Voting rights demonstrations in Alabama and Mississippi generated a sympathetic public opinion throughout the nation. Both houses of Congress responded positively. Neither the Senate nor the House established any major roadblocks in the pathway of the Administration's voting rights bill as it moved from introduction to final passage.

In 1966, however, civil rights advocates faced a new set of circumstances. First, civil rights groups and sympathizers were divided over future goals for the civil rights movement. Some civil rights leaders advocated a militant program of civil disobedience and disorder. Others advocated a moderate program of peaceful protest, judicial proceedings and legislation. In addition, some civil rights sympathizers were of the opinion that after the enactment of landmark legislation in the two preceding sessions of Congress the battle for racial equality had been won. They withdrew not only moral and influential support but also financial support. As a result most of the civil rights groups found themselves in financial difficulties in 1966.

Second, by including fair housing legislation in his 1966 proposals, President Johnson changed the entire scope of his quest for civil rights legislation. For the first time civil rights legislation would not be directed
specifically to one area of the country, the South, but would directly affect almost every state in the nation. This meant that the President had to utilize a different strategy in his quest for support. He had to seek support from senators and representatives whose states and districts had never before been directly affected by civil rights legislation.

A third altered circumstance was the fact that the President had to obtain this legislation in an election year. For those senators seeking reelection in 1966 it was expedient both practically and politically for them to avoid the issue. That is, they did not want to spend an excessive amount of time involved in a lengthy debate on civil rights when they could be campaigning. Neither did they wish to explain their position on an issue as intense as open housing during an election campaign. They would be in a more advantageous position, therefore, if the question of fair housing was postponed.

In the second session of the 89th Congress, after the enactment of the voting rights bill in the first session, the Senate (with the same 100 Senators) chose to defeat the Administration's civil rights bill of 1966. The major purpose of this study is to ascertain why, after moving so decisively in 1965, the Senate did not pass the civil rights bill of 1966. On an issue as highly intense
as civil rights, Senators would have to perceive a high degree of support for their actions. Thus, those persons involved in the formulation of the legislation, as well as those who had a stake in the outcome, would have to mobilize and consolidate a high degree of support behind their points of view. These two factors - the mobilization of a high degree of support behind one position or another, and the legislators' perception of that support - combine to help determine policy outputs in the decision-making process.

Essentially this study is a case study of action taken by the United States Senate on the voting rights bill of 1965 (passed in the first session of the 89th Congress) and the civil rights bill of 1966 (defeated in the Senate in the second session of the 89th Congress). The general focus will be on those actors who participate in the formulation of policy to be acted on by the legislators. In this study these persons will include: the President, his spokesmen, and certain members of his bureaucracy; Senate leaders who participate in the formulation of legislation; members of the Senate Committee on the Judiciary (the committee which considered both the 1965 and the 1966 bills); the sponsors of the legislation; influential individuals in the Senate; interest group leaders and their spokesmen; and, influential private citizens. The specific
emphasis will be on the role of the President as a mobilizer of support. Undoubtedly, the steps taken by the President to insure success for his legislative proposals will affect the supportive attitudes of the legislators. The principal questions to be considered are: Why was the President successful in mobilizing support for his proposal in 1965 and not in 1966? What role did other policy formulators play in mobilizing support on these two bills? In order adequately to analyze these questions it is necessary to discuss the concept "support" and its role in the political system.

The Role of Support\(^1\) in the Political System - A Conceptual Model

According to David Easton,\(^2\) a political system may be described in any one of a number of ways, depending upon the way one wishes to view it. For instance, at its most general level, a political system may be usefully depicted as "a set of interactions through which valued things are

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1. "Support" in the following discussion will mean both positive and negative support. In speaking of the role of the actors to mobilize support behind their respective positions, the discussion will refer to the way in which the actors attempted to establish either a favorable or unfavorable attitude toward Senate decisions. In other words, support will automatically mean a dichotomization of positive support (being in favor of a decision) or negative support (being opposed to it). See: David Easton, A Systems Analysis of Political Life (New York: John Wiley & Sons, Inc., 1965), pp. 162-170.

2. The following discussion draws heavily on: Easton, ibid., Chapter 10.
authoritatively allocated for a society." At another level of emphasis, the political system may be viewed as a means for managing conflicts that arise in the system, or, in Eastonian terms, "as a set of interactions through which demands are processed into output." In yet another way, the political system can be viewed as a means "by which the resources and energies of society are mobilized and oriented to the pursuit of goals." In the last sense, the analysis may focus on the functions of "support" in the political system as a necessary input variable. This study shall describe and analyze civil rights action in the Senate in 1965 and 1966 in terms of the variable "support."

Utility of Support as an Explanatory Concept

Support, in Easton's input-output model, is intended to be conceptual tool to explain an input variable which functions in all political systems. Easton, admittedly, only sets forth the broadest outlines of support. But, what is the utility of this concept for sorting out the complex facts and relationships in political life and giving meaning to them? One purpose

3 Easton notes that these interpretations of the political system are compatible with one another. He asserts, "Not ... any of these alternative interpretations may be said to be correct and the other false. Each cuts through the functions of the political system in slightly different ways and each is equally compatible and consistent. It is just a matter of what aspect ... we find most useful to emphasize." Ibid., p. 153.
of this study will be to test the utility of support as an explanatory concept by relating the facts of decision-making on two civil rights bills. The presupposition here is that support is a useful concept to bring together empirical data about the decision-making process. Since Easton draws only the broadest outlines for the use of this concept, it will be necessary, in testing the usefulness of support, to "refine" his use of the concept and fill in those aspects of support which are relevant to decision-making in the American political system.

Functions of Support in the Political System

Support performs at least three important functions in the political system. First, support for the rules and structure of a political system must exist in order to insure stability in the system. Second, the members of the political system must give a minimal amount of support to the decision-makers so that demands can be processed into outputs. Finally, "support is vital in order to maintain minimal cohesion" among the members of the political system. 4

This study, while being concerned with each of these three functions of support, will focus primarily on how support affected policy outputs on civil rights legislation in 1965 and 1966. It will also note how

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groups and individuals in the political system generate support for demands and, thus, maintain cohesion in the political system for policy outputs.

The Utilization of Support in this Study

The Mobilization of Support. How is support mobilized for a policy position? Who mobilizes support in the American political system? Although there are various levels of support mobilization, for the purposes of this study, support for a particular policy question may be thought to be mobilized at two interrelated and overlapping levels. At one level interest group leaders and influential private citizens generate and mobilize support among their followers. At another level, policy formulators attempt to mobilize support (in most cases support for group demands that the policy formulators accepted as legitimate) at the legislative level. These two levels are interrelated and overlap in that the policy formulators are also attempting to mobilize support among the entire membership of the political system; and the interest group leaders and influential citizens are attempting to persuade not only the policy formulators, but they are attempting to gain support among legislators.  

5. The interest group leaders, influential citizens, and the policy formulators are classified below as relevant members of the decision-making process. For analytical purposes, it is important to understand how they mobilize support separately as well as together.
The Perception of Support. In order to pursue adequately an answer to the central question, the importance of the perception of support and its relationship to the mobilization of support on policy outputs must be emphasized. Policy outputs rest on three types of support being perceived by the decision-makers. First, if widespread support is perceived by the decision-makers, then more likely than not these decision-makers will respond positively and attempt to secure enactment. Second, and converse to the first proposition, if widespread support is perceived by the decision-makers to be opposed to legislation, then they will respond negatively. Third, if neither widespread positive nor widespread negative support is perceived, then policy output will rest on the success or failure of the interest group leaders and policy formulators in their efforts to mobilize support behind their respective positions. This third case is probably the most prevalent in a representative system. Therefore, the mobilization of support must be considered intertwined with the perception of support.

The Documentation of Support Mobilization and Support Perception. How can one document the way in which the interest group leaders and policy formulators mobilize support? One must begin by observing the activities of interest group leaders and policy formulators in
order to ascertain how the events created by or surrounding their activities generated support for or against a particular policy decision.

How can one document the perception of support? Perception of support may be documented by noting if a person overtly expresses support for a position, if he fights openly for it, if he verbally espouses or defends it, or if he joins with others who champion it. In addition, a person's perception of support may be determined if he supports a position by exhibiting an attitude or predisposition that is favorable to it, if he is indifferent when he could vigorously work against a measure, or if he works behind the scenes for a policy position.

The Setting of Congressional Decision-Making

How can the process through which support is marshalled behind congressional decision-making be conceptualized? Who are the members of the political system involved in the decision-making process? Why is it important that support be perceived by the decision-makers? In answering these questions, the following diagram (Figure 1) may be useful. The diagram not only identifies the members of the system who participate in the decision-making process, but also helps to explain why it is important for the decision-makers to perceive support.
Figure 1. Setting of Congressional Decision-Making and Identification of the Participating Actors
Members of the Decision-Making Process and Their Supportive Roles

The diagram identified three general categories of members participating in the decision-making process: secondary, relevant, and legislative. The secondary members are made up of non-demand actors and demand support actors. Relevant members are classified as relevant demand actors and relevant decision-makers. Legislative members are classified simply as legislative actors. With the classification of these actors in mind, it is necessary to turn now to a more explicit identification of these members and their supportive functions in the system.

The secondary members, as indicated above, are classified as non-demanders and demanders. The non-demanders are denoted in the diagram by the larger box in the secondary category. For a lack of better identification, they may be very loosely classified as all those members of the system not included among the actors in the other categories. This would include the general public, "potential interest groups," and organized interest groups not making specific demands on the decision-makers.

6. Hereafter the non-demand actors and the demand support actors will be called either non-demanders or demanders.

The non-demanders are not particularly interested or concerned about the issue at hand or its outcome. They are essentially unaware of the problem, and have little or no opinion concerning it. But, their momentary lack of awareness and opinion about the problem does not mean that an awareness or opinion does not or cannot exist, or that their support or the mobilization of their support (especially on civil rights legislation), is unimportant for decision-making.\(^8\)

The support of the non-demanders for decision-making (or an assurance that their support will be neutral on an issue) is extremely important for a viable political system. Their support contributes to the stability of the political system in that compliance is given to the policy decisions reached by the decision-makers, and at least minimum cohesion among the members of the system is maintained.

Furthermore, the non-demanders are important because if they can be activated by the relevant members to support a particular policy position, then the advocates of that position will, in most cases, gain the dominant position and policy output will be in their favor. This notion corresponds closely to what E. E. Schattschneider

\(^8\) See Truman's discussion on potential interest groups throughout his work. Note especially the impact of the potential interest groups on the legislators and their adherence to the "rules-of-the-game." \textit{Ibid.}
calls "the socialization of conflict." Schattschneider describes the political process as a sequence of conflicts between "highly motivated, high tension private groups so directly and immediately involved" that it is difficult for them to obtain legislation. In order to avert a stalemate the groups attempt to involve the wider public (the non-demands). So, in Schattschneider's terms, "the outcome of the game of politics depends on which of a multitude of possible conflicts gains the dominant position."

The involvement of the non-demands, or the "socialization of conflict," is perhaps especially important on civil rights legislation. There is evidence to indicate that a Congressman's perception and the attitudes of the public are more closely related on civil rights issues than on other major issues. Therefore

10. Ibid.
11. Ibid., p. 62
12. Warren E. Miller and Donald E. Stokes found in comparing three issues (civil rights, foreign involvement and social welfare) that the legislator was more aware of his constituents' attitudes on civil rights than on the other two issues, and his perception of his constituents' attitudes corresponded more closely with his actual behavior on civil rights than on the other two issues. Angus Campbell, et al., Elections and the Political Order (New York: John Wiley & Sons, Inc., 1966), Chapter 16.
to affect legislative perceptions of support for a policy position it would seem that an important task for those advocating a particular position would be to mobilize the support of the non-demanders.

The measurement of the attitudes and opinions of the non-demanders, even with some of the powerful contemporary techniques, is indeed troublesome. So, the attitudes and opinions expressed by the non-demanders will be considered only as they are perceived and expressed by the relevant members. But, here again, empirical evidence is difficult to obtain, and in many cases, if not most, inferential statements must be based on secondary sources.

The next group of actors in the secondary category are the demanders. They are denoted by the smaller box in the secondary category. They can be identified as those actors in the political system whose demands are being considered at the legislative level by the decision-makers. This means that they are aware of the issue under scrutiny, and have some predetermined opinion (or bias) concerning the way in which the issue is handled by the decision-makers. Included among the demanders would be the rank-and-file members of organized interest groups.

Although the demanders participate only incidentally in the definition of the dimensions of the problem and have practically no role in the recommendations of
measures to resolve it, their support is vital, especially to the relevant demanders. For the most part, it is the demands of the demand actors that are being considered. It may seem contradictory to consider the demanders' supportive role. One might ask, why not hold them constant? If their demands are the ones being considered, they would naturally support them. For the most part this is true; however, the role of the relevant demanders is to mobilize and consolidate their support. The demanders are organized by the relevant demanders (the leaders and spokesmen of their demands). The relevant demanders, for the most part, attempt to establish a consensus among the demanders so that their position in the decision-making process will be based on support among their groups. If the relevant demanders are successful in organizing this consensus, then their position in the decision-making process will be weakened considerably.

Relevant members are classified under two headings in the diagram: relevant demanders and relevant decision-makers. The relevant demanders may be classified into two groups. First they may be characterized as leaders and spokesmen of organized interest groups making demands. Second, they may be influential private citizens who are
leaders and mobilizers of public opinion. 13

The relevant demanders attempt to activate support among the demanders, among themselves, and among the relevant decision-makers. First, they attempt to organize support among the demanders, because they are by and large members of the same organizations as the demanders; and their demands are the one, for the most part, that they are fighting and bargaining for. The relevant demanders also attempt to mobilize the demanders to make their demands on the decision-makers more effective. Cohesion among the demanders becomes one of the prime objectives of the relevant demanders, because without cooperation from their groups the relevant demanders could not make coherent and definable demands for them. 14 Furthermore, the decision-makers cannot be assured who the relevant demanders are speaking for: it there are numerous viewpoints being expressed among the demanders.

Second, the relevant demanders attempt to consolidate their efforts and build a supportive coalition

13. The "opinion leaders" that are referred to here are so-called elites in the community who actually get involved in the political process and make specific demands, or champion the demands of others. They may include: newspaper editors, clergymen, professors, businessmen, or "experts" asked to give their advise by the decision-makers. They do not include "informal opinion leaders" such as the well-informed pundit of the office staff.

for a set of demands among themselves. If they are successful, then the demands they make on decision-makers will be better defined and more effective.

Third, the extent to which interests (demands) are effectively organized both among the demanders and among the relevant demanders themselves is an important variable in influencing the attitudes of the relevant decision-makers and gaining their attention and their support. It is extremely important that the relevant demanders gain access to key points of decision-making. They must do so in order to receive a legislative hearing for their demands, and one way to insure access is to gain the support of the relevant decision-makers. Thus, the relevant demanders must mobilize support for their demands among the relevant decision-makers.

The relevant decision-makers are the second classification of actors in the relevant members' category. They are those individuals - elected, appointed, or hired - within the structure and framework of the federal government. Many actors can be identified as relevant decision-makers. These actors, of course, would fluctuate from issue-to-issue. Depending on the issue, they might include: the executive and his

\[15. \text{Ibid., p. 264.}\]
"political executives"; members of the committee handling the legislation; the leadership in the Senate; the sponsors of the legislation; and, influential members of the Senate. Members of the judiciary might also be included among the relevant decision-makers.

The relevant decision-makers, being public officials, do not, for the most part, activate support for a policy position for substantive gain (as is the case for most relevant demanders). That is, the legislation being sought will not, in most cases, affect the daily lives of the relevant decision-makers in any significant substantive way. Hence, relevant decision-makers may activate support for a point of view because: it is politically expedient to do so, they have a political commitment to do so, they are bound by their job to do so (e.g., a career government employee will advocate the opinions of his superior), or they may do so in response to some internal principle or ideal.

The legislative actors are the last group of members that participate in the decision-making process.

16. The "political executive" has been defined as "any appointee, outside the civil service, who has policymaking duties." Political executives perform a number of tasks. The major ones include: 1. taking command of departments and agencies; 2. developing policies and programs; 3. defending these before Congress, the public, and presidential staff arms such as the Bureau of the Budget; 4. making political speeches; and 5. participating in political activities to promote his party's position. Marvin H. Bernstein, The Job of the Federal Executive (Washington, D. C.; The Brookings Institute, 1958), pp. 10-11.
They can be defined simply as the elected members of Congress and their staffs. 17

In the decision-making process being explained here, the legislative actors determine the final decision (in terms of legislation). Whether legislative actors participate in the process only incidentally (in that they do no more than cast a vote, or do not vote at all) or are instrumental in bringing about a policy position, they play a very important role in the process. On the one hand, they are important simply because their collective decision results in final legislative output. On the other hand, their role in the decision-making process is related to the role of the relevant members in a very significant way. While the support process is aimed at influencing the legislative actors in order to bring about a policy decision, the legislators must at the same time be cognizant of the attitudes of those persons they represent. So, the way in which the legislative actors perceive support is influenced both by the relevant members and their perceptions of the attitudes in their constituencies. Thus, legislative actors must be viewed from two perspectives. First, as actors from whom support is solicited. And, second, as actors

17. Although the voting power of the legislative members will be emphasized, it seems logical to place both the Congressmen and their staffs in this group of actors.
who attempt to solicit support.

Although the members of the decision-making process have been categorized into discrete groups of actors, it must be noted that there are overlapping roles being played in the decision-making process, especially among the relevant and legislative members. For example, a relevant decision-maker might be thought of as a demander (and, in fact, would be playing the role of demander) when he presents and advocates legislative proposals before Congress. At this point he is making demands in the same way as the relevant demander. A senator, as another example, may participate as a relevant decision-maker, but at some point in the decision-making process he becomes a legislative actor.

Organization

The analysis in this study will rely both on the perception of support and the mobilization of support for the voting rights bill of 1965 and the civil rights bill of 1966. Comparisons will be made between: 1. mobilization of support in 1965 and mobilization of support in 1966; 2. perception of support in 1965 and perception of support in 1966; and, 3. policy output in 1965 and policy output in 1966.

The succeeding chapters will be organized as follows: Chapter 2 will identify the members of the political system
who participated in the decision-making process in 1965 and 1966 on the two bills. The specific emphasis will be on the similarities and differences among the relevant members of the decision-making process. Chapter 3 will describe the sequence of events, first, in 1965, then, in 1966 in order to note how these events affected mobilization and perception of support on the two bills. Chapter 4 will be directed to an analysis of how the "problem of support" was solved in 1965 by the proponents of civil rights legislation to bring about a positive output. Chapter 5 will deal with the "problem of support" in 1966 noting how support changed and resulted in a different output for the proponents of civil rights legislation. Chapter 6 will be a summation and will attempt to formulate some general conclusions.
CHAPTER 2

THE RELEVANT MEMBERS: ORGANIZED GROUPS
AND POLICY FORMULATORS

Support is influenced by the number and kinds of groups and individuals drawn together by the relevant members of the decision-making process. One of the necessary dimensions of support, therefore, is the formation of supportive coalitions. The relevant members, by and large, attempt to form these coalitions.

Coalitions are necessary both within the political system at-large, and within the institutional structure of Congress. Within the American political system, this is true because it is characteristically highly decentralized and non-integrated. Within the institutional confines of Congress coalitions are necessary because of the existence of multiple decision-points. Therefore, one of the strategies of decision-making is to bring together shared attitudes and opinions in support of a policy position. This means organizing a "public's" support.

1. For example, under normal circumstances, some of the decision-points would include: the subcommittee, the full committee, the Rules committee (in the House), and procedural decision-points on the floors of both houses such as the calendar, motions to recommit and strike the enacting clause.

One might inquire: Who expresses a public's supportive attitude to the decision-makers? What are the techniques utilized in forming coalitions? Are coalitions necessary for a viable political system?

At one level in the decision-making process, the demands and the supportive attitudes for these demands are articulated by interest group leaders and influential private citizens who have access to the decision-makers. Therefore, the decision-makers need not perceive support from all members of the political system. The expressions of support from an influential few - the relevant demanders - interlocked throughout the political system may be sufficient to affect the attitudes and perceptions of the decision-makers. Furthermore, the perceptions of the decision-makers can be modified, shaped, or possibly changed more readily if the demanders are unified in the demands they request and have organized a supportive public. That is, the relevant demanders who form the strongest coalition will stand the best chance of influencing a policy decision in their favor.

The formation of coalitions is a means of enlarging a public and, thus, increasing the scope of support for one's position. One technique of enlarging the scope of support is to win over the leadership of various peripheral

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3. Easton, op. cit., p. 229, makes this point in a somewhat more general sense.

groups. Another technique, and one especially important for proponents of civil rights, is to elicit the support and involvement of influential and prominent individuals. For example, the civil rights groups have in the past drawn to their cause clergymen and prominent personalities from the entertainment world.

It is necessary, therefore, for the relevant demanders to form coalitions not only among themselves, but also among other groups and individuals in the political system. In terms of the process being explained here, the relevant demanders form these coalitions primarily to influence, and strengthen their position with, the relevant decision-makers. They must organize favorable attitudes among the relevant decision-makers in order to insure that their demands will receive a legislative hearing. Of course, they wish to elicit support among the legislative actors too. But first they must gain support among the relevant decision-makers because, if the relevant decision-makers accept their demands as legitimate, they will be placed on the legislative agenda sooner and will stand a better chance of being enacted.

At another level, demands and supportive attitudes for these demands are articulated by the relevant decision-makers who attempt to form coalitions at the legislative level. The relevant decision-makers — in the same way as

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5. Truman, op. cit., p. 251.
the relevant demanders, if not for the same reasons - attempt to mobilize support among the members of the political system to form a supportive public. In addition, the task of mobilizing supportive coalitions among the diverse decision-points in the Congress falls primarily on the relevant decision-makers. Since decision-making within the congressional institution itself proceeds in stages (i.e., from introduction, to committee, to the floor, to conference, and so on), it becomes necessary to organize supportive majorities at each stage.6 This task is assumed by the relevant decision-makers.

Thus, mobilization of supportive coalitions by the relevant members of the decision-making process occurs at two interrelated levels. On the one hand, it is conducted by the relevant demanders. On the other hand, it is conducted by the relevant decision-makers. The building of supportive coalitions at both levels becomes a vital dimension of the decision-making process not only in effectuating a policy output, but also in contributing to the stability of the political system.7

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7. Of course, it must be remembered that mobilizing supportive coalitions is occurring simultaneously in an interrelated and overlapping fashion. It is useful, nevertheless, to think of the mobilization of supportive coalitions at the two levels.
Two important effects of coalitions can be identified which contribute to the stability of the political system and help to maintain cohesion among the members of the system. First, the building of supportive coalitions broadens the focus of attention for the groups and individuals involved. It helps to bring together different opinions on an issue and to eliminate points of disagreement. Since much of this agreement is accomplished outside the system, stability is maintained by limiting the number of demands made on the decision-makers.  

Second, in building supportive coalitions a great deal of information is disseminated to groups and individuals in order to gain their support. This may have the effect, even if it is not wholly successful in gaining support, of neutralizing opposition and antagonism—opposition and antagonism that might otherwise be detrimental to the political system.

Questions that must be posed about the passage of the voting rights bill of 1965 and the defeat of the civil rights bill of 1966 (action taken by the same 100 senators in the span of only one year) are: 1. Who were the relevant members of the decision-making process in 1965 and 1966? If different actors are attempting to mobilize support, then the mobilization of supportive coalitions would

be different as well as the legislative actors' perceptions.  

2. What events occurring in the political system affected the formulation of these coalitions at both levels in 1965 and 1966?  3. How did the relevant demanders mobilize supportive coalitions in 1965 and 1966?  4. How did the relevant decision-makers mobilize supportive coalitions in 1965 and 1966?  5. How did the mobilization of support at both levels affect policy outputs in both years?  

This chapter will be primarily concerned with identifying the relevant members who participated in the 1965 and 1966 decisions. It will be concerned only incidentally with the events, the techniques used by the relevant members in mobilizing supportive coalitions, and the effects of support mobilization on policy outputs. Subsequent chapters will deal with these problems.

Relevant Members, 1965

Support for the voting rights bill of 1965 was obvious from the outset. Civil rights organizations and their supporters were consolidated in their demands. The civil rights leaders had consolidated their positions and had built a solid foundation of support among both the rank-and-file membership of their groups and among sympathetic supporters.  

The opponents of voting rights legislation could not counteract the support that had been mobilized for the
bill by the proponents. The opponents were disunified and generated negative attitudes toward the voting rights bill primarily in the South.

Civil Rights Groups: Relevant Demanders Seeking Passage of the Voting Rights Bill

The major civil rights groups, led by Dr. Martin Luther King's Southern Christian Leadership Conference, had successfully called public attention to discrimination in one section of the country by focusing their protests on Dallas County, Alabama. These groups were certain about their goals and were determined to see that they were implemented.

After the President indicated in his State of the Union Message that he would seek voting rights legislation in 1965, civil rights groups immediately organized their efforts toward gaining support for such legislation. Forty-five Negro leaders, called together by A. Philip Randolph, met in early February, 1965, to plan a unified civil rights strategy for 1965. The outcome of this meeting was an agreement that voting rights would be emphasized through increased registration, legislation and "peaceful demonstrations." ¹¹

¹⁰ A. Philip Randolph is the president of the Brotherhood of Sleeping Car Porters. For over three decades, he has been active in the civil rights movement.

Increased registration and "peaceful demonstration" were implemented when the civil rights groups carried their quest for voting legislation to Selma, Alabama, the county seat of Dallas County, to protest discrimination in voting practices. Led by King, all the major civil rights groups were represented: King's SCLC; the National Association for the Advancement of Colored People (NAACP); the National Urban League; the Student Non-Violent Coordinating Committee (SNCC); and the SNCC controlled Council of Federated Organizations (COFO). In addition to the major civil rights groups, many prominent whites, clergymen, and personalities from the entertainment world participated in the Selma demonstrations.

The Opposition

Civil rights leaders had successfully organized a supportive coalition among both the rank-and-file membership of their organizations and among themselves. They had also drawn sympathizers from throughout the country to their cause. The opposition could not counteract the work that had been done by the civil rights groups. There was uncertainty and disunity among the opponents of voting rights legislation.

The principal opposition, and about the only opposition, came from the states that were primarily affected by the provisions of the proposed voting rights bill.12

12. The bill primarily was directed at seven southern states: Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and 34 of 100 counties in North Carolina.
The interest groups and individuals who opposed the bill before the Senate Committee on the Judiciary were from these states and included: Charles J. Block, an attorney in the state of Georgia and influential in Georgia politics; L. H. Perez, a state judge who represented the governor of Louisiana; Paul Rogers, Jr., spokesman for the governor of Georgia; J. J. Kilpatrick, editor of a Richmond, Virginia, newspaper who represented the Virginia Commission on Constitutional Rights; Thomas J. Watkins, for the governor of Mississippi; T. Wade Burton, the Attorney General of North Carolina who represented the governor of North Carolina; and, Frank Mizell, who represented a number of the boards of registrars in in State of Alabama.13

There was almost no opposition to the bill from other sections of the country except the South. Either people from other areas supported the bill, or their opposition had been neutralized and they did not express positive or negative attitudes.

Relevant Decision-Makers, 1965

The opposition not only had to face an uphill battle in attempting to counteract the activation of support by the civil rights groups, but they also faced a determined and cohesive group of policy formulators who

had successfully worked together to build a solid coalition among the legislative actors in the Senate.

During the weeks preceding the introduction of S 1564, the voting rights bill of 1965, many individuals were brought together at the initiative of the decision-makers including the President as well as various Senate leaders. Soon after President Johnson indicated in his State of the Union Message that he would seek further legislation in the area of voting rights, King sought a meeting with the President to discuss the possible course to be taken on the pending voting rights legislation. The results of this request brought a confrontation between King and President Johnson and several important meetings, arranged by President Johnson, between King and the Acting Attorney General Nicholas deB Katzenbach. (Incidentally, Katzenbach at the time was engaged in considering and drafting voting rights legislation for the President.)

In addition, King met with Vice President Hubert Humphrey, a longtime crusader for equal rights for Negroes. 14

King's remarks at the conclusion of these meetings indicate that the principal initiator of the demands of the civil rights groups, the President and his bureaucracy, favorably received their requests. At a press conference following his meeting with the President, which was the last of the meetings with the executive branch, King said:

"[The] President made it very clear to me that [the Administration] was determined to see all remaining obstacles removed to the rights of Negroes to vote."\textsuperscript{15}

The meetings between King, the President, and members of the President's bureaucracy were very significant, because in 1965 King was the principal spokesman (whether self-designated or appointed is a matter of controversy) for the civil rights organizations on the matter of voting rights legislation. This meant that there was agreement between the demanders advocating civil rights legislation (i.e., the civil rights organizations) and the principal policy formulators (i.e., the executive branch). As a result, the demands of the civil rights groups were communicated to the Congress in the Administration's bill.

Important members of the Senate were also involved in negotiations with the executive branch during the drafting of the bill. The Senators involved in these negotiations represented both sides of the aisle and had professed quite different philosophies in their Senate careers. The testimony offered by Attorney General Katzenbach, during the Senate hearings illustrates some of the negotiations that took place and those individuals who participated. Attorney General Katzenbach noted:

We have been working on a [voting rights bill] since the middle of November, 1964. We had the benefit ... [of] a number of very skilled, able attorneys who are also members of Congress on both sides of the aisle and they considered this for many long hours.

A number [of people] worked on this bill. I worked on it personally. [The] principal people that drafted this bill were myself and Mr. Burke Marshall and Mr. Ramsey Clark. They were the principal people that worked on the drafting of this bill. Various sections of it were done under our direction, under my direction, by attorneys in the Civil Rights Division and attorneys in the Office of Legal Council.

We had meetings with Senator Dirksen and others, and members of their staffs. The meetings we had included not only Senator Dirksen, but also Senator Hart and others. They contributed to the language and the ideas of the bill. The same is true of persons on the staffs of both the majority and minority leaders, as well as their counterparts in the other body.

The staff members included Mr. Ferris from the Democratic policy committee, included Mr. Neal Kennedy of the minority, included others from that staff, and included the legislative assistant to Senator Hart.

I have also discussed sections of the bill with the Chairman of the Civil Service Commission. 16

These remarks by the Attorney General indicate that negotiations and compromises were taking place between policy formulators in the executive branch and in the Senate as well as among important senators themselves. These meetings undoubtedly helped draw together the strong coalition of senators who supported the bill when it was introduced in the Senate.

When the Administration's voting rights bill was introduced in the Senate, no less than 66 senators' names

were attached to the bill as co-sponsors. Included among these senators were: the majority leader, Mike Mansfield (D - Montana); the minority leader, Everett McKinley Dirkson (R - Illinois); the minority whip, Thomas H. Kuchel (R - California); and, a coalition of liberals and conservatives from both parties and every section of the country, even the South.

Moreover, several southerners who did not co-sponsor the bill indicated only mild opposition. Senator Russell B. Long (D - Louisiana), the majority whip, for example, hinted that he might support the passage of the bill. 17 Although he did not vote for the bill on final passage, neither did he vigorously oppose the bill during its journey through the Senate. 18 Another southern senator who did not vigorously oppose the bill was Senator Albert Gore (D - Tennessee). Although Senator Gore did not co-sponsor the bill, he did vote for it on final passage. Furthermore, he did not support crippling amendments offered by his southern colleagues during Senate floor consideration.


Paradoxically, the most serious attempts to change the Administration's bill during Senate considerations did not come from the civil rights opponents, but from the liberals who wanted to strengthen the bill. A group of Senate liberals attempted to strengthen the bill both in committee and on the floor of the Senate by amending it to abolish the poll tax in state and local elections. The Administration objected to this proposal, because it was certain that it would raise questions of constitutionality which might jeopardize the passage of the bill.

For the most part, the Senate liberals were made up of a group that have been classified by Ralph K. Huitt as "outsiders" in the Senate. The "outsiders" usually pursue their goals as "independents" and as "mavericks."

20. This group of senators included six Democrats and three Republicans. They were: Senators Philip A. Hart (Michigan), Edward V. Long (Missouri), Edward M. Kennedy (Massachusetts), Quentin N. Burdick (North Dakota), Birch Bayh (Indiana), Joseph D. Tydings (Maryland) - the Democrats; and, Senators Hugh Scott (Pennsylvania), Hiram L. Fong (Hawaii), Jacob K. Javits (New York) - the Republicans.


22. Ralph K. Huitt, "The Outsider in the Senate: An Alternative Role," American Political Science Review, Vol. 55 (September, 1961), pp. 566-575. Compare Huitt's analysis with the following assessment of the Senate liberals in the New York Times, May 9, 1965, Section IV, p. 6; "These nine senators are of various species, depending on the issue. Their common, and often disabling, trait is independence. [They] are independent not only of their party leadership but often of one another, even when they are seeking a common objective. They are impatient of discipline and many of them have never bothered to master the parliamentary rules. For all these reasons they have been notoriously ineffective as a group."
During considerations of the voting rights bill these liberal senators constituted a majority on the Committee on the Judiciary, and they worked together successfully to amend the bill in committee. This amendment would have made it illegal to levy a poll tax in state and local elections. A substitute bill was offered on the Senate floor by Senators Mansfield and Dirksen which deleted the poll tax ban proposal added in committee. The liberal senators again offered the same amendment to the substitute with Senator Edward M. Kennedy (D - Massachusetts) as the principal sponsor. The Kennedy amendment was defeated, but by a narrow margin. Thus, the Administration bill survived intact. The amendment was defeated by the slight margin of 45 to 49. It was defeated only because the President was uncompromising and exerted maximum influence to keep his original proposals intact.


26. The President not only worked hard on this issue, but he worked hard throughout the formulation and throughout Senate consideration to insure the success of the bill. For example, to generate support against the Kennedy amendment, the President had the Vice President as well as the Senate leadership work against the amendment. The New York Times, May 12, 1965, p. 1, gave this account: "... the intense pressure exerted by the
Senator Everett McKinley Dirksen: An Important Link in Civil Rights Legislation. Senator Dirksen, the Republican minority leader, has played an extremely important role on civil rights legislation considered in the Senate in this decade. In 1960 he and Lyndon B. Johnson, then Senate majority leader, had shrewdly bypassed two major obstacles to civil rights legislation (the Senate Committee on the Judiciary and the House Rules Committee) by asking unanimous consent from the Senate to consider an inconsequential House bill, then, after unanimous consent was agreed to, introducing an amendment to the bill (under a Senate rule which allows this to be done) which encompassed the major provisions of civil rights proposals that had been laid aside in the previous session of Congress (the first session of the 86th Congress, 1959). Dirksen's efforts were important leaders and by the White House through Vice President Humphrey, many observers believe, brought defeat to the poll tax amendment ... the greatest incongruity of the occasion was the sight of Mr. Humphrey, just before the roll-call, openly lobbying against the liberal amendment on the floor. In past years, he has always favored outlawing all poll taxes. Several Democrats who wanted to vote for the amendment, but did not wish to contribute to a defeat for the President remained outside the Senate Chamber until it was apparent that the leadership had the necessary votes."

27. Senators Dirksen and Johnson had accomplished this by taking advantage of a Senate rule which does not require amendments offered in the Senate, as contrasted with those offered in the House, to be germane to the subject matter of the bill they seek to modify. Johnson had asked for unanimous consent to consider an inconsequential House bill (a bill to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to the Stella
because he could influence the support of Senate Republicans, and without their cooperation the measure stood a good chance of losing.

On the civil rights bill of 1964, Dirksen was again in the thick of the negotiations on the bill. On this bill he chose to play a peculiar role, however. At the outset, he established himself as an independent-minded critic of the pending legislation. He had insisted on 70 amendments to make the bill acceptable. But, these demands gradually diminished until only a few major differences remained between the bill he wanted and the Administration's bill. Senators who were not committed to the bill looked to Dirksen for guidance, and as his objections were pared so were theirs.28

In 1965, Dirksen came out strongly in favor of the voting rights bill at the outset. He supported the bill down-the-line, and was instrumental in drafting the bill. He had worked closely with the executive branch as well as other senators - Republicans and Democrats alike.

Public School in Rhode Island, Missouri. With only a hand full of senators on the floor, the motion was readily agreed to. Then, Dirksen introduced an amendment to the Stella bill which included the proposals laid aside at the end of the first session of the 86th Congress. The Judiciary Committee had been bypassed as well as the House Rules Committee, because amendments added by the Senate to a House bill go directly to the floor. Daniel M. Berman, *A Bill Becomes a Law: Congress Enacts Civil Rights Legislation* (New York: The MacMillan Company, 1966), pp. 57-58.

In 1966 it appeared as if he had reverted back to the style he exemplified on the civil rights bill of 1964. When the bill was proposed, he immediately opposed the open housing section. But, during the course of legislative considerations, his opposition turned out to be unrelenting.

The evidence indicates that Dirksen was a vital link between Senate Republicans and the advocates of civil rights legislation. In 1964, 1965 and 1966 the most crucial votes were on the motions to invoke cloture. Dirksen was among thirteen senators (twelve Republicans and one Democrat) who voted in favor of cloture in 1964 and 1965, and then voted against it in 1966. The votes of these thirteen senators defeated the motion in 1966. A cursory survey of how frequently the other twelve senators voted in the same way as Dirksen on past civil rights legislation indicates that Dirksen was perhaps important in determining their votes. On past civil rights legislation (as indicated by Table 1), these senators and Dirksen had voted almost unanimously together.

Relevant Members, 1966

Civil Rights Groups: Disunity Characterized 1966 Activities

Civil rights organizations and their leaders were not able to work together in 1966 to present a unified set
Table I. Similarity of voting between Senator Dirksen and 12 other senators who voted for cloture in 1965 and against cloture in 1966

<table>
<thead>
<tr>
<th>Party</th>
<th>Senators</th>
<th>State</th>
<th>1966(a)</th>
<th>1965(b)</th>
<th>1964(c)</th>
<th>1960(d)</th>
<th>1960(e)</th>
<th>1957(f)</th>
<th>Frequency of voting same as Senator Dirksen</th>
</tr>
</thead>
<tbody>
<tr>
<td>R</td>
<td>Dirksen</td>
<td>Ill.</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>100%</td>
</tr>
<tr>
<td>R</td>
<td>Williams</td>
<td>Del.</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>100%</td>
</tr>
<tr>
<td>R</td>
<td>Jordan</td>
<td>Idaho</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>(g)</td>
<td>(g)</td>
<td>(g)</td>
<td>100%</td>
</tr>
<tr>
<td>R</td>
<td>Carlson</td>
<td>Kans.</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>100%</td>
</tr>
<tr>
<td>R</td>
<td>Pearson</td>
<td>Kans.</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>(g)</td>
<td>(g)</td>
<td>(g)</td>
<td>100%</td>
</tr>
<tr>
<td>R</td>
<td>Cooper</td>
<td>Ky.</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>66%</td>
</tr>
<tr>
<td>R</td>
<td>Morton</td>
<td>Ky.</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>83%</td>
</tr>
<tr>
<td>R</td>
<td>Curtis</td>
<td>Neb.</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>100%</td>
</tr>
<tr>
<td>R</td>
<td>Hruska</td>
<td>Neb.</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>100%</td>
</tr>
<tr>
<td>R</td>
<td>Cotton</td>
<td>N.H.</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>100%</td>
</tr>
<tr>
<td>R</td>
<td>Mundt</td>
<td>S.D.</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>100%</td>
</tr>
<tr>
<td>R</td>
<td>Prouty</td>
<td>Vt.</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>83%</td>
</tr>
<tr>
<td>D</td>
<td>Lausch</td>
<td>Ohio</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>66%</td>
</tr>
</tbody>
</table>

(a) Motion to invoke cloture on the civil rights bill of 1966
(b) Motion to invoke cloture on the voting rights bill of 1965
(c) Motion to invoke cloture on the civil rights bill of 1964
(d) Dirksen motion to table an amendment to the civil rights bill of 1960
(e) Dirksen motion to table an amendment by Javits on Equal Job Opportunity
(f) Bricker amendment on civil rights bill of 1957
(g) Not a member of the Senate at this time

of demands to the decision-makers in Washington or to the nation. Instead they found themselves in trouble not only internally but also with outside supporters and sympathizers.

In the first place, the civil rights groups found themselves in dire financial straits. Many large contributors cut off their contributions because they believed after major legislative victories in 1964 and 1965 the battle for legally enforced segregation had been won. Other contributors and sympathizers were disenchanted over the militant attitudes of several of the civil rights groups.29

In the second place, there was a basic disagreement over programs and philosophies (a disagreement the seeds of which had been planted in 1965 during the demonstrations in Selma).30 For example, CORE, led by executive director Floyd McKissick, and SNCC, led by Stokley Carmichael, advocated endorsing political candidates and becoming more militant in their protests for equal rights. Also, on April 13, 1966, King issued a statement scorning Administration policy in South Vietnam.31 King, however, did not go as far as McKissick and Carmichael.

in advocating a militant philosophy. Strongly opposing SNCC and CORE was the NAACP and the National Urban League. These two groups held to a policy of not endorsing political candidates. Furthermore, both took a neutral stance on the war in Vietnam.32

Financial difficulties, diversity in programs and philosophies, opposition and protest to the war in Vietnam coupled to reduce the effectiveness of combined civil rights demands in 1966. Neither the President nor Congress was presented a unified set of demands by the civil rights leaders. They did not succeed in mobilizing their groups, or getting together among themselves. But, opponents of the Administration's proposals found new life in 1966. They built a strong coalition to oppose the President's civil rights bill of 1966, especially the open housing section.

The Opposition Finds New Strength in 1966.

As indicated previously, opponents of the voting rights bill were almost entirely from the southern states affected by the bill. This was to be expected, because the bill was directed almost exclusively at the South. Furthermore, the opponents of the voting rights bill were not in agreement as to the most effective strategy to

follow to counter the support mobilized by the proponents. Those opposed found it virtually impossible to develop a negative attitude to such a basic right as voting. For the most part, the opponent’s arguments in 1965 lacked substance and relied on emotion.

The opponents did not encounter these difficulties in 1966. The President’s civil rights proposals, especially the open housing section, were open to criticism. Also, for the first time, civil rights legislation was not directed exclusively at the southern states. Instead the open housing proposals affected almost the entire nation. Consequently, strong opposition arose not only from southern senators, but from senators from all sections of the country.

Southern senators were actually delighted to have civil rights legislation in 1966. Senator Samuel J. Ervin, Jr. (D - North Carolina) expressed the reason quite well: "We now have a civil rights bill, so-called, that will affect other than 'sinful southerners.' For the first time, we have a bill which proposes that other than southern oxen are to be gored."33 This delight came not only because other areas would be affected but also because opposition could be mustered from other areas of the country.

This opposition was mustered. The opponents formed their coalition primarily around Title IV, the open housing

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section. This coalition was formed around a group of powerful real estate lobbyists who appeared before the Senate Subcommittee on Constitutional Rights.

No less than sixteen real estate lobbyists' groups appeared before the subcommittee in opposition to the bill. Two of these were national real estate associations, and the others were representatives of state real estate boards from throughout the country. Only two represented southern states - Texas and North Carolina. The real estate groups that testified against Title IV of the civil rights bill of 1966 were the North Carolina Association of Realtors, Inc.; the Pennsylvania Realtors Association; the New York State Association of Real Estate Boards; the Michigan Real Estate Association; the Iowa Association of Realtors; the Rhode Island Realtors Association; the Missouri Real Estate Association; the Illinois Association of Real Estate Boards; the Ohio Association of Real Estate Boards; the California Real Estate Association; the Oregon Association of Realtors; the Texas Real Estate Association; the New Jersey Association of Real Estate Boards; the Wisconsin Realtors Association; the National Association of Real Estate Brokers, Inc.; and the Realtors' Washington Committee, National Association of Real Estate Boards. 34

34. Ibid., pp. v-vi.
Relevant Decision-Makers, 1966

The President again sought landmark civil rights legislation in 1966. The civil rights bill of 1966 sought to: 1. prohibit racial discrimination in the selection of federal and state jurors; 2. punish in Federal courts those who murdered, attacked or intimidated civil rights workers; and, 3. prohibit racial discrimination in the sale or rental of all housing.  

These proposals were not the result of close communications between civil rights demanders, Senate proponents of civil rights, and the executive. For example, senators who had played important roles in aiding the Johnson Administration on the civil rights act of 1964 and the voting rights act of 1965 were either opposed to the President's proposals or unhappy about his tactics. Dirksen, as mentioned previously, immediately voiced opposition to Title IV, the open housing section. Senator Jacob K. Javits (R - New York), a long-time champion of civil rights, voiced strong disagreement with the President's decision to seek open housing legislation. Javits felt the President was asking for unnecessary problems.  

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36. Congressional Record, Daily Edition, April 28, 1966, p. 8964. For a discussion on why the President chose to include the open housing provision see Chapter 5.
The close rapport that had existed between the President and civil rights groups in 1965 was absent in 1966. No meeting such as the King-Johnson meeting of 1965 took place prior to the introduction of the bill. There were no strategy meetings between the executive branch and important Senate leaders.

The lack of close agreement among the relevant decision-makers was reflected when the civil rights bill of 1966 was introduced in the Senate. It was not greeted with the same widespread support as the voting rights bill had been. In contrast to 66 senators co-sponsoring the voting rights bill, only 20 openly supported the 1966 proposals as co-sponsors.

Absent from the list of names co-sponsoring the bill were the names of the majority leader and the minority leader. Although Senator Mansfield again assumed his role as majority leader and attempted to direct the President's proposals through the Senate, Senator Dirksen at the outset opposed the bill. This was a reversal of his 1966 role. A dozen Senate Republicans followed Dirksen's lead. (Table I, p. 41) This broke the coalition that the Administration had mustered in the two previous sessions.37

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Summary

In 1965 the stage had been set for civil rights legislation both in and out of Congress. The demands that were made by the civil rights groups and the policy formulators went virtually unchallenged. A strong coalition had been established among the relevant demanders, the relevant decision-makers, and the legislative actors. Negotiations and compromises had brought them together to seek a voting rights bill acceptable to all. Unity among the proponents had been established, and they worked together to get a bill.

In 1966, however, a new issue which affected a different group of people (relevant demanders and relevant decision-makers alike) was sought. The proponents were unable to establish communications among themselves. But, the opponents finding new strength organized a powerful lobby (the real estate groups) and a coalition of southern Democrats and northern Republicans to turn back the President's proposals.

Thus, between 1965 and 1966 a new set of circumstances were created by the participants in the decision-making process for the President and civil rights advocates. Also contributing to the alteration of circumstances between 1965 and 1966 were the sequence of events that occurred prior to and during Senate consideration of the two bills.
The succeeding chapter turns to a discussion of the affects of certain events on the voting rights bill of 1965 and the civil rights bill of 1966.
CHAPTER 3

SEQUENCE OF EVENTS, 1965 AND 1966

Political events are produced by many complex sets of conditions. The effect that political events have on decision-making depends in large measure on how the decision-makers read their significance. Undoubtedly, it would be impossible to sort out all the events that might have influenced a single decision. However, it is possible to single out those events that were created by or surrounded the activities of those persons in the decision-making process who have been identified as relevant members.

This chapter will focus on those events surrounding the activities of the relevant demanders and the relevant decision-makers. In particular, it will concentrate on those events surrounding the action of the civil rights groups and the President. Congressional activities, as they resulted from group and presidential actions, will also be noted.

Sequence of Events, 1965

As the calendar was peeled back to mark the introduction of 1965, Negroes and civil rights advocates
had reasons to be optimistic and hopeful about the future. A new atmosphere of race relations seemed to prevail. There was a new atmosphere in the Negro community. The first five years of the 1960's had given the Negro a new sense of pride in himself. He had won a major legislative victory in 1964. He had done so by suffering the brunt of mental and even physical abuse. But, he had (at least temporarily) brought a nation to its knees by peaceful sit-ins, marches, and freedom rides. The Negro had found new pride in his leaders - men like James Meredith, Roy Wilkins, A. Philip Randolph and Martin Luther King, Jr.

By the same token, a new atmosphere prevailed in the nation. If many whites wondered in 1965 why, when the Negro had come so far, he pushed so hard, they also recognized for the first time the Negro's right to assert his rights. Furthermore, the nation's attitude toward the Negro was changing, very slowly perhaps, but changing nevertheless. While for so many years the Negro had been thought of and treated as a second-class citizen, he was now being recognized as a full citizen.

A new atmosphere also prevailed in Congress. The year seemed to unveil a new Congress as far as civil rights were concerned. A major breakthrough had occurred in 1964, with the passage of Civil Rights Act of 1964. The power

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1. Although civil rights legislation was enacted in 1957 and 1960, the 1964 bill was undoubtedly the most
of a Southern minority which had blocked or emasculated civil rights legislation in the past was overcome.
Congressional leadership recognized the urgency of federal action. In addition, the 1964 election returned to the White House a President who for the first time could perceive, and did perceive, a mandate for positive action on civil rights legislation; a President who gave civil rights the highest priority. The 1964 election had returned to Congress not only a Democratic majority but a larger and more liberal majority. Moreover, many of those elected had ridden the coattails of the Johnson landslide to victory.

President Johnson took advantage of the atmosphere that prevailed. He proposed an agenda of domestic legislation significant. The most significant aspect of the 1957 bill (Title III) was deleted in the Senate. The principal provision of the enacted bill was the strengthening of the authority of the Attorney General to intervene when Negroes were denied the right to vote. In addition, the bill contained two symbolic gestures which were significant. The bill contained a provision which raised the civil rights section of the Justice Department to a division, and it established an independent Commission on Civil Rights. The significance of the 1960 bill was in giving the Department of Justice additional, though still limited, power in voting cases. See: Congressional Quarterly Almanac, XIII, 1957, 79ff.; Congressional Quarterly Almanac, XVI, 1969, 81ff.

2. President Kennedy never recommended the sweeping legislation that President Johnson did. Although President Kennedy recognized the discontent and set forth in moving detail the need for civil rights legislation, his actual legislative recommendations were disappointing to civil rights leaders. See: Berman, op. cit., p. 7, 9; Stephen K. Bailey, The New Congress (New York: St. Martin's Press, 1966), Chapter 6; and, Arthur M. Schlesinger, Jr., A Thousand Days: John F. Kennedy in the White House (Greenwich, Conn.: Fawcett Publications, Inc., 1965), pp. 867-868.
that was both sweeping and innovative. One of his primary proposals dealt with voting rights.

The President clearly made voting rights one of the essential features of the Great Society. In his State of the Union Message on January 4, 1965, he said: "I propose that we eliminate every remaining obstacle to the right to vote." This proposal was reaffirmed several weeks later when the President, in a news conference said: "The loss of the [right to vote] to a single citizen undermines the the freedom of every citizen." The President continued to speak about voting rights legislation in general terms until civil rights demonstrations in several southern states (especially in Alabama) compelled the President to place voting rights legislation at the top of his legislative agenda for immediate action.

Since January, 1965, King's Southern Christian Leadership Conference had been conducting voter registration drives and protest marches against voting discrimination in Selma, Alabama. On February 1 the most prominent Negro leaders in the country consolidated their efforts and agreed to join King in a quest for voting equality.


4. Ibid., p. 132.

5. This unity came in the Randolph meeting held on February 1.
Selma became the focal point of their drive. They converged on Selma, determined to achieve their goal of voting equality.

Their protest was met head-on by Alabama state officials who charged that "outside" agitators were creating turmoil in their state. Led by Governor George Wallace, state officials were determined to discourage the demonstrators.

The determination of both sides resulted in the arrest by Sheriff Jim Clark of Dallas County (Selma is the county seat of Dallas, County) of 2,290 Negro demonstrators in the first week of February, 1965. Among those arrested was King. King's arrest received nationwide press coverage. When he chose to remain in jail rather than post bond, his release became a dramatic event. King then went immediately to Washington and met with President Johnson and members of the Administration about voting rights legislation.

After the meeting between President Johnson and King, the situation in Selma became more acute. Negroes continued their demonstrations during February and early March. Several civil rights workers were murdered by white racists during this period. The Sheriff's department and the state police continued to turn back the demonstrators by using tear gas, night sticks, whips, and electric cattle prods. Something had to be done.

Both the Administration and Congress responded. President Johnson, who had been kept abreast of the situation
by King, directed Attorney General Katzenbach to investigate the Selma arrests and the police tactics used in handling the demonstrations. Fourteen Democratic Representatives flew to Selma to assess the situation and the alleged discrimination. Thirty-one Republicans - five governors, four senators, and twenty-two representatives - urged the President to take decisive and immediate action.

The demonstrations in Selma seemed further to unite the Negro groups throughout the country. CORE began a voting registration campaign in northern Louisiana. The executive director of NAACP, Roy Wilkins, called for nationwide protests against denial of voting rights for Negroes in Alabama. Demonstrations in support of the Selma demonstrations were held in New York, in Washington, in Philadelphia, and in other cities throughout the country. They were held to protest not only the discrimination in voting in Selma but also to protest the tactics used by the Alabama officials, especially the Sheriff's department of Dallas County.6

The protest marches were to be capped off by a Selma-to-Montgomery, Alabama, march. Governor Wallace refused to give the Negroes a march permit. When they marched in spite of the Governor, they were stopped with tear gas, night sticks, and whips. In one confrontation between Sheriff Clark and the demonstrators, 17 Negroes

were hospitalized and 40 others injured. 7

After the attempted Selma-to-Montgomery march the President responded decisively. In a series of events, the President made voting rights legislation a "must."

This legislation not only became a "must" for the Administration, but also it became a "must" for the Congress. For both, the events in Alabama had to be reckoned with.

The President was informed about the situation in Selma by Federal personnel sent to the city by the President (Federal marshalls from the Justice Department and personal representatives of the President). Again, the President conferred with King about the situation.

The President had summoned King to the White House one week prior to giving a news conference in which he announced that he would submit a voting rights bill to Congress immediately. The President had asked King to make suggestions about what should be encompassed in his voting rights message to Congress and to the American people. Reports following this meeting indicated that the President encompassed almost all of King's suggestions in his message. 8

In his news conference on March 13, the President admitted that the recent events in Selma had given rise to an immediate need for legislation. He placed the Administration


in sympathy with the demonstrators, and committed the full resources of the Administration to their cause.

The President not only expressed sympathy for the demonstrators, but he also set in motion the legislative forces to bring about the enactment of a voting rights bill. He sought a consolidated effort by the Congress, and mobilized support at the legislative level.

The President followed this news conference with a dramatic appearance before a joint session of Congress and a national television audience. Again he reiterated the Administration's support of the Negro voting rights demonstrations, and his determination to acquire voting rights legislation. In this speech he anticipated points of controversy and warned opponents and potential opponents that the Administration would relentlessly pursue the Negro's cause. Quoting from the old Baptist hymn that the Negroes had adopted as their sustaining cry, the President dramatically told Congress and the Nation: "We shall overcome, we shall overcome someday." ⁹

After the voting rights bill was introduced, neither the civil rights groups nor the President relinquished the initiative. Both were determined to see the bill become law. The civil rights groups organized a new Selma-to-Montgomery march. A throng of supporters, Negroes

and whites, from throughout the country participated. Public sympathy had clearly been generated for the marchers. Resistance by the Alabama officials would have intensified further the already overwhelming support that had been mobilized in the Nation and in Washington.

The President, like the rest of the Nation, responded to the new march. He activated 4,000 Federal troops to protect the marchers. He also dispatched Deputy Attorney General Ramsey Clark to Selma to coordinate the activities of the Federal government.

A New York Times editorial gave the following assessment of the impact of the march: "The five-day march from Selma(sic)to(sic)Montgomery, Alabama was the greatest demonstration for human equality ever held. Although Governor Wallace was afraid to meet the marchers, the world watched them and heard their message."

The Senate also heard their message. Senate action was swift and decisive and reflected overwhelming support for the Administration's bill. The President had asked for rapid action: "... no delay, no hesitation, no compromise," and he received it.

When the bill was introduced, the Senate's bipartisan leadership immediately moved that the Senate instruct the Judiciary Committee to report the bill in

fifteen days. This motion was made because the Chairman of the Committee on the Judiciary, James O. Eastland (D - Mississippi), was one of the most outspoken segregationists in Congress and had vowed that he would never willingly report a civil rights bill from his committee. The motion passed easily, 67 to 13, on a roll call vote with all the negative votes coming from southern Senators.

The Judiciary Committee worked long hours, and succeeded in reporting the bill favorable, 12 to 4, by the deadline. As reported by the Committee, the bill was substantially stronger than the one submitted by the Administration. This was due to several changes made by a nine-man liberal group on the Committee. Senator Dirksen and Senator Roman L. Hruska (R - Nebraska) could not reconcile their differences with the liberal group over the changes, so the bill was reported to the Senate "without recommendations."

The debate on the floor of the Senate was limited in comparison to the long delays and filibusters encountered


13. The four Senators on the Committee who voted to report the bill unfavorably were Southerners: Eastland; Ervin; Olin D. Johnston (D - South Carolina); and, John L. McClellan (D - Arkansas).

on part civil rights legislation. The leadership even allowed routine business during the debate on the voting rights bill—something that had never been done in the past. The southerners did hint at a filibuster. Senator Allen J. Ellender (D - Louisiana), the leader of the opposition in the absence of Senator Richard B. Russell (D - Georgia), who was ill, promised at one point to talk against the bill "as long as God gives me breath." But the strategy of the filibuster never materialized. Instead the opponents attempted to delay the bill with numerous amendments.

After only 47 hours in actual debate on the bill, ten of which were spent on Edward Kennedy's poll tax ban amendment, the Senate invoked cloture and quickly passed the bill.  

S 1564, the Voting Rights Act of 1965, moved through the Senate with relative ease compared to other civil rights legislation (See Table II). Overwhelming support had been built up for the bill both in the Senate and outside. The Senate had a mandate to pass a voting rights bill and to do so quickly. It did. On May 26 the bill passed its final reading, 77 to 19, and was sent to the House.

15. Ibid., p. 547.

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<thead>
<tr>
<th>Events</th>
<th>Date</th>
<th>Senate Action</th>
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<tbody>
<tr>
<td>Bill Introduced</td>
<td>March 18</td>
<td>On motion by Senators Mansfield and Dirksen the Senate instructed the Committee on the Judiciary to report the voting rights bill by April 9, 1965.</td>
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<tr>
<td>Committee Action</td>
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<tr>
<td>Full Committee</td>
<td>March 23-April 9</td>
<td>Senate Committee on the Judiciary held hearings; Committee reported bill favorably (12 to 4) on April 9 deadline; as reported the bill was substantially stronger than the Administration's bill.</td>
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<td>Floor Action</td>
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| April 22           |               | Debate began.  
| April 27-May 10    |               | 1. A series of conference were held by the proponents in an attempt to resolve their differences over the poll tax question.  
|                   |               | 2. Senate adopted the Mansfield-Dirksen substitute (78 to 18) for Administration bill as reported from Judiciary Committee.  
|                   |               | 3. Southern opponents offered numerous amendments, but a filibuster never materialized.  
|                   |               | The amendments were all rejected by 3 to 1 and 2 to 1 margins.  
|                   |               | 4. Most of the debate during this period was taken up by the proponents over the poll tax question.  
| May 11             |               | Poll tax controversy brought to a climax with defeat of the Kennedy (Mass.) amendment (45 to 49).  
| May 17             |               | Mansfield-Dirksen substitute modified by leadership.  
| May 21             |               | Cloture petition filed by Senator Hart.  
| May 25             |               | Cloture adopted (70 to 30).  
| May 26             |               | Bill enacted by the Senate (77 to 19) and sent to House.  
| Conference          | August 4      | Senate (79 to 18) adopted the Conference Report.                                                                                           |

*Source: Congressional Quarterly Almanac, XXI (1965), 450ff.
HR 6400, the House version of the voting rights bill, also found strong support in the House. After encountering no major obstacles during committee and floor consideration, HR 6400 was passed by the House on July 9, 333 to 85. The House bill was stronger than the bill passed by the Senate six weeks and two days earlier. So, immediately following the passage of the bill, the House substituted the provisions of its bill for the Senate bill, and by voice vote sent the bill to the Conference Committee of the House and Senate (See Table III).

Sequence of Events, 1966

An atmosphere of optimism still seemed to prevail in early 1966 for civil rights advocates. The Negro community still had every reason to be optimistic. Two landmark civil rights bills had been passed in succession. The national attitude still seemed to be one of sympathy for the Negro. And, President Johnson remained in the White House and commanded the same Democratic majority in Congress.

But the sequence of political events surrounding the activities of the relevant members of the decision-making process did not give the Senate a mandate for action, as they had in 1965. The civil rights groups were not organized. There was not a close communication
Table III.* Sequence of events: House consideration of HR 6400, the voting rights bill of 1965

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<tr>
<th>Events</th>
<th>Date</th>
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<tr>
<td>Bill Introduced</td>
<td>March 16</td>
<td>Sent to House Committee on the Judiciary</td>
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<tr>
<td>Committee Action</td>
<td>March 18-April 1</td>
<td>Subcommittee No. 5 of the Judiciary Committee held hearings.</td>
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<td>Subcommittee</td>
<td>April 9</td>
<td>Subcommittee No. 5 (10 to 1) approved amended version of HR 6400.</td>
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<td>May 12</td>
<td>Judiciary Committee by voice vote approved HR 6400. The full committee</td>
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<td>June 1</td>
<td>retained all Subcommittee amendments and it added strengthening amendments.</td>
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<td>Rules Committee</td>
<td>June 1-July 9</td>
<td>Rules Committee chairman, Howard Smith (D-Va.), delayed voting rights bill.</td>
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<td>July 1</td>
<td>Judiciary Committee chairman, Emanuel Celler (D-N.Y.), initiated proceedings</td>
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<td>Floor Action</td>
<td>July 9</td>
<td>1. House rejected (117 to 248) a motion by Harold R. Collier (R-Ill.) to</td>
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<td>recommit bill to Judiciary Committee with instructions to report a Republican</td>
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<td>substitute.</td>
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<td>2. Among numerous amendments introduced, only one accepted. It provided for</td>
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<td>penalties for falsifying voting information.</td>
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<td>Conference</td>
<td>July 29</td>
<td>Compromises on most of the differences in the House and Senate versions of the</td>
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<td>bill were worked out at early meetings of the Conference committee.</td>
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<td>March 16</td>
<td>However, a stumbling block was posed by the poll tax ban which was in the</td>
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<td>House bill. Agreement on a compromise bill was finally reached on July 29</td>
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<td>after civil rights groups urged House conferees to drop the House provision</td>
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<td>imposing a flat ban on the poll tax. The final poll tax provision was</td>
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<td>similar to the language in the Senate bill.</td>
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<td>August 3</td>
<td>House (328 to 74) adopted the Conference Report.</td>
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*Source: *Congressional Quarterly Almanac, XXI (1965), 558ff.
between the civil rights proponents and the President. The "peaceful demonstrations" in Selma and other parts of the country were replaced by riots in a number of American cities. These riots created a public attitude of growing hostility toward the Negroes instead of sympathy. The Senate did not act quickly or favorably. When the bill was introduced, the Senate did not place a time limitation on the Committee. After a long delay in the Committee, the Senate finally acted on the House bill, but twice refused to invoke cloture and the leadership laid it aside so as not to delay adjournment in an election year.

The President had begun the second session of the 89th Congress by advocating civil rights legislation more explicitly and, in fact, more emphatically than he had in the first session of the 89th Congress. In his State of the Union Message of January 12, 1966, he spelled out his

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17. The civil rights leaders had urged the President not to seek open housing legislation in 1966. They "reportedly warned the President that an open housing section could generate substantial and perhaps fatal political opposition." The civil rights leaders argued for an extension of President Kennedy's Executive Order 11063, which covered all housing starts under Federal loans. Congressional Quarterly Almanac, 1966, p. 453.

18. The Senate bill never reached the floor of the Senate. It was delayed in the Subcommittee on Constitutional Rights, and then "sat" on in the full Committee on the Judiciary. Technically, the Senate never considered the House bill on the floor either. Majority Leader Mansfield succeeded in having the House bill placed directly on the calendar, but the entire debate - before the cloture motion was sought - was on a motion by Senator Hart to set aside pending business in order that the Senate might consider the House bill.
civil rights proposals to Congress in clear terms. He called for legislation to protect civil rights workers and others exercising their constitutional rights. He called for legislation to prohibit racial discrimination in the sale or rental of housing. The President also gave civil rights legislation top priority in the domestic field of the Great Society. He called for three legislative goals to be accomplished by the Great Society in 1966—Growth, Justice, and Liberation. The second, Justice, was to be achieved by civil rights legislation.

After placing this legislation so high on his legislative agenda, it would seem that the President would have pushed for swift enactment with his prestige resting on his proposals after he so strongly advocated them. However, following President Johnson’s State of the Union Message, the Administration allowed more than three months to lapse before sending the civil rights bill of 1966 to Congress. These three months reflected growing dissension among the civil rights groups, a lack


20. The following reason for the Administration’s delay is given in the Congressional Quarterly Almanac, 1966, p. 451: "The Administration offered no explanation for the timing, although it was understood that the Justice Department, which drafted the measure, had waited for two key Supreme Court decisions (US vs. Guest, US vs. Price) which interpreted federal powers to punish acts of violence against persons exercising their rights. The decisions were given March 28."
of rapport between civil rights leaders and the President, and a general decline of support among senators for the civil rights movement. This change of events from 1965 seems attributable in large measure to the civil rights groups themselves.

Early in 1966, CORE and SNCC began professing a philosophy of militancy as the only way to acquire equality. These two groups and others in the Negro community were certain that the court decisions and legislation of the past decade and a half had not achieved equality for the Negro. Rather it had been only abstract gestures to pacify the Negro and "keep him in his place." Their solution was to get involved economically and politically in American society, and let their presence be felt.

Led by McKissick of CORE and Carmichael of SNCC, the militants in the Negro community became increasingly vocal and defiant. They became critical of the Administration's policy on Vietnam. SNCC even declared sympathy and support for those persons who resisted the draft in protest of the war.

The actions of the militants were a direct affront to the moderates in the civil rights movement, especially

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21. The seeds of this militancy had been planted as early as March, 1965 during the Selma-to-Montgomery march when SNCC and the Decons for Defense and Freedom advocated using any means to protect themselves and further their cause.

to men like Roy Wilkins and the organization he led. The NAACP has, from its inception in 1909, regarded law as the most effective and lasting way of securing Negroes their rights. Through its legal bureau, led brilliantly for so many years by Thurgood Marshall, the NAACP had achieved numerous court decisions favorable to the Negro. These efforts were climaxed in 1954 by a unanimous Supreme Court decision (Brown vs. Board of Education) which outlawed segregation in public schools. Through its Washington office, led by the organization's legislative counsel, Clarence Mitchell, the NAACP had been instrumental in acquiring the civil rights bills of 1957, 1960, 1964, and 1965. For others in the Negro community to claim that this had been all for naught was indeed an insult to their integrity and many years of patience and thankless toil.

While there was dissension between the moderates and the militants in the civil rights movement, there was also dissension among the moderates themselves. King was very critical of the Administration's Vietnam war policy, although he was not so vehement in his attack as McKissick and Carmichael. When King issued a strong statement protesting the war, Wilkins immediately disagreed with him. Wilkins said that antiwar statements by King or anyone else in the civil rights movement might and very well could alienate congressmen and members of the
Johnson Administration. This in turn, he felt, might jeopardize the pending civil rights legislation.\footnote{23} Wilkin's warning seemed to be justified. The militant attitudes of some Negroes drew attention in Congress. Some senators cautioned the Negroes to maintain a sense of balance and face the facts of political life. These senators warned that a militant attitude could only impede further civil rights legislation.\footnote{24} Others, even long-time supporters of civil rights, were inimical toward the militant Negroes. For example, Paul Douglas (D - Illinois), a Senator who had long been an outspoken proponent of civil rights, said: "I don't favor black nationalism. I am opposed to black nationalism ... and to the recent statements by some leaders of branches of the so-called civil rights movement,"\footnote{25} Senator Frank J. Lausche (D - Ohio), a conservative who had supported the 1964 and 1965 civil rights bills, expressed outright indignation of this militancy. He scornfully said:

Those who advocate civil disobedience, defiance of law and order to achieve their objectives regardless of how noble those objectives may be


\footnote{24} For example, Senator Robert F. Kennedy (D - New York) said the militancy of those Negroes who advocated "black power," with its implications that white leadership is not needed "could be damaging not only to the civil rights movement, but to the country." New York Times, July 1, 1966, p. 18.

\footnote{25} Hearings on S 3264, op. cit., p. 261.
are building a Frankenstein that will agonizingly crush them in their own efforts to achieve desirable objectives.

Civil disobedience, non-compliance with the law and order, although negligible in the beginning will, at the end, produce a monster that will destroy the creators of the wrong.26

The militancy of some of the civil rights groups not only seemed to jeopardize support in Congress, but support for the Negroes among the general public. A Louis Harris survey in April, 1966, indicated that the public was becoming increasingly hostile to those civil rights groups that opposed the Vietnam war. The results of the Poll showed that four out of ten Americans held unfavorable attitudes toward those civil rights groups that opposed the Vietnam war; and that 41 percent of the American public were less in favor of civil rights for Negroes when civil rights groups opposed the Vietnam war.27

In an apparent attempt to bridge the broadening gap among the civil rights groups and establish a new direction for the civil rights movement, King, the man who had instigated the idea of non-violence, spelled out a new strategy for Negroes to follow. He called it "militant non-violence." This philosophy, as King


explained it, was for civil rights leaders to resort to widespread civil disobedience in an effort to force the "power structure" to come to grips with Negro problems. "We'll use something that avoids violence, but becomes militant and extreme enough to disrupt the flow of a city," King told the Negro groups.28

By professing this new philosophy, King's immediate motive was to offset the growing momentum of the black power advocates, especially SNCC's new director, Stokley Carmichael. King saw in Carmichael's militant approach a danger of spreading unrest in the Negro community, especially in the big city ghettos.

However, King was also critical of the NAACP for failing to understand the reasons for the new mood of CORE and SNCC.29 He wanted to bring a better understanding between the two wings of the civil rights movement.

But, even with the warnings from Congressmen, the unfavorable attitudes that were generated, and King's efforts, the calls for "black power" did not stop. Instead these cries became more vocal and continued to split the civil rights groups. They continued to create hostility in the white community and in Congress.


29. Ibid. King said of the NAACP's attitude toward SNCC and CORE: "I get the impression that the NAACP wouldn't mind a split because they think they are the only civil rights organization."
For a brief period in early June, two events occurred which could have accomplished a show of unity, but instead reflected the turmoil in the civil rights movement. The first occurred on June 6 when James Meredith was shot from ambush while marching through Mississippi urging Negroes to register to vote. The major civil rights groups - SCLC, SNCC, NAACP, and CORE - briefly patched up their differences and continued Meredith's march. But, during the march Carmichael amplified the phrase "black power." The news media, which was giving widespread coverage to this event played up Carmichael's actions, and the dissension among the civil rights groups was amplified.

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30. In 1962 Meredith became the first Negro to enroll in the University of Mississippi. It took a court injunction and the aid of Federal marshalls, but Meredith struck a blow at segregation with his courageous effort, and won the respect of Negroes and whites alike.

31. Black power was a term that was given various definitions. Stokley Carmichael, who allegedly coined the term, said it meant concentrating Negro economic and political strength in order to exercise social and political power.

32. New York Times, June 12, 1966, Section IV, p. 1, gives the following assessment of the split over black power in the civil rights movement: "The leaders of the nation's civil rights organizations have never claimed to be in perfect agreement, but seldom have they appeared more divided than in the wake of the Meredith shooting. What divides them is not the ultimate goal - equality for the Negro in every area of American life - but rather the tactics to achieve that goal now that major legislation has been achieved. Some groups believe cooperation with white allies is a necessity. Others have become disenchanted with white liberals whom they regard as unreliable. They feel that a show of 'black power' is necessary,"
Another event which might have consolidated the civil rights movement and gained support for the pending legislation was the White House Conference, "To Fulfill These Rights," held June 1-2, 1966. The Conference did not accomplish this purpose, however. Instead it again reflected the diffused strivings of the civil rights groups.

SNCC was invited to the Conference, but boycotted it. The chairman of CORE, Floyd McKissick, attended the Conference, but, along with other militant delegates, attempted to use the Conference to embarrass the Administration on its Vietnam policy.

The militant delegates succeeded in getting permission from the delegates at the Conference to introduce resolutions critical of the Vietnam war, and almost succeeded in getting the Conference to adopt them. Only a last-minute effort by the Administration and the moderate Negro leaders brought about the defeat of these resolutions.

As it turned out the resolutions were a victory for McKissick and the other militant delegates. They were shown their strength simply by placing the resolutions before the Conference.

While the White House was calling the Conference a success, it was actually a reflection of the disunity of civil rights proponents. The show of unity between the Administration and the moderate leaders in defeating the
the CORE resolutions was offset at the conclusion of the Conference when McKissick called "the conference ... in reality a hoax." Also, it showed the disunity among the moderates. King throughout the conference remained silent on the CORE resolutions. 33

If the black power slogans and the criticism of the Vietnam policy did not affect the decision-makers' attitudes, the riots which broke out in Negro sections of a number of large cities did. From July 2 through July 20 violence and rioting occurred in Negro sections of Chicago; Cleveland; Jacksonville, Florida; New York City; South Bend, Indiana; Indianapolis, Indiana; Omaha, Nebraska; and Milwaukee, Wisconsin. The most severe riots occurred in Chicago and Cleveland. The National Guard had to be called out in both cities. Several persons were killed, and there was widespread burning and looting.

The President, at first, expressed concern about the effects of these riots on civil rights gains. He was especially disturbed about the effects that these riots would have on white attitudes, but his tone was not altogether scornful. Rather, he seemed to be urging the Negroes not to disrupt what they had gained. 34


As the riots became more severe, the President's expressions of concern and mild warnings became forceful, especially after pleas from Congressmen urged the President to take decisive action. In a speech in Indianapolis, Indiana on July 23, 1966, the President lashed out at the rioters:

These riots do not reform society - they rip it apart, they tear at the very fabric of the community, they set neighborhood against neighborhood, they create walls of mistrust and fear, they make reform more difficult, they start a chain reaction the consequences of which fall most heavily on those who begin them.

So, ... we refuse to condone riots and disorder. We cannot and will not abide civil violence. 35

The riots of 1966 placed the President in a precarious situation. Instead of being able to dramatize Negro activities as had been the case in 1965, the President had to denounce the looting and burning by a small portion of the Negro population.

Support for his civil rights proposals was rapidly declining in Congress too. On August 9, the House passed HR 14765, its version of the civil rights bill of 1966, with a watered-down open housing section. (See Table IV) But, the House bill did not find support in the Senate. Twice the Senate leadership attempted to invoke cloture and twice the Senate refused. The civil rights bill of 1966 was defeated. (See Table V)

Table IV. Sequence of events: House consideration of HR 14765, the civil rights bill of 1966

<table>
<thead>
<tr>
<th>Events</th>
<th>Date</th>
<th>House Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bill Introduced</td>
<td>April 28</td>
<td>Sent to House Committee on the Judiciary.</td>
</tr>
<tr>
<td>Committee Action</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subcommittee</td>
<td>May 4-May 25</td>
<td>Subcommittee No. 5 of the Judiciary Committee held hearings.</td>
</tr>
<tr>
<td></td>
<td>June 16</td>
<td>Subcommittee No. 5 approved amended version of HR 14765 and recommended enactment (with the exception of Title IV, the open housing section). The Subcommittee included Title IV in the original form and without recommendation. (There were indications that Emanuel Celler, chairman of the full committee, decided to consider Title IV in full committee rather than let the bill get deadlocked in the Subcommittee over the housing provision.)</td>
</tr>
<tr>
<td></td>
<td>June 15-June 27</td>
<td>Tangle of forces developed among supporters, opponents, and the Justice Department. On June 15, Attorney General Katzenbach met with Dirksen on housing provision contained in House bill; on June 24, Celler and Katzenbach met with Republican members of House - view was that, in order to win, Title IV must be compromised. But, there was no agreement.</td>
</tr>
<tr>
<td>Full Committee</td>
<td>June 28</td>
<td>Full Committee met in executive session to consider Title IV: 1. Mathias (R-Nd.) compromise amendment on Title IV rejected. 2. Motion to kill Title IV narrowly rejected, 15 to 17. 3. Kastenmeier (D-Wis.) motion to report without further changes overwhelmingly defeated.</td>
</tr>
<tr>
<td></td>
<td>June 29</td>
<td>Full Committee still in executive session: 1. Agreed to slight revision of Mathias amendment, 21 to 13. 2. Adopted, 13 to 4, amendment opposed by Administration.</td>
</tr>
<tr>
<td></td>
<td>June 30</td>
<td>Full Committee voted to report HR 14765.</td>
</tr>
<tr>
<td>Rules Committee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floor Action</td>
<td>July 25</td>
<td>Debate began. Seventy-seven amendments considered during debate. Several key amendments accepted which modified Title IV. One amendment was accepted was an anti-riot provision.</td>
</tr>
<tr>
<td></td>
<td>August 9</td>
<td>House passed (259 to 157) HR 14765, as amended, and sent the measure to the Senate.</td>
</tr>
</tbody>
</table>

*Source: Congressional Quarterly Almanac, XXII (1966), 456ff.
Table V. Sequence of events: Senate consideration of S 3264, the civil rights bill of 1966

<table>
<thead>
<tr>
<th>Events</th>
<th>Date</th>
<th>Senate Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bill Introduced</td>
<td>April 28</td>
<td>Sent to the Senate Committee on the Judiciary</td>
</tr>
<tr>
<td>Committee Action</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subcommittee</td>
<td>June 6-August 4</td>
<td>Subcommittee on Constitutional Rights of the Committee on the Judiciary held hearings.</td>
</tr>
<tr>
<td></td>
<td>August 1</td>
<td>Subcommittee sent bill to the full committee after 5 to 4 vote to substitute provisions of HR 14765 as reported from House Judiciary Committee. Also by 5 to 4 vote the Subcommittee voted not to debate Title IV, the open housing section.</td>
</tr>
<tr>
<td>Full Committee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floor Action</td>
<td>August 11</td>
<td>Mansfield intercepted HR 14765** as it was sent from the House. Hart asked for unanimous consent to begin debate on the House bill. Ervin blocked the motion.</td>
</tr>
<tr>
<td></td>
<td>September 7</td>
<td>Hart made motion to set aside pending Senate business so that HR 14765 could be considered.</td>
</tr>
<tr>
<td></td>
<td>September 7-19</td>
<td>Technically all this time was spent debating Hart's motion.</td>
</tr>
<tr>
<td></td>
<td>September 14</td>
<td>Cloture rejected (54 to 42).</td>
</tr>
<tr>
<td></td>
<td>September 19</td>
<td>Second cloture motion rejected (52 to 41). The bill was laid aside by the majority leader, Mansfield.</td>
</tr>
</tbody>
</table>

**SOURCE:** Congressional Quarterly Almanac, XXII (1966), 451ff.

**Mansfield's strategy in placing the House bill directly on the Senate calendar was to by-pass the Judiciary Committee. However, the bill could not be brought up for debate without unanimous consent from the Senate or a majority vote. The opponents never allowed the motion for debate to reach a vote. Under Senate rule, a bill has to be read on the floor three times before it is passed. Under Rule XIV, Section 4, a house-passed bill which has received a first and second reading in the Senate without being referred to a committee was automatically on the Senate calendar if objection was raised to further proceedings after second reading. This procedure was followed on HR 14765. Mansfield had said: "The only other alternative is to send it to the Judiciary Committee with instructions to report back at a time certain."
Summary

In 1965 and in 1966 President Johnson advocated civil rights legislation, but political events changed and the Senate responded differently.

Negro unity to achieve voting equality was replaced by dissension over goals and philosophy. The close relationship between Negroes and whites to achieve a common goal was replaced by calls of "black power." Peaceful demonstrations which made the nation search its conscience were replaced by riots which brought indignation. The President's identification with the Negroes' cause: "We shall overcome!" he told the nation, was replaced by the President reminding the Negroes: "... there is a majority of 90% that is not Negro."

Events in the Senate also changed. The President's proposals were not received with widespread support in 1966 as they had been in 1965. The Senate rejected the civil rights bill of 1966.
CHAPTER 4

THE PROBLEM OF SUPPORT, 1965

In Easton's input-output model, support as an analytical concept refers to an input variable that is extended to or withheld from three political objects in the political system: the political community; the regime; and the authorities.\(^1\) Support is necessary to insure stability in the political system, to allow the decision-makers to process demands into outputs, and to maintain minimal cohesion among the members of the political system.\(^2\)

This study is concerned with support for the authorities and the role that support plays so that authorities can process demands into outputs. However, Easton's use of the concept is inclusive and refers to all political systems. It has been necessary, therefore, to "refine" Easton's use of the term and establish two dimensions of support - mobilization and perception - for analytical purposes.

As indicated in Chapter 1, the mobilization of support and the perception of support play important roles in the policy process. It was argued that for demands to


2. Ibid.
be processed through to outputs the "problem of support" becomes a problem of support being mobilized and support being perceived.

This chapter will attempt to explain the elements of the support process which brought about a positive policy decision on the voting rights bill of 1965. It will relate the mobilization of support and the perception of support to illustrate how they combined in 1965 to effectuate a positive decision. Chapter 5 will reset the process of mobilization and perception and show what changes occurred to bring about a negative output on the civil rights bill of 1966.

Since the mobilization of support and the perception of support are interrelated phenomena and occur simultaneously in the dynamics of decision-making, it is necessary to develop some criteria for isolating their function in the decision-making process. A useful way to relate the two and sort out the role they play in the decision-making process is to conceptualize the "problem of support" being solved (in the case here by the proponents) in several different stages. It becomes possible, therefore, to devise a support process. Figure 2 shows this process.

A point that must be emphasized is that the various stages in the support process do not occur independently of one another. Rather, they are interrelated and are concurrent. For example, the relevant demanders may be
STAGE I: MOBILIZATION OF SUPPORT BY THE RELEVANT DEMANDERS
A. Among demanders
B. Among themselves to form a supportive coalition of relevant demanders

A and B, if successful, may lead to mobilization of support among non-demanders in that non-demanders 1. join with relevant demanders, or 2. remain neutral and do not oppose the relevant demanders

STAGE II: PERCEPTION OF RELEVANT DEMANDERS' DEMANDS BY THE RELEVANT DECISION-MAKERS

If the relevant decision-makers support these demands and a consensus between the decision-makers and the demanders is achieved, then the process is moved to:

STAGE III: CONSOLIDATION OF VIEWS BETWEEN RELEVANT DEMANDERS AND RELEVANT DECISION-MAKERS ON LEGISLATIVE PROPOSALS TO BE SOUGHT

STAGE IV: MOBILIZATION OF SUPPORT BY THE RELEVANT DECISION-MAKERS
A. Among themselves to form a supportive coalition of relevant decision-makers
B. Among non-demanders
C. Among legislative actors

STAGE V: LEGISLATIVE ACTORS' PERCEPTION OF DEMANDS MADE BY THE RELEVANT MEMBERS

If legislative actors support these demands and a simple majority is established, the support process results in:

A POSITIVE LEGISLATIVE OUTPUT
(Legislation Is Enacted)

Figure 2. Stages in the Support Process: Interrelationship of the Mobilization of Support and the Perception of Support
organizing their groups, expressing demands to the decision-makers, attempting to agree among themselves about goals and means to accomplish these goals, and generating support among non-demanders; while, at the same time, the relevant decision-makers may be formulating legislation, consulting with the relevant demanders, establishing agreement among themselves, and attempting to gain general support among both legislators and the general public. Since this is a complicated, interrelated process, it becomes necessary to use some method to sort it out in order to explain it. The support process is relied upon here as a useful way to unravel this process.

In this process, support is mobilized by the relevant demanders and the relevant decision-makers. The relevant demanders conduct their campaign for support primarily among the demanders and the relevant decision-makers. Of course, they are also concerned with mobilizing support among the non-demanders\(^3\) and among the legislative actors. But, before the relevant demanders attempt to influence the supportive attitudes of the non-demanders and the legislative actors, they must be certain that they are expressing the demands of their followers, and that they have access to decision-makers in order that their

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3. Or, at least assuring that this group will be quiescent. The non-demanders are a potentially important support group especially on an issue as intense as civil rights.
demands will be placed on the legislative agenda of government. After this primary task is accomplished, then mobilization efforts by the relevant demanders (along with the efforts of the relevant decision-makers) are turned to the non-demanders and the legislative actors.

The relevant decision-makers' quest for support is aimed primarily at the legislative actors. By attempting to gain support among the legislative actors, the relevant decision-makers are also attempting to gain support among the non-demanders so that the non-demanders will affect the attitudes of the legislative actors.

The non-demanders may influence the legislative actors by becoming actual demanders. That is, they may join forces with the advocates of a particular position and make demands on the legislators. But, to influence the legislative actors, they need not become demanders. The non-demanders may influence legislators attitudes in other ways too. For example, they may write letters to the legislators, or threaten to withhold support from the legislators in the next election.⁴

The President plays the principal role as a relevant decision-maker in mobilizing support. He is in the most advantageous position to do so, for he commands

⁴. By doing these things, these non-demanders have not become actual demanders. Although they are advocating a policy position to the legislators, they have not organized in an effective way to assert their demands. See: Truman, op. cit., pp. 506-524.
national attention and can readily reach the entire population of the country.

Occurring within the process of support mobilization is another important characteristic of the support process. This is the building of supportive coalitions. As the relevant demanders mobilize support among their groups, they also attempt to form a coalition among themselves. For example, in Chapter 2 it was shown that civil rights leaders successfully organized their respective groups behind the demands for equal voting rights. The group leaders agreed among themselves that they would pursue the same goal—equal voting rights—and would use the same means in bringing about this goal—"peaceful demonstrations," increased voter registration, and legislation. In essence, the civil rights leaders formed a coalition among themselves, and took a unified set of demands to the decision-makers. With a coalition of this sort, the civil rights leaders had a great deal more success in influencing the attitudes of the decision-makers.

If it is important that the relevant demanders form a supportive coalition among themselves, it is just as important that the relevant decision-makers form a strong coalition among themselves. The greater consensus at this point will mean more success at the legislative level.

Although mobilization of support and building supportive coalitions are important dimensions of the policy
process, they must be perceived by the decision-makers to influence decision-making. That is, the perception of support must be interrelated with support mobilization and the coalitions that result from this mobilization to bring about positive outputs. The mobilization of support is useless unless it is perceived by those in authority who can set policy. In the support process, the focal point for analyzing perception is on the relevant decision-makers and the legislative actors, because they hold the power over the final decision. The relevant decision-makers formulate the legislation that is presented to the legislative actors and champion these demands before them. It becomes important that the relevant decision-makers perceive support for the demands that they are making before the legislature. The legislative actors, on the other hand, have to perceive support for what they are doing. They are the last link in the process as it is viewed here since they legitimate the output. Thus, in the process as it is conceptualized, the relevant decision-makers and the legislative actors perceive support for a policy position, and their perceptions are affected by the mobilization of support.

It may be hypothesized that on an issue as highly intense as civil rights, each stage in the support process would have to be met by the advocates of legislation in
order successfully to gain support and bring about a policy output in the legislative system. The evidence indicated that this is, in fact, what occurred on the voting rights bill of 1965.

The Support Process, 1965

Stage I: Mobilization of Support by Relevant Demanders

In Stage I of the support process, the relevant demanders must accomplish two main objectives. First, they must organize the rank-and-file membership of their individual groups. Then they must organize among themselves in order to strengthen the demands they make for legislation. If these two objectives are achieved, a third important objective will probably follow. That is, support among non-demanders may also be mobilized.

In the mobilization of support in Stage I, non-demanders may be drawn into the coalition of relevant demanders and become demanders themselves. Or, the non-demanders may become aware of the problem, informed about it, and sympathetic to the relevant demanders' demands. This may not lead them to join with the relevant demanders or openly support them, but this may check potential opposition - thus insuring, if not their support, their neutrality.

Chapters 2 and 3 indicated that mobilization of support among the demanders, a strong coalition among the
relevant demanders, and mobilization of support among non-demanders was successfully accomplished by the relevant demanders in 1965. The process was begun by the SCLC. The leadership of the SCLC had organized its membership to take part in voting rights demonstrations in Alabama. SCLC's demonstrations gained support from other civil rights leaders, who organized their respective groups in the quest for voting equality. These leaders organized demonstrations by the rank-and-file membership of their groups. Throughout the country Negroes protested voting discrimination that had taken place in the South. Members of the NAACP rallied in northern cities to protest voting discrimination in the South and give support to the Selma demonstrators. CORE members held voting rights demonstrations in Louisiana and Mississippi. The civil rights leaders had mobilized the rank-and-file membership of their groups. Their first objective was obtained.

The civil rights leaders not only organized their groups, but they also organized among themselves. The group leaders recognized a common goal - voting equality - and agreed on the appropriate means to accomplish that goal - "peaceful demonstrations," increased voter registration, and legislation.

Agreement among the group leaders was very important for the civil rights groups in terms of procuring
legislation. In organizing and carrying out voting rights demonstrations, the civil rights leaders drew support from other important groups and individuals who either participated in the demonstrations or decried voting discrimination publicly. One of the strongest elements of support came from church groups and individual clergymen. Representatives from the National Council of Churches of America, the National Catholic Welfare Council, the Jewish Synagogue Council of America, as well as clergymen of all faiths gave full support to the civil rights groups' quest for voting equality.

In forming a coalition among themselves and mobilizing support among demanders as well as non-demanders, the civil rights leaders were able to present strong demands to the decision-makers and get them accepted virtually without change.

The best possible climate had been established in this stage of the support process for demands to be voiced at the legislative level. The relevant decision-makers could take action on the demands of the relevant demanders knowing that widespread support had already been established among the Negro community and, more importantly, among a large segment of non-demanders. In this context, the demands of the relevant demanders received greater support among the relevant decision-makers and were taken to the legislative level sooner. Stage I was successfully fulfilled.
Stages II and III: Perception and Consolidation

After the coalition of civil rights proponents were successful in Stage I, they progressed to the second stage of the support process. They had established an atmosphere within which the relevant decision-makers could accept voting rights demands and formulate these demands into legislation without reservation. The relevant decision-makers heard demands not only from Negro leaders but also from prominent white leaders who represented a sizeable portion of the American public. Many prominent white leaders expressed support for Negro demands either through participation in their voting rights demonstrations or through such means as speeches and editorials. Within this context, the relevant decision-makers could ask for extensive voting rights legislation knowing that a high degree of support had already been established for such proposals.

The conditions of Stage III were also met. The relevant decision-makers and the relevant demanders agreed on the policy that should be sought. So, with agreement and a consolidated effort by the relevant decision-makers and the relevant demanders on legislative proposals, Congress was presented with a united set of demands for legislation.

The President, the most important relevant decision-maker, accepted Negro demands for voting rights legislation. Furthermore, at his initiative, suggestions were solicited
from the Negro leaders, thus indicating that a consensus of views was sought. During the height of the Selma demonstrations, the President revealed at a news conference that he would ask Congress for voting rights legislation, and that he had sought out Negro leaders and asked for their suggestions on the type of legislation needed. In part, he said: "Over the past few weeks, I have determined that we would have a voting rights law this year on about November 15. I have talked to the leaders of the Negro organizations in this country and asked them for their suggestions, and asked for their counsel." The Negro demonstrations undoubtedly affected the President's decision to seek voting rights legislation at this particular time. This is implicit in what he said at this news conference. "Over the past few weeks," indicated the first weeks of March, 1965, when the Selma demonstrations reached their peak. The situation in Selma and the repercussions throughout the Nation had to be dealt with. The President was certain that voting rights legislation was needed to solve the problem, and the activities of the Negro demonstrations confirmed his convictions. He said of the demonstrations, and the Negroes who participated in them:

The real hero of this struggle is the American Negro. His actions and protests, his courage to risk his safety and even to risk his life, have

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awakened the conscience of the Nation. His demonstrations have been designed to call attention to injustice, designed to provoke change, designed to stir reform.

We must preserve the right of free speech and the right of free assembly. We do have a right to protest and a right to march under conditions that do not infringe the constitutional rights of our neighbors. And I intend to protect all those rights as long as I am permitted to serve in this office.

Other relevant decision-makers also perceived Negro demands for voting rights legislation and openly supported them. This perception of demands, with support, was based on the activities of Negroes and civil rights advocates. For example Senator Hugh Scott of Pennsylvania, a Republican member of the Committee on the Judiciary, said:

The events of recent days in the Senate of Alabama underscore the urgency in the need of additional legislation to implement the 15th amendment of the Constitution.

The Negro has patiently waited 85 years since the ratification of the 15th amendment for the enfranchisement to which he is entitled. His patience is now at an end, and so is that of every American who believes in democracy and the fundamental equality of man under law.

I wholeheartedly support the basic purpose of policy of Senate bill 1564, in which I have joined as a cosponsor. 7

Senator Clifford P. Case (R - New Jersey) stated emphatically that the voting rights legislation was a direct result of the activities of the civil rights groups and their supporters. "I pay my respects to those who are

6. Ibid., pp. 282-284. (Emphasis added)

responsible for the action we are about to take - an unprecedented action in the history of the Senate as I know it. The credit goes, first, to the Negroes and their great leaders; then, to the great leaders in the civil rights movement of all colors. 8

The policy formulation not only accepted the demands of the Negro leaders as legitimate, but they also accepted these demands without qualification. They did not substantially alter the requests made by the Negro leaders in the bill that was submitted to Congress. The President as well as other policy formulators (e.g., the Attorney General and important Senators) had met often with civil rights leaders. There was a consolidation of views between the Negro leaders and the policy formulators. The support process was thus carried through the third stage.

Stage IV: Mobilization of Support By Relevant Decision-Makers

As indicated in the discussion of Stages II and III, the President as well as other relevant decision-makers had perceived a need for voting rights legislation and supported such legislation proposals. After accepting the demands for voting rights legislation, the relevant decision-makers' efforts were turned to mobilizing support. With the President leading the way, the mobilization of

support by the relevant decision-makers appeared to proceed in three interrelated steps.

First, the President (with the aid of other relevant decision-makers) attempted to mobilize support among other relevant decision-makers and put together a coalition of relevant decision-makers. In his March 13 news conference, the President noted that he had contacted a number of important persons and informed them of his pending voting rights proposals.

I have informed certain members of Congress and certain Governors of the States. I have talked with the majority and minority leaders, and the chairmen of various committees, the Speaker of the House, and have reviewed with them the highlights of my viewpoint and have asked the Attorney General to go into some detail in connection with principles that we would have in this bill.

I have talked to various Southern Senators and Southern leaders including Governors, and generally reviewed with them what I hope to have accomplished in this legislation. 9

As indicated in Chapter 2, the President had met with other important persons such as Cabinet members, Senators, and private citizens too. He had put together a strong coalition of relevant decision-makers to support his voting rights proposals.

Second, the relevant decision-makers, again with the President leading the way, attempted to mobilize support among the non-demands. In a general way this step is

closely related to and extremely difficult to distinguish from the third and ultimate step – mobilization of support among legislative actors. So, one must think of the relevant decision-makers' efforts to mobilize support among non-demanders overlapping with efforts to gain support among the legislative actors. For example, when the President is speaking at a news conference, or before a joint session of Congress that is televised nationwide (he did both in 1965), his remarks are directed both to the non-demanders and to the legislative actors.

President Johnson committed the full resources of his office to mobilizing support for voting rights legislation. His efforts were actually begun in January, 1965, when, in his State of the Union Message, he vowed to seek legislation to eliminate every remaining obstacle to the right and opportunity to vote. But, he intensified his efforts in March.

No American President had advocated civil rights to the American public as strongly as President Johnson did in March, 1965. He told the American people:

... all Americans should be indignant when one American is denied the right to vote.
... all of us should be concerned with the efforts of our fellow Americans to register to vote.

In Selma long-suffering men and women peacefully protested the denial of their rights as Americans. Many were brutally assaulted. One man, a man of God, was killed.

10: Ibid., p. 5.
In our time we have come to live with moments of great crisis. Our lives have been marked with debate about great issues, issues of war and peace, issues of prosperity and depression. But rarely in any time does an issue lay bare the secret heart of America itself. Rarely are we met with a challenge, not to our growth or abundance, our wealth or our security, but rather to the values and the purposes and the meaning of our beloved Nation.

The events of the past weeks cannot and will not be repeated. Last Sunday a group of Negro Americans in Selma, Alabama attempted peacefully to protest the right to vote. They were attacked and some were brutally beaten. This was an American tragedy.11

The President just as relentlessly worked to mobilize support among the legislative actors. He called upon them to move quickly and decisively on voting rights legislation, and he anticipated points of controversy:

There is no constitutional issue here. The command of the Constitution is plain.
There is no moral issue. It is wrong - deadly wrong - to deny any of our fellow Americans the right to vote.
There is no issue of States rights or national rights. There is only the struggle for human rights.
I have not the slightest doubt what will be your answer. On this issue, there must be no delay, no hesitation, and no compromise with our purpose.
We cannot, we must not, refuse to protect the rights of every American to vote in every election. And we ought not and we cannot and we must not wait another eight months before we get a bill. 12

It should be noted that the President was attempting to generate support for his legislative proposals in

11. Ibid., p. 274.
12. Loc. cit.
the best possible context. As previously mentioned, the civil rights leaders had successfully mobilized a high degree of support among demanders and some non-demanders. But, the President had been enjoying unprecedented legislative success since he took office in November, 1963. He had advocated and obtained the most sweeping legislation since the New Deal. The first legislative aid to elementary and secondary schools had been passed. Far-reaching legislation to aid American cities (e.g., air and water pollution legislation, mass transit legislation) was enacted. A landmark poverty program had been passed. Not the least of these achievements was the Civil Rights Act of 1964.

The passage of the Civil Rights Act of 1964 as much as anything else enabled the President to press for further civil rights legislation. The 1964 Act had been passed with substantial support in both houses of Congress. More importantly, it had not affected the President's popularity either with the general electorate or with Congress. He won reelection in 1964 by a landslide, and in the following year enjoyed unprecedented legislative success. President Johnson was reelected in 1964 by the largest vote plurality in the Nation's history. He still enjoyed widespread popularity in 1965 when he called for further civil rights legislation. According to the Gallup Poll, 71 percent of the American public approved of the
way President Johnson was handling his job in January, 1965. In early March, the President's popularity was still very high, although it had decreased to 68 percent. But, during the month of March when the President vehemently called for voting rights legislation his popularity increased by a percentage point.13

The 1964 election not only gave President Johnson an overwhelming victory but it returned a Democratic majority to both houses of Congress, which was larger and more liberal than the President had enjoyed in the preceding year. Thus, President Johnson could rely on more party support in 1965 than in 1964.

The scene had been set for Congress to take action. The Negro demonstrations had stirred the Nation's conscience. President Johnson contributed the full resources of the executive branch in support of the Negro's cause. The process moved to its final stage. Did the legislative actors perceive the efforts by the relevant members to mobilize support for voting rights legislation? Did they support these efforts?

Stage V: Legislative Actors' Perception of Demands

The final stage of the support process reflected the success of the relevant members to mobilize support

in the earlier stages. Support had been mobilized among the members of the political community for voting rights legislation - including both non-demoners and demanders. This support was reflected in the disposition of Senate debate on the bill. The temper of the debate indicates that most of the senators supported the bill prior to its introduction, and that a great deal of this support was based on the mobilization of support by the relevant members of the decision-making process.

The Senate leadership carried the debate on the voting rights bill along in a relaxed, almost nonchalant, fashion. Although a total of twenty-two days were spent in floor consideration of the bill, this represented only forty-seven hours of actual debate. The largest part of several days was taken up in consideration of other Senate business, consisting of several items of major importance. For example, there were several long speeches on the Vietnam war, debate and a vote on a Vietnam appropriations bill, and considerable debate on the conference report of the second supplementary appropriations bill.

Senate debate proceeded in an atmosphere of confidence for the proponents. From the outset, the proponents were able to muster substantial support to overcome each major obstacle that could have jeopardized the passage of the bill. A time limitation was placed on the Committee
on the Judiciary to overcome Senator Eastland's vowed opposition. When the proponents disagreed among themselves about how to deal with the poll tax question, a series of conferences were held to resolve their differences. A barrage of southern amendments, which at worse would have made the bill ineffective, were either resoundingly defeated or laid aside when cloture was invoked.

There is evidence to indicate that this supportive mood of the Senate was established in large part by the mobilization of support by the relevant members in the earlier stages of the support process. Senate proponents referred to the Negro demonstrations as evidence that the Senate should act quickly and decisively.\textsuperscript{14} They referred to the "broader scope of public opinion" which dictated that "if we fail once more to make the right to vote effective, we shall have to do it later."\textsuperscript{15}

The effect of the demonstrations on Senate attitudes becomes more apparent if a Senator is considered


\textsuperscript{15} Congressional Record, III, Part 7, May 10, 1965, p. 10035. From a speech by Senator Paul Douglas, in which he explicitly referred to civil rights demonstrations stirring public opinion and making it incumbent upon the Senate to take action.
who demonstrated an extremely high degree of support for the voting rights bill, but did not support the civil rights bill of 1966. Senator John Sherman Cooper (R - Kentucky) supported the voting rights bill throughout its legislative process. He asked and answered at the outset of floor consideration:

Is there a violation of the 15th amendment? Are citizens being deprived of their right to vote? Without question, the reports of the Civil Rights Commission and the decisions of the Supreme Court show that for years the violation of the right has occurred. If there is any doubt, we have only to look at the situation in the South today, in Alabama and in other States, for there the fact of discrimination is proclaimed across the land.  

Senator Cooper continued to support the bill throughout the Senate debate. He defended the rights of the demonstrators in the face of a Southerner's amendment to legislate against demonstrations of the kind engaged in by the civil rights groups. Speaking against Senator John Stennis's (D - Mississippi) amendment, Cooper said:

Demonstrations have been carried out throughout the South, and indeed, all over the land. I believe they will continue until enforcement of the law and consent to the law are obtained.

The ... demonstrations have been carried out and will be carried out for the other purposes - to influence public opinion and to

16. Senator Cooper supported the Administration's voting rights bill 95.8% of the time. This figure was derived from a correlation of support for the bill as indicated by voting behavior on twenty-five roll call votes on the bill. See Table VI and Appendix A.

secure other rights - rights which some of us believe are inherent and secured by the Constitution, and rights which have been made available to citizens, particular to those of our Negro citizens, as a matter of public policy under the Civil Rights Act of 1964.

A difficult problem is involved in all these demonstrations. I know that a State or municipality has authority to enact local ordinances to limit demonstrations. On the other hand, citizens demonstrate for what they believe to be - and I believe they are correct - their constitutional rights.18

In their attempt to generate negative attitudes toward the bill during the debate, even the opponents recognized the effectiveness of the Negro demonstrations on public and Senate attitudes. For example, Senator Stennis told the Senate that the demonstrations were responsible for the bill being before the Senate. "This bill," Stennis said, "was drafted in the atmosphere of massive public demonstrations." He continued by saying that the Negro demonstrations had created an atmosphere across the country that compelled the Senate to act immediately. Stennis asked:

Why has the Senate resorted to this kind of procedure? Why is it willing to legislate in this atmosphere? The answer is found in the great wave of emotionalism that has been sweeping the Senate and the country.

Out of the public demonstrations has arisen a demand that Congress act and act now, because we are told that a great need exists - and that the privilege of voting in this country cannot be

18. Ibid. (Emphasis added)
secured and administrated fairly without the passage of this additional proposed legislation.\textsuperscript{19}

Although Senator Stennis was opposed to the bill and was attempting to discredit the demonstrations, his speech testifies to the influence of the demonstrations on Congressional attitudes. The relevant demanders had mobilized support and not only among the demanders but also among non-demanders, and senators—opponents as well as proponents—perceived this mobilization of support. For the proponents it could be used to substantiate their call for voting rights legislation. For the opponents it had to be discredited, if they wanted to defeat the pending bill. The mobilization of support by the relevant demanders had been effective in influencing Senate attitudes.

The supportive mood of the Senate was not only established by the mobilization of support among members of the political system by the relevant demanders, but senators were also influenced by the mobilization of support by the relevant decision-makers. During Senate debate, expressions of overt support for the bill indicate that the relevant decision-makers had been effective in their efforts to mobilize support among senators. Senators, for example, lauded the President as well as other relevant decision-makers, and noted that they supported the

\textsuperscript{19. Congressional Record, III, Part 7, May 4, 1965, p. 9335.}
legislative proposals of the relevant decision-makers.

Senator Abraham Ribicoff (D - Connecticut) said: "The President's eloquent expression of the need for this measure ... needs no further embellishment." Senator Tydings noted that the testimony of the Attorney General before the Committee on the Judiciary should be support:

Attorney General Katzenbach testified at length before the Judiciary Committee concerning the efforts of the Department of Justice to combat racial discrimination in voting under existing laws. The record fully supports his conclusion that such legislation is inadequate and that a new approach is necessary, an approach which will provide an expeditious administrative remedy in place of the delays and filibusters of civil litigation.

Senator Kuchel, the Republican minority whip, commended not only the leadership of his own party but the leadership of the Democrats as well, including the President. He said:

I salute the leader of my party, Everett Dirksen, and the long exertions by him and his staff to fashion a bill which at long last will prove that race is not a basis for disqualifying an American citizen from voting. I salute the leader of the other party, for what he and his staff have done, as well as the Deputy Attorney General, the Attorney General, the President and the lawyers representing them, who together have fashioned over many days and nights a piece of legislation resting upon a commitment the American people made almost 100 years ago.


The efforts of the relevant decision-makers as well as the relevant demanders had clearly affected the attitudes of the legislative actors. Support had been mobilized in Stages I and IV and the legislative actors were both cognizant of this support to voting rights legislation.

Senators' voting behavior on twenty-five roll call votes taken on the voting rights bill indicates that a high degree of support existed throughout Senate consideration of the bill. The votes on each of these roll calls was given a plus or minus score indicating positive or negative support. For example, if a senator voted "yea" on the motion to place a time limitation on the Committee on the Judiciary, this vote was recorded as a plus (or support) vote for the bill. The plus and minus votes on the twenty-five roll calls were averaged to obtain a support score for each senator.

Table VI shows that two-thirds of the Senate (sixty-four senators) demonstrated support scores of .80 or more, while only one-fifth of the Senate (nineteen senators - all from the South) demonstrated support scores of .20 or less. This indicates that the mobilization of support was successful and that there was substantial support in the Senate for the enactment of the voting rights bill.
Table VI. Distribution of senators according to the degree of support expressed for voting rights bill of 1965 on the basis of 25 roll call votes on the bill

<table>
<thead>
<tr>
<th>Support Scores</th>
<th>Number of Senators</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Support</td>
<td></td>
</tr>
<tr>
<td>.80 - .80</td>
<td>64</td>
</tr>
<tr>
<td>.60 - .60</td>
<td>8</td>
</tr>
<tr>
<td>.40 - .40</td>
<td>5</td>
</tr>
<tr>
<td>.20 - .20</td>
<td>3</td>
</tr>
<tr>
<td>Low Support</td>
<td></td>
</tr>
<tr>
<td>.20 - .00</td>
<td>19</td>
</tr>
</tbody>
</table>

This chapter has attempted to sort out the multifaceted process by which support affected the Senate's decision to enact the voting rights bill of 1965. In 1965 overwhelming support existed within the political community and within the political regime for civil rights legislation. The remaining task is to evaluate the support process as it occurred in 1966, indicating what changes took place to bring about the defeat of the civil rights bill of 1966 in the Senate.
CHAPTER 5

THE PROBLEM OF SUPPORT, 1966

The "problem of support" was solved by the proponents of the voting rights bill. It was shown in the preceding discussion how civil rights advocates successfully achieved each stage in the support process in 1965. The payoff for them was a positive policy output.

In this chapter, the "problem of support" in the decision-making process can be phrased in negative terms by asking: Why did the support process end in the Senate's rejection of the civil rights bill of 1966? If the voting rights bill of 1965 illustrates how each stage of the support process was achieved, then the civil rights bill of 1966 illustrates where the proponents were unsuccessful in bringing about support for the legislation, and how negative support was mobilized by the opponents to counteract the positive support and bring about a negative decision.

The Support Process, 1966

Stage I: Mobilization of Support by Relevant Demanders

If unity prevailed in the Negro community and among Negro leaders in 1965, disunity, confusion, and open discord
characterized their efforts in 1966. Civil rights legis­
lation of 1957, 1960, 1964, and 1965 had accomplished a
major hurdle for the Negroes. It had established that all
men, regardless of color, in the United States should have
a full measure of freedom and justice. But, 1966 created
a new problem for both the civil rights groups and Congress.
The problem became one of how to accomplish full equality
for Negro Americans.

A mood of uncertainty prevailed in the Negro
community. The door to full citizenship had been opened
to the Negro by legislation, but Negroes were unsure about
how far they could pursue their newly acquired freedom.
The more militant Negroes wanted to, and did, test the
administration on enforcement of civil rights legislation.
Most Negroes, however, were either uncertain about how to
take advantage of the legislation, or reluctant to provoke
possible economic and social reprisal from the white community.

This uncertainty was reflected by the Negro leaders.
Some, such as Roy Wilkins of the NAACP and Whitney Young of
the National Urban League, were certain that the long years
of patient and moderate protests had returned impressive
dividends to the Negro community. They pointed with pride
to over fifty years of court action and civil rights legis­
lation in 1957, 1960, 1964, and 1965. These accomplishments,
they felt, stood as monuments to the success of litigation
and legislation.
If some of the Negro leaders felt self-satisfaction over their accomplishments, others began asking: "What have we really achieved?" These Negro leaders (e.g., McKissick of CORE and Carmichael of SNCC) argued that the very accomplishments that Wilkins and the moderate leaders were so proud of was evidence that, in reality, the Negro community had been hoodwinked. They pointed to such "facts" as "de facto segregation," the Negro ghettos, and the lack of Negro political power as evidence that years of litigation and the recent legislation had brought little or no improvement to the Negro's status or living standards. He was really no better or worse off than he had ever been. These Negro leaders were not concerned with more legislation, because they were certain that the legislation already enacted had accomplished very little. Instead, they advocated more political and economic power for the Negro. They said the Negro should endorse political candidates, and make his presence known at the market place. This was a deliberate affront to the moderate leaders, who had long called for non-partisanship among the Negro community.

Thus, 1966 ushered in a new era for the Negro. As reflected by his leaders, an era which left him confused and disunified. There was very little agreement among his
leaders. Consequently, the leadership could not, and for the most part it did not, mobilize the Negro behind a common goal in 1966.

Organization of the Negro community, and a coalition of Negro leaders was not accomplished in 1966. Thus, Stage I of the support process was not successfully fulfilled.

Stages II and III: Perception and Consolidation

The dissonance in the Negro community and among its leaders was reflected in the many-faceted civil rights bill of 1966, and the months that it took to produce it. The relevant decision-makers could not discern from the relevant demanders exactly what demands were being sought in 1966. In a search for the views of civil rights leaders, President Johnson called together several hundred civil rights experts on November 17-18, 1965, for a Planning Session for the White House Conference "To Fulfill These Rights" that he had given impetus to in June, 1965, in a speech at Howard University.

From the evidence available, it appears that the most fruitful discussion at the Planning Session centered on jury selection legislation and legislation to protect civil rights workers. There was no evidence to indicate that open housing legislation was advocated by the delegates, or that the President sought suggestions on this matter.

1. The delegates to the Planning Session included a wide range of civil rights leaders, educators, labor leaders, and Governmental officials.
When he spoke to the delegates, President Johnson emphasized only jury selection legislation. "The jury is the cornerstone of our system of justice," the President told the delegates, "we must do more, we will do more in this area." The *Congressional Quarterly Almanac* did report that civil rights leaders had urged the Administration to extend President Kennedy's Executive Order 11063, instead of seeking open housing legislation. The Negro leaders were certain that inclusion of an open housing proposal in 1966 could generate substantial opposition and jeopardize civil rights legislation for 1966. Other civil rights proponents reportedly agreed that an extension of the Executive Order was preferable. The Planning Session appeared to be a disappointment both to the civil rights leaders and the Administration, and it did not produce agreement on legislation to be sought in 1966.

There are several likely reasons why the Planning Session did not produce more concrete results and why open housing legislation was not discussed. First, many delegates came to the conference openly angry at the Johnson Administration for what they considered less than full enforcement of civil rights laws. They were especially concerned that the Administration had not adequately enforced Title IV of the 1964 Act, which banned discrimination


in federally assisted programs, and that the Justice Depart-
ment should have appointed more Federal examiners under the
provisions of the Voting Rights Act. Perhaps the civil
rights leaders had the impression that even if open housing
legislation was enacted, it would not curb discrimination
in housing as effectively as an extension of the Executive
Order. Furthermore, the Executive Order would be easier
to obtain and would not jeopardize other less controversial
legislation.

A second reason may be found in the delegates'
unwillingness to accept the Administration's agenda. The
Administration wanted to make the subject of family sta-
bility in the Negro home the starting point for discussion.
The Administration was certain that if progress could be
made in this area many of the root causes of Negro poverty
and ignorance could be eliminated. But Negro delegates
either rejected or ignored this subject. Some attacked
the subject as racism, and others said it would give whites
reason to believe Negroes were inferior. The Administration's
determination to make this subject the focal point of dis-
cussion, and the delegates' unwillingness to accept it
created hostility and overshadowed all subsequent dis-
cussion at the conference.


Apparently, at the conclusion of the conference there was no agreement between the Administration and civil rights leaders on the open housing question. The Administration seemed reluctant to give the question top priority on the discussion agenda. With the controversy that surrounded the open housing question, the civil rights leaders wanted to avoid a legislative struggle which might hinder other legislative proposals.

The fact that civil rights leaders were genuinely surprised and openly upset when the President, in his State of the Union Message in January, 1966, called for:

"Legislation resting on the fullest constitutional authority of the Federal Government to prohibit racial discrimination in the sale or rental of housing,"\(^6\) testifies to the lack of agreement between the Administration and civil rights leaders. Why, then, did the President seek open housing legislation in the civil rights bill of 1966?

The President defended his decision to include the open housing provision by noting that an Executive Order would be limited to housing under direct Federal authority, and legislation was needed to eliminate all housing discrimination. In his message to Congress which accompanied the civil rights bill of 1966 when it was introduced, the President argued that:

Executive Order No. 11063 signed by President Kennedy on November 20, 1962, prohibited housing discrimination where Federal Housing Administration and Veteran Administration insurance programs are involved. That Executive Order clearly expressed the commitment of the Executive branch to the battle against housing discrimination.

But that order, and all the amendments that validly could be added to it, are inevitably restricted to those elements of housing problems which are under direct Executive authority.

Our responsibility is to deal with discrimination in all housing, old and new, and not simply in the new housing covered by the Executive Order.

I propose legislation that is constitutional in design, comprehensive in scope, and firm in enforcement. It will cover the sale, rental, and financing of all dwelling units. It will prohibit discrimination, on either racial or religious grounds, by owners, brokers, and lending corporations in their housing commitments. Under this legislation a person could sue in either State or Federal courts to block discrimination.

There is evidence to indicate that the President was not entirely concerned with the advantages of housing legislation over an extended Executive Order. The Americans for Democratic Action (ADA), an organization which strongly backed civil rights legislation, scorned the President's handling of the open housing question. The ADA accused the President of avoiding the issue and placing the responsibility on Congress. In the ADA's weekly "Legislative Newsletter, it said:

Civil rights advocates did not seek fair housing legislation since, unlike other civil rights issues, housing segregation could be

effectively banned by Executive Order. ADA [has] frequently urged the President to broaden the Executive Order (11063) to cover all federally assisted banks and lending institutions. A primary practical reason for avoiding the statutory route is that housing discrimination is a sensitive political issue. Fair housing referenda have been defeated. A fair housing provision, to civil rights advocates would only serve to complicate major legislation on ending segregated justice and deterring violence. Perhaps the very political sensitivity of fair housing resulted in the President placing the responsibility on Congress. Civil rights supporters, having lost the battle to extend the Executive Order, [have] no choice but to support fair housing legislation. If the legislation were to be defeated, there [would be no] realistic chance of obtaining an Executive Order anyway. By urging legislation, the Administration was precluding a policy of barring housing discrimination by Executive Order.8

It appears that the ADA's speculation that the President evaded coming to grips with the housing question by placing the responsibility on Congress was well founded.

However, there is reason to believe that the President's motives went beyond "passing the buck." He could have signed another Executive Order without creating a great deal of controversy. After all, President Kennedy's housing order had been in effect since 1962.

Although his popularity had been slowly decreasing since his election in 1964, the President was still enjoying widespread public approval in January, 1966, when he advocated open housing legislation in his State of the Union

Message. Furthermore, the President commanded the same Congress which had passed so much of his landmark legislation in the preceding session of Congress. Therefore, why not press for more landmark legislation? In January, 1966, the odds were in favor of its passage. Here was an opportunity for the President to demonstrate that he was still a powerful legislative leader. And, in a Congressional election year, his party could command attention as the party willing to come to grips with important domestic problems.

The actual timing of the bill - from its inception in November, 1965, at the Planning Session until its introduction in April, 1966 - gives evidence that there was little agreement and accord between the Administration and civil rights leaders. Accepting the realities of political life, the civil rights leaders were anxious to start the bill moving through Congress. With the open housing section, they anticipated a difficult struggle and possibly a long filibuster in the Senate. However, after the President called for an open housing law in his State of the Union Message, more than three months passed before the White House sent the bill to Congress.

9. Gallup Poll Index, Report No. 8, January, 1966 shows that: 63 percent of the American public approved of President Johnson's handling of the presidency. The President, of course, was unable to know that by June, 1966, during Congressional consideration of the civil rights bill, this figure would have decreased to 46 percent.
Whatever the President's motives were in advocating open housing legislation, the evidence clearly indicates that the relevant demanders and the relevant decision-makers were not consolidated in their efforts for civil rights legislation in 1966 as they had been in 1965. They did not present a united set of demands to Congress. Consequently, the Administration was not given a solid base by the relevant demanders with which to work. The civil rights groups were unsure as to what it was they wanted, and this hindered the decision-makers. But, on the other hand, it appears that the Administration let political expediency (or what they felt was political expediency) guide their recommendations on Title IV. Thus, Stages II and III of the support process were not successfully achieved.

Stages IV and V: Mobilization of Support by Relevant Decision-Makers and Legislative Actors' Perception of Demands

The relevant decision-makers were faced with a more serious problem of mobilizing support in 1966. The President was unable to mobilize support among a strong coalition of relevant decision-makers. With new problems confronting him in 1966 - both domestic and foreign - the President faced a more difficult task of mobilizing support among non-demanders. When the bill was placed before Congress, support had not been mobilized among the legislative actors.
In 1965, the President had brought together a powerful bi-partisan group of relevant decision-makers who worked vigorously for the voting rights bill. But, in 1966, the President was unable to convince some of the important Senators, who had played vital roles on past civil rights legislation, that open housing should be dealt with by legislation, and not by extension of an Executive Order. For example, Senator Javits, an outspoken advocate of civil rights, and a person who had praised President Johnson's efforts in 1965, accused the President of shifting responsibility to Congress.10 Senator Dirksen would have no part of a civil rights bill with an open housing section. He termed the open housing section "absolutely unconstitutional."11

The President was not only faced with dissension among relevant decision-makers who had played important roles in the past, but he was also faced with new problems of mobilizing support among the general public. A new issue was being sought - one which extended to every state in the Union. For the first time, with the open housing provision, civil rights legislation was directed not only

10. Javits expressed this feeling in a Senate speech printed in the Congressional Record, Daily Edition, June 9, 1966, p. 12131: "The President should not be allowed to shift this responsibility to Congress, where there always is the possibility that Congress would have to accept much less than the President could require by the stroke of a pen."

at the South, but also at the North, East, and West. It was found that racism and prejudice attitudes were not limited to one section of the country. When whites found out that legislation was being sought that would allow Negroes to rent and buy housing in all areas, they became hostile. Freedom and equality were fine, but not next door!

The hostility of the white community intensified as many Negroes became more militant and openly critical of the Johnson Administration's enforcement of civil rights laws and its Vietnam policy. Throughout the country whites expressed strong disapproval of militancy in the Negro community. With white attitudes becoming more and more hostile toward the Negro and with many Negroes openly critical of his Administration, the President could not stand before the Nation, place the full resources of his

In response to a Gallup Poll question in September, 1966: "What is your opinion of 'Black Power?'" whites expressed the following attitudes:

<table>
<thead>
<tr>
<th></th>
<th>Northern whites</th>
<th>Southern whites</th>
</tr>
</thead>
<tbody>
<tr>
<td>General negative reactions - &quot;its terrible, disgraceful,&quot; etc.</td>
<td>39%</td>
<td>44%</td>
</tr>
<tr>
<td>It should be stopped, ended before it gets out of hand</td>
<td>8%</td>
<td>9%</td>
</tr>
<tr>
<td>Inspired by the Communists</td>
<td>4%</td>
<td>10%</td>
</tr>
<tr>
<td>General anti-civil rights statements</td>
<td>5%</td>
<td>2%</td>
</tr>
<tr>
<td>Negroes should be given equal rights, but not extreme power</td>
<td>11%</td>
<td>4%</td>
</tr>
<tr>
<td>There should be no supreme power</td>
<td>7%</td>
<td>4%</td>
</tr>
<tr>
<td>Approval of Black Power</td>
<td>8%</td>
<td>3%</td>
</tr>
<tr>
<td>Others, No opinion</td>
<td>18%</td>
<td>24%</td>
</tr>
</tbody>
</table>

office behind the Negro's cause as he had a year earlier, and proclaim: "We shall overcome."

The President was also faced with a general decline in support for the political regime. This is shown by a decrease in public approval of President Johnson's handling of the presidency, disagreement with the President's Vietnam war policy, and general disapproval of the Great Society.

In late March, 1966, 56 percent of the American public approved of President Johnson's presidency (a decrease of 7 percent from January, 1966). By late June, this figure was down to 50 percent.\textsuperscript{13} A marked decrease in public approval of President Johnson's Vietnam war policy was apparent during 1966. Public approval of the President's war policy fell from 56 percent in late March, 1966 to 40 percent in late June, 1966.\textsuperscript{14} Finally, by the end of 1966, 44 percent of the American public held an unfavorable opinion of the Great Society, while only 32 percent held a favorable opinion.\textsuperscript{15}

The civil rights bill of 1966 was introduced in Congress under quite different support circumstances than the voting rights bill of the preceding year. The conditions for support in Stages I, II, III, and IV had not been met.

\begin{itemize}
\item \textsuperscript{13} Gallup Poll Index, Report No. 18, November-December, 1966, p. 3.
\item \textsuperscript{14} Ibid., p. 4.
\item \textsuperscript{15} Ibid., p. 5.
\end{itemize}
Thus the Administration had to send to Congress a bill which did not enjoy a high degree of support among the secondary and relevant members of the decision-making process. (It was argued in Chapter 1 that a high degree of support was a necessary prerequisite on an issue as intense as civil rights.)

At the outset of Senate consideration of the civil rights bill of 1966, there was evidence that legislative support was low. When the bill was introduced, even the majority leader, Mike Mansfield, did not make an avowed effort to see that the bill was expeditiously handled. Senator Javits, realizing that Senator Eastland, chairman of the Committee on the Judiciary, would delay and, if possible, render the bill ineffective in Committee, hinted that he might introduce a motion to put a time limitation on the Committee. Senator Mansfield immediately voiced strong opposition to such a proposal.

I have heard rumors that such a proposal [time limitation on the Committee] has been advanced by Senator Javits. I have no definite information to that effect. But I have stated publicly, and I state again, that I shall speak against a proposal to refer a bill just introduced to a committee, with instructions to report back at a certain time. I would vote against such a proposal, if it came to that.16

What a change from his 1965 position, when he vigorously supported a similar motion on the voting rights bill! A

plausible explanation is that Mansfield's actions were not necessarily against the Administration but in support of it. This could have been a deliberate attempt to quell any controversy that might arise over the bill, and let it find its way through the legislative chambers without interference from the executive. It does not seem likely that President Johnson would have wanted his bill defeated in the Judiciary Committee. After all, his prestige was riding on the bill. No doubt he wanted it passed. But, the Administration was not enjoying a wide range of support either among civil rights advocates or among the general public. Perhaps, it was felt that to press the Senate by restricting committee consideration would create hostility toward the Administration and jeopardize other legislation. It is plausible to assume that it was the Administration's strategy to work for passage in the House and by-pass the Judiciary Committee - which, in fact, is what developed.

Faced with the prospects of a difficult legislative struggle, the Administration embarked on a campaign to generate support for the bill. In March, April, and May, Administration spokesmen made speeches lauding the President's civil rights proposals, especially the open housing provisions. Leading the way was the Vice President. In speeches in Philadelphia and New York, the Vice President
hammered away at the same theme:

Today one fact is clear: America has come to grips with racial discrimination. Yet, despite our victories, ... civil rights is the principal domestic concern facing the people of this land. Our task now is to move beyond equality in law to equality in fact, to build this total environment of freedom in which all men can exercise meaningful choices in the vital areas of life. President Johnson has voiced his determination to complete this task and he is carrying it out with his [legislative proposals].17

The Vice President revealed that the Administration's attempt to mobilize support would be highlighted by the White House Conference "To Fulfill These Rights."

We have learned there are limits to the burden the Federal government can and should bear. It is in the very nature of a free society that a concept like equality of opportunity for all citizens - if it is to become a reality in practice and not just in theory - must have the active support of the American people.

The full mobilization of that support has now become the great challenge in civil rights. This task will be at the top of the agenda for the White House Conference scheduled for next week in Washington, D.C.18

The Administration's offensive campaign for support was quickly curtailed, however. The riots which erupted in big cities across the country placed the Administration and civil rights proponents in a dilemma. On the one hand, they had to champion demands for civil rights legislation, and on the other hand, they had to condemn the actions of some of those for whom they were making the demands.


18. Ibid. (Emphasis added)
In addition, hostility from the white community was growing. A Louis Harris Poll taken in September, 1966, indicated that white resentment was stimulated not so much by the riots, but by cries of "black power" and "burn, baby, burn" that accompanied them. The Poll showed that 75 percent of the Nation's whites thought that Negroes were moving too fast. This compared to only 50 percent in 1964.19

In the Senate, debate developed on the causes of the riots. The proponents of civil rights were certain that the slum conditions of the ghetto areas where the riots occurred, and the deplorable conditions of life that existed in them, had led to the rioting and violence. By turning the guilt away from the Negroes and placing it on their environment, the proponents attempted to quell the growing emity caused by the riots.20

But, the proponents were unsuccessful in turning attention away from the riots by calling attention to possible environmental causes, and asserting that the Negro was a victim of circumstance. The riots drew bitter resentment among the senators. Civil rights leaders and sympathizers (e.g., clergymen), who were lauded a year

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before, were accused of contributing to the civil dis-
obedience.21 There were even cries of "national con-
spiracy." Senator Lausche, a supporter of the voting
rights bill, attributed the riots to "a national con-
spiracy methodically and manifestly directed by experts."22
Similar charges a year before by opponents of the voting
rights bill had received no more than a passing glance,
but Senator Lausche's charges received Senate attention.
Senator Carl T. Curtis (R - Nebraska), for example, an-
other Senator who had voted for the 1965 bill, had Lausche's
charges printed in the Record.

The opponents were quick to capitalize on the riots
as a point of controversy on the pending legislation. They
placed the responsibility of the riots squarely on the
President. For example, Senator Herman E. Talmadge (D -
Georgia) said:

The hour has come for the President of the
United States to give this situation [the riots]
his immediate attention, I urge him to make a
personal appeal as Chief Executive for restoration
of law and order. It is fully appropriate for him
to do so at the earliest possible time. Moreover,
in the interest of preserving the peace and in-
suring domestic tranquility, it falls his duty to
do so.
I hope he will exert his leadership and make
his voice heard.23

21. Congressional Record, Daily Edition, July 29,
1966, p. 16635.
22. Ibid.
23. Congressional Record, Daily Edition, July 20,
1966, p. 16014.
Senator Robert C. Byrd (D - West Virginia) also called on the President to speak out against the rioters:

[I] have sent a telegram to the President appealing for a stronger leadership than has thus far been displayed to end the senseless riots which have broken out in our major cities. The President's belated statement at a news conference this week warning civil rights workers that they stand to lose support of many white citizens by these riots apparently has gone unheeded. This is obvious from the riots which have continued in Cleveland and which occurred last night in Brooklyn.

[The] time has come for the President of the United States to use the full power and prestige of his office to discourage and help end these lawless demonstrations. I appeal to the President to speak firmly and unequivocally on these dangerous situations. I appeal to him to say that they must end and that they will not be tolerated. I appeal to him to urge the rioters to live within the law.

The President must speak out now to civil rights organizations and challenge them to disavow violence.

What Senator Byrd was apparently unaware of, or did not care to recognize, was the fact that the civil rights leaders, even if they wanted to, could not control the rioters anymore than anyone else could. King had tried in Chicago, and was unsuccessful. Even if the civil rights leaders spoke to the rioters, they could only further confuse them.

The President was forced to respond to the riots. At first he expressed concern over the effects of the riots on civil rights gains:

I believe that if we are not to lose a great many of the gains that we have made in recent years in treating people equally in this country and giving them equality in opportunity, equality in education, equality in employment, then we must recognize that while there is a Negro minority of 10% in this country, there is a majority of 90% that are not Negroes.

But I believe most of those 90% have come around to the viewpoint of wanting to see equality and justice given their fellow citizens.

Now they want to see it done under the law. And they want to see it done orderly. And they want to see it done without violence.  

As the riots became more severe, the President was compelled to make stronger statements against the rioters and militant demonstrators. In a prepared speech in Indianapolis, the President said:

There are ways of protesting that any civilized society can tolerate. There are also ways that are unacceptable. The ballot box, the neighborhood communities, the political and civil rights organizations— are the means by which Americans express their resentment against intolerable conditions. They are designed to reform society, not to rip it apart.

Riots in the streets do not bring about lasting reforms. They tear at the very fabric of the community. They set neighborhood against neighborhood and create walls of mistrust and fear between them. They make people who can and must support reform. They start a chain reaction the consequences of which always fall most heavily on those who begin them.

So it is not only to protect society at large that we refuse to condone riots and disorder. It is to serve the real interests of those for whose cause we struggle.

Our society can abide civil protest. It can improve the lives of those who mount that protest. But, it cannot abide civil violence. 26

The President was now in a precarious situation. At the very time his civil rights proposals were being considered in Congress, he had to call attention to the destructive activities of rioting Negroes.

The opponents had an issue with which to challenge the civil rights bill of 1966 in the Senate. In 1965, the opponents had to answer queries about whites clubbing Negroes and using nightsticks, dogs, and whips to turn back peaceful demonstrators. In 1966, the situation was reversed. The proponents had to answer queries about Negroes looting and burning in over a dozen cities throughout the country.

The outlook for civil rights legislation in August, 1966, was dim indeed. After sending the bill to the Committee on the Judiciary's Subcommittee on Constitutional Rights (chaired by another staunch opponent of civil rights, Senator Ervin) Senator Eastland had "sat" on the bill in full committee after it was reported by the Subcommittee. There was little hope that the bill would be reported to the Senate before adjournment. However, the prospects for a bill brightened when the House passed its version of the bill on August 9.

The House bill was placed directly on the Senate calendar. However, a motion by Senator Hart to begin consideration of the bill on September 12 was blocked by the opponents, who vowed they were ready to talk indefinitely. After a week of debate on Hart's motion, the Democratic leadership attempted to invoke cloture. The needed two-thirds majority fell short by ten votes. Five days later, the leadership again called for the cloture motion. Again the motion was rejected. The necessary legislative support was not available. The civil rights bill of 1966 was defeated.

The civil rights bill of 1966 was stymied at each stage of the support process. The proponents were unable to give the bill the needed momentum when required. The Senate had reverted back to its pre-1964 days on civil rights legislation. It chose to reverse the precedent that it had set in 1964. It would not invoke cloture.27

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27. The cloture motion has been in effect since the adoption of Senate Rule 22 in 1917. There have been 37 cloture votes, of which only seven have been successful. Two of the seven were on civil rights bills - the civil rights bill of 1964 and the voting rights bill of 1965. The Senate had rejected a cloture motion on the civil rights bill of 1960 (42 to 53). For a list of cloture votes see: Congressional Quarterly Almanac, 1966, p. 471.
CHAPTER 6

CONCLUSION

This study has purported to the "theoretical."\(^1\) It has been theoretical in the sense that it has attempted to describe decision-making on civil rights legislation in the United States Senate in terms of the concept "support." The descriptive aspects have been blended with the theoretical aspects to test the utility of support as an explanatory concept of decision-making in the American political system. The description of Senate action on two civil rights bills has led to some generalizations not only about decision-making but also about the uselessness of a systems framework, especially the support variable.

Easton discussed support only in general terms. To use the concept to explain political realities, it is necessary to clarify and expand its meaning. Two clarifying dimensions of support have been suggested in this study - the mobilization of support and the perception of support.

\(^1\) "Theory" as used here does not refer to a true-false description of the real world, but rather to an instrumental tool which allows one to sort out the complex, interrelated activities of politics and place them in a coherent, orderly context - a conceptual framework. See: Fred M. Frohock, The Nature of Political Inquiry (Illinois: The Dorsey Press, 1967), pp. 7-13.
These dimensions and their characteristics should be re-viewed at this point.

Two Dimensions of Support

Mobilization

An idea central to this study is that in a complex, highly fragmented democratic society where there are numerous centers of political influence, the mobilization of support for demands being expressed by groups and individuals in the political system is a necessary dimension of decision-making. This study has suggested that support must be mobilized for all legislative demands in order to bring about policy legitimation. Perhaps on most legislation, the mobilization of support is not as important as it is on civil rights, but the mobilization of support at some level in the decision-making process is always necessary. For example, for some legislation support among demanders may not be necessary; however, support among legislative actors (at least support among a simple majority) is always necessary. In the case of the 1965 and 1966 civil rights bills, the conceptualization of mobilization as a dimension of support yielded several important findings about the characteristics of decision-making in the American political system.

Mobilization of Support by Relevant Members. The first important characteristic of the decision-making
process revealed by this study is the significance of the relevant members as mobilizers of support. For policy to be legitimized, it is extremely important for the relevant members to take the initiative and generate support for their views. It is especially important for relevant members to generate support for issues (such as civil rights) that extend to a large segment of the population of the political system.

This study has demonstrated that to influence policy outputs relevant demanders must mobilize support among demanders, among themselves, among non-demanders, and among relevant decision-makers. Initially, the relevant demanders attempt to mobilize support among the demanders and among themselves in order to establish goals to be pursued in the decision-making process and strategies for implementing these goals. Next, the relevant demanders seek support among non-demanders in order to broaden their base of support. Mobilization of support among non-demanders may entice other groups and individuals to become actual demanders, or it may quell potential opposition. Finally, the relevant demanders attempt to gain support among relevant decision-makers in order to insure that their demands will be placed on the legislative agenda of government.

Relevant decision-makers are also important as mobilizers of support. They attempt to mobilize support
among themselves, among non-demanders, and among legislative actors. The relevant decision-makers, in the same way as relevant demanders, set forth goals and strategies among themselves for the demands that they wish to present at the legislative level. After this initial task is accomplished, the relevant decision-makers attempt to mobilize support among non-demanders and among legislative actors.

The President plays the paramount role as a relevant decision-maker mobilizing support. The presidency of the United States is the most important position in our governmental structure. The President commands not only national attention but also world attention. Thus, the priorities he places on legislation, what he says about legislation, when he says it, and how he says it can make substantial differences in support for or against a legislative decision.

Communication and Integration of Efforts. A second characteristic of decision-making suggested by this study, one closely linked to the previous one, is the need for close communication, and integration of efforts, among the relevant members of the decision-making process. Communication and a high measure of agreement must exist not only between the relevant demanders and the relevant decision-makers but also among.
the relevant demanders themselves and among the relevant decision-makers themselves.

This study has suggested that communication and agreement is especially important between relevant demanders and relevant decision-makers. For example, on the voting rights bill the civil rights leaders and the policy formulators were in complete accord. The group leaders had articulated a set of demands, and the policy formulators perceived these demands and formulated them into legislative proposals. In 1966, the group leaders did not articulate a coherent set of demands, and the policy formulators did not adhere to their request that open housing proposals be excluded from legislation that would be advocated.

By the same token, there was an integrated effort among the relevant demanders in 1965 to seek a common goal. This solidarity of purpose was also found among relevant decision-makers in 1965. But, in 1966 a common goal could not be obtained either among the relevant demanders or among the relevant decision-makers. It was shown that communication among the relevant members affected the mobilization of support among secondary and legislative members and, ultimately, affected policy outputs in both years.

**Formulation of Support Coalitions.** A third significant characteristic of decision-making is the formulation
of supportive coalitions. These coalitions are built at three levels: among the relevant demanders; among the relevant decision-makers; and, among the legislative actors. If successfully achieved at each level, the supportive coalitions are virtually unbeatable (provided, of course, they are directed toward an integrated set of demands).

There must be some measure of communication and agreement among the members of the decision-making process to establish support coalitions. Thus, the mobilization of supportive coalitions are highly related to the mobilization efforts of the relevant members and the communication and agreement that exists among them.

Perception

Perception of support is closely related to the dimension of mobilization and the characteristics of decision-making that surround mobilization. In the American political system, decision-makers must enjoy some degree of support among the general membership of the political system. Whether this support is real or imaginary is not important. (Unless, of course, it means electoral support). What is important, in terms of legislative policy-making is the decision-makers' perception of support (real or imaginary) for demands being advocated.

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2. Here, decision-makers refer both to relevant decision-makers and legislative actors.
When support has been mobilized by the relevant members, and they have established a broad base of support within the political system for their demands, the supportive attitudes of the decision-makers will probably be influenced by these support activities. It becomes important, therefore, for the relevant members to mobilize support by establishing close communication, integrating their efforts to pursue a common goal, and organizing supportive coalitions to implement these goals. Thus, perception of support cuts across the mobilization efforts of the relevant members because political demands must be perceived and, more importantly, demands must be supported. The mobilization of a high degree of support will undoubtedly effect the supportive attitudes of the decision-makers.

**Variables Influencing Support on Civil Rights Legislation in 1965 and 1966**

In addition to suggesting two dimensions which plausibly affect support on all legislation, this study has indicated that certain variables, unique to the two bills examined, were especially important in influencing support for civil rights legislation in 1965 and 1966. One such variable was leadership. It was shown that group leadership, presidential leadership, and senatorial leadership were important in influencing policy decisions
in 1965 and 1966. The activity of civil rights leaders in 1965 was an important factor in mobilizing support and contributing to the final decision on the voting rights bill. In 1966, the lack of group leadership among civil rights leaders was detrimental to the policy output. Presidential leadership was shown to be a paramount factor in decision-making on civil rights legislation. President Johnson's willingness to accept civil rights demands and work vigorously for them in 1965 was an extremely important aspect in influencing the final policy decisions. His unwillingness in 1966 to adhere to suggestions by civil rights experts and Senate leaders, on the open housing question undoubtedly jeopardized civil rights legislation in this year. Leadership in the Senate is important also. Senators Mansfield and Dirksen guided the voting rights bill through Congress expeditiously. Without Dirksen's leadership in 1966 and with lukewarm support from Mansfield, the bill lost considerable support.

A second variable influencing the dimensions of support was the sequence of events and the timing of these events. In 1965, political events, highlighted by the voting rights demonstrations, increasingly drew support for legislation until there was a high degree of support when the voting rights bill was introduced in Congress. In 1966, political events did not generate support for
civil rights legislation as they had in 1965. At one point the 1966 bill seemed to be gaining momentum, but big-city riots occurred and worked against efforts to mobilize support.

Closely related to the sequence of events is a third variable which influenced support on civil rights legislation in 1965 and 1966. A variable which may be called the "temper of the times." In 1965, widespread support existed for civil rights. The first half of the decade witnessed a new era of race relations in this country. This was climaxed by the enactment of the civil rights act of 1964. In addition, widespread support existed for the political regime. Civil rights legislation was advocated in 1965 under the best possible circumstances. But, in 1966 the "temper of the times" was changing. Public support for civil rights legislation was declining. The President's popular support was declining. New issues, especially the Vietnam war and strife in American cities, created a mood of hostility toward the Negro community and the political regime.

A fourth variable was the geographical target of the legislation. Civil rights legislation, prior to 1966, was directed at the South. But, in 1966, the scope of the bill (primarily Title IV, the open housing section) was expanded to cover the entire Nation. As a result,
the scope of support changed. Support had to be mobilized among a larger portion of the population. Likewise, legislative support had to be mobilized among a broader spectrum of Congressmen. Congressmen had to cope with an issue that directly affected their states and districts for the first time.

The Utility of the Support Concept

In addition to identifying two dimensions of support and some of the variables influencing these dimensions on civil rights legislation in 1965 and 1966, this study has tested the utility of a systems framework for analyzing policy-making. More specifically, it has been concerned with the utility of the concept of support as one part of David Easton's systems framework.

This study has shown that in the realities of decision-making in the American political system, support functions in a much more complex fashion than indicated by Easton. Easton, of course, discussed support in the most general sense. But, he provided little direction in the utilization of this concept to explain political decision-making. Thus it was necessary to "flesh out" the concept as it applied to specific decision-making situations.

The fact that one can rely on the concept for general direction - expanding on its meaning for various
decision-making situations - demonstrates the utility of support as an analytical concept. The empirical elements of support, and the changes in support, could be clearly seen on the two bills examined. This indicates that support may be used as an explanatory variable to describe decision-making in the American political system. It should also be noted that a theory of support seems to be highly related to various elements of the group theory of politics. Indeed, group theory may be a most useful middle-range theory for understanding mobilization and perception of support in the political process.
### APPENDIX A

#### SENATORS' SUPPORT SCORES ON VOTING RIGHTS BILL

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The support scores were derived from the following 25 roll call votes on the voting rights bill of 1965. Each roll call was given a plus score for a positive support vote or a negative score for a negative support vote. The scores were averaged for each senator in order to obtain his support score.

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**Articles**


**Periodicals**

