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SEN. HUMPHREY AND SEN. RUSSELL, CIVIL RIGHTS

FRANK BLAIR: "The historic 1964 civil rights debate is now in its second week in the Senate of the United States. The consensus on both sides of the aisle is that when this debate is done, and a determined southern filibuster may extend it for weeks, the Senate will pass a civil rights bill almost as strong as the version already approved in the House. The floor generals are Georgia's Senator Richard Russell, who leads the southern bloc in dedicated opposition, and Minnesota's Senator Hubert Humphrey, the Majority Whip who commands the pro-civil rights forces. Our Washington correspondent, Martin Agronsky has asked Mr. Russell and Mr. Humphrey to set forth their opposing views. So now, here is Martin Agronsky."

MR. AGRONSKY WAS SEEN ON THE TV SCREEN, WITH  
HIS GUESTS SENATOR RUSSELL AND SENATOR HUMPHREY.

AGRONSKY: "Thank you, Frank. Gentlemen, you, Senator Russell, and you, Senator Humphrey, are the opposing generals in the civil rights bill battle that's been joined on the floor of the Senate. Senator Russell, you're the southern leader. You opened the debate last week with a warning. You said there would be no compromise in your opposition to this legislation -- that you would fight it to the bitter end. Is that still your position, sir?"

RUSSELL: "That statement was made in a press conference, preceding my speech, Mr. Agronsky, when I was asked if I saw any grounds for a compromise. Of course all legislation is a result of compromise. What I really meant by that was that the differences between the contending parties were so great that we could not accept what the proponents would believe was an acceptable bill, and that the proponents were so firmly committed to the stringent provisions of this bill, that I did not have any idea that they would accept any modification of them. For that reason it seems to me that this was a contest that would have to be fought out to the bitter end.

"Of course I'm not closing the door to any offer of compromise at any time."

AGRONSKY: "Senator Humphrey, what's your feeling about the prospects for compromise?"

HUMPHREY: "Well it's my view that the bill that came to us from the House of Representatives represented a substantial adjustment or compromise with the original bill that was presented by the administration last June, upon which hearings were held in the summer months. Also that bill -- the House bill -- had many amendments added to it, not only in the Committee on the Judiciary of the House, but on the floor of the House. These amendments were designed to reduce some of the more strict provisions of the bill, to make sure that court procedures were followed. In other words to moderate the bill.

"Now I want to say to the Senator from Georgia that as we go along in this debate, that if the opposing forces can see fit to make some adjustment in their position, of course we are reasonable men, and there may well be an opportunity to work out a very satisfactory solution. As I see it now, we have a good bill."

RUSSELL: "First let me say that I can't accept the premise that you advance that this is a moderate bill. As a matter of fact this bill is much more stringent and far-reaching than the original bill that President Kennedy sent to the Congress, and contains provisions that were not even in the original bill reported out by the House Committee, particularly the feature that I regard as being very socialistic, the FEPC provision -- that was not in the President's original bill, as you well know."

HUMPHREY: "The Senator's correct."

RUSSELL: "Nor was it in the original bill that was reported out by the House. It was finally brought in on the demand of some of those who would not support the bill unless it was included, and you can't possibly sugar-coat this bill to make it look attractive. There hasn't been any far-reaching bill such as this submitted to the Congress of the United States in many decades."

HUMPHREY: "Well Senator, I want to say that I consider this bill not to be sugar-coated. I consider it to be a very much needed medicine for the American economy and for the American social structure. The Fair Employment Practices provision that was added is a very moderate one, and modest. First of all it doesn't go into effect at all the first year. Then when it does go into effect, it applies to only those employers of 100 or more employees, and then there is a four-year period before it has its maximum effectiveness. The Fair Employment Practices Commission has no powers whatsoever, except to bring a case to a court of law, so that there are no criminal penalties -- in fact there are no penalties provided. The penalties rest entirely as to whether or not the Commission, in

finding that there's been an employment practice that discriminates, can prove that point in a court of law, and the burden of proof resting upon the Commission. I consider this rather reasonable -- many states in the Union already have this, and even with more strict provisions."

RUSSELL: "Oh yes, indeed they do, but it's more honored in the breach than in the observance in a great many of the states, and we all know that if it's enacted as a federal statute, that the forces back of this bill will see that the Attorney General prosecutes each and every case to the very limit of the law. Now the fact that this is slow poison, and is going to kill the American system of free enterprise gradually doesn't make it any more attractive to me. I'll admit it only applies to firms with 100 or more employees the first year, and that I imagine covers five-sixths of the employees in this country. Next year it goes down to 75, then to 50, then to 25, and you speak about not having any enforcement provisions -- if there's any one thing that an employer of many men, who is a busy business man or industrialist, doesn't like, it's to be dragged through the courts -- and here you have a case where the member of the minority group will file a complaint that he's been discriminated against, either in employment or in promotion -- it goes that far -- and it puts the federal government really in the position of mentor of the personnel policies of all of your industry in this country, and all of your business in this country, and I do not believe that the federal government can take that much control over our free enterprise system without eventually winding up with directing its interests in entirety, and that of course would mean that we'd have state socialism here.

"I realize we have the laws in some of the states, and that this law also I think provides for some effort at conciliation before the prosecution -- "

HUMPHREY: "Voluntary system of defiance --"

RUSSELL: "But the fact remains that the average garden variety of American who's not a member of one of these minority groups -- he'll have no chance in the matter of promotion or in the matter of employment, because the employer knows that he can't drag him through the courts, whereas the minority group applicant can drag him through the courts. And in my judgment, it will result in many more injustices than it will rectify.

"The truth of the matter is, there's no lack of employment opportunities in this country today for men that are trained. Our trouble today is that we do not have enough people who are adequately trained, to keep pace with this modern industrial development and complex that we have that does require such a high degree of training."

HUMPHREY: "Senator, I surely agree with you the necessity of training, and we have supported such legislation, and there's more that needs to be done, not only legislatively, but in the private economy. But I must take exception to your general characterization of this particular provision, which is only one -- may I say -- of several, and was added on the floor, was added, if I might add, by our Republican friends in the House of Representatives, is considered to be a rather moderate provision under any description of a fair employment practices provision, and such provisions have not thwarted the private enterprise economy.

"For example, the rate of economic growth in this country is the highest in the states that have fair employment practices -- state commissions with enforcement powers. The rate of per capita income growth is the largest in the states that have fair employment practices state commissions. The rate, may I say, of retraining and training of workers, is the highest in the states that have such commissions, so despite the broad charges that you bring against this particular provision, when it's examined under experience, when it's examined under the experience of other bodies that are duly constituted and have enforcement provisions for fair employment practices, your argument just doesn't hold up."

RUSSELL: "Well, I don't have the figures before me, and I haven't seen them there from elsewhere that would compare the states that have the fair employment practice laws, with those who do not, and I doubt very much if that generalization will apply in all instances."

HUMPHREY: "Well, in most instances, Senator --"

RUSSELL: "As a matter of fact I'm sure that it will not in all instances, but we're speaking now about the heavy hand of the federal government. We're speaking about federal compulsion, and this compulsion on private property is not only in the FEPC, it's in the so-called public accommodations clause --"

HUMPHREY: "Exactly -- also the voting rights clause --"

RUSSELL: "The heavy hand of -- well I must concede that any law that has, applies to voting rights, could be properly called a civil rights bill whether it's constitutional or not, but I don't believe that these other provisions that provide for the federal government to invade areas they have never before operated in, and apply federal compulsion to individual citizens, have any place in our system of government. You have state laws, it's true, on these matters, but they aren't enforced very vigorously, and we all know that. But the federal government, given an Attorney General like the one that we have at the present time, who is very diligent in following any lead that he may have to the last conclusion, would make life miserable for anyone that he assumed was violating the law. "

HUMPHREY: "Well, Senator --"



RUSSELL: "He's got two strikes on him anyhow, because he can't get to a jury."

HUMPHREY: "Well now, Senator, first of all we have to remember that a citizen of this country is a citizen of the United States, and the Constitution of the United States does provide that no state may deny any citizen the equal protections of the law, or life, liberty or property without due process of law, and it is also the full effect of the Constitution in terms of the immunities and privileges of the law for every citizen. What we seek to do in this one title -- there are two titles that you speak of in particular. One is that permits the government of the United States to assure that there'll be no discrimination in public facilities -- public facilities that are paid for by the general public --"

RUSSELL: "That's -- no controversy about that, Senator --"

(BOTH TALKED AT ONCE)

HUMPHREY: "Well, that's a part of this bill --"

RUSSELL: "That's been in it since 1954 --"

HUMPHREY: "That's a part of this bill. Secondly we have a provision in this bill, called Title 3, that provides that there shall be -- or I should say Title 2, that provides that there shall be no discrimination in terms of public accommodations, and that isn't limited to certain types of accommodations, like hotels, motels, restaurants, lunch counters -- those matters which have traditionally been considered to be public, and in the public domain. Now if you --"

RUSSELL: "--the whole area -- it's not limited to type by the--"

HUMPHREY: "Well, it is, Senator."

RUSSELL: "Any place a public accommodation, it specifically spells out recreation, neighborhood bowling alley -- the owner can't control it. If he serves a hot dog there in the bowling alley. And it is a serious invasion of the right of private property, and it's a part of this whole drive to fix all American citizens in a common mold. It's part of what you're seeing today in New York City, where the pressure has been brought so great, that the Board of Education has agreed to abandon neighborhood schools and bus the people across town to --"

HUMPHREY: "This bill does not provide for that, Senator, and you know that."

RUSSELL: "(Words unclear) under it --"

HUMPHREY: "No, it specifically -- specifically this is eliminated under the bill. Furthermore, I would say this. Now in all due respect, what we're talking about is permitting a man to have public accommodations, without regard to race. Now we permit

people to come into hotels, that are dope addicts, that are people of immoral character, that are people who have bad records -- as long as they're white. But if a decent, wholesome citizen, who may have a fine reputation --"

RUSSELL: "That's an assumption --"

HUMPHREY: "It does happen."

RUSSELL: "Hotel owners don't do that --"

HUMPHREY: "Not knowingly, but it happens --"

RUSSELL: "Wouldn't let them do it."

HUMPHREY: "Not knowingly, but it happens, and all I can say is that it ill behooves us to say that because of a man's color that he should be denied the equal opportunity to share in what are known as public facilities. When you have a hotel, it's a hotel for the public, unless you want to call it a private club. And if it's a private club, then it's excluded under this legislation."

RUSSELL: "Now I don't agree to that, because I think the language is so trickily drawn, that a private club isn't excluded, but there is a difference. Under our free enterprise system, it was conceived that where each citizen had a right to build a swimming pool, that he could do it, without regard to race, creed, color, national origin or beliefs in any area. But also the ownership and dominion over private property in this country was such that he had a right to say who he'd do business with. I personally think that if a man wanted to have a drug store, and say I will only do business with red-headed women with one blue eye and one gray eye, that under our free enterprise system, he should have a right to do it."

HUMPHREY: "Now, now Senator --"

AGRONSKY: "He'd have a hard time making it, wouldn't he?"

HUMPHREY: "You think that if he owned, for example, a restaurant --"

RUSSELL: "It's up to him --"

HUMPHREY: "And he said I don't believe in modern plumbing, that he ought to have free enterprise right, to where he doesn't even have an opportunity to live up to certain sets of standards. Do you believe, for example, that a man that doesn't believe in -- that does not believe in segregation, should have to abide by laws that say you must segregate? Now we have interference with private property all over the United States by state law, not only by federal law -- we have some states, for example in the city of Birmingham,

Alabama, and thank goodness, it isn't true now, but not long ago -- as late as 1963, there was an ordinance that said that if you were to have colored and white in the same restaurant, you must build a seven-foot wall between the different parts. Well now isn't that an invasion of private property?"

RUSSELL: "Well those laws have all been -- as the Senator well knows -- have been long since stricken down. We're now talking about freedom of choice in the individual --"

HUMPHREY: "Right."

RUSSELL: "--insofar as his associates are concerned. The Senator speaks about the health status, and in the investigation sees that he's not selling bad milk, or poison, --"

HUMPHREY: "Right."

RUSSELL: "But there's a great deal of difference in requiring a man to serve those that he invites pure food, than in compelling him to invite people that he doesn't want in the premises at all --"

HUMPHREY: "You don't compel him to invite them at all --"

RUSSELL: "There's a tremendous amount of difference."

HUMPHREY: "Senator, you don't compel, you just simply say that if it's a public place, it is open to one and all. Actually what you're doing today is compelling people to stay out --"

RUSSELL: "No, you're compelling him to accept those who present themselves there, where he has no equal right to require them to do business with him. Where's the equality in that?"

AGRONSKY: "Gentlemen, may I move this on to a slightly different ground? You'll certainly have an opportunity in the Senate to debate this thing to a definitive conclusion --"

RUSSELL: "Yes, I rather imagine we shall."

AGRONSKY: "But, Senator, if you and your supporters resist this bill to the bitter end, you would undoubtedly be forced to resort to what's known as a filibuster. Do you intend to resort to filibuster?"

RUSSELL: "Well, Mr. Agronsky, I've never seen any two people who exactly agreed, where an educational effort ended and a filibuster takes up. The man who's got the votes, as Senator Humphrey apparently has in this instance, he becomes very impatient, and I've been in that place in the Senate, and I realize that feeling -- when I've got the votes and have a bill that I think is

right, I don't like to have people speaking and delaying the vote. But we in this case, do feel that we have an obligation, not only to our constituents but to the Constitution, to undertake to debate it at length, and try to expose it to the nation."

AGRONSKY: "Senator Humphrey, very quickly, have you the power to break a filibuster?"

HUMPHREY: "Well I hope we have, and I want to say this -- that I don't believe that extended debate is necessarily a filibuster. All that I ask is that some time between now and next September, the good Senator from Georgia will permit us to have a vote on the substance of the bill."

RUSSELL: "I hope to convince the Senator before then."

HUMPHREY: "I hope to convince you, sir."

AGRONSKY: "Thank you, gentlemen, very much for that illuminating insight in this forthcoming debate, and how back to Hugh Downs in New York."





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