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United States Senate

COMMITTEE ON PUBLIC WORKS

RON M. LINTON, CHIEF CLERK AND STAFF DIRECTOR

January 9, 1964

Mrs. Louise Halliburton, Chairman
Public Affairs Committee YWCA
2115 Coates Street
Dubuque, Iowa

Dear Mrs. Halliburton:

Thank you for your letter of January 5 enclosing a copy of your letter to Congressman James Bromwell urging support of the civil rights bill.

I am sure I do not need to point out to you that I share your concern over problems in the area of race relations. Although all of us know that the ultimate answer can only be found in greater understanding and tolerance, this is not to say that rights and duties cannot be written into law. Individual rights include both human rights and property rights, and the difficult task confronting not only members of Congress but members of state legislatures is to strike a reasonable balance.

With these thoughts in mind, I have, as you should know, joined in cosponsoring a strong bipartisan civil rights bill with Senators Mansfield, Dirksen and others. However, neither this bill nor any other individually-sponsored bill will be the one eventually to be considered by the Congress. The Administration's leaders have decided that a bill, completely rewritten and reported favorably by the House Judiciary Committee, is the one to be acted upon. This bill is now awaiting a rule, permitting debate on the House Floor, from the House Rules Committee. All indications from the House are that it will be some time before the Rules Committee has conducted hearings and taken action. Following this, I would expect that the House will pass a meaningful civil rights bill, but it is not possible for me to estimate at this time what the bill will contain. My guess is that it will cover some areas of public accommodations not unlike our own Iowa statute, voting rights, school desegregation, and employment rights. Following action by the House, the House-passed bill will probably be offered as an amendment in the Senate to another

Mrs. Louise Halliburton, Chairman

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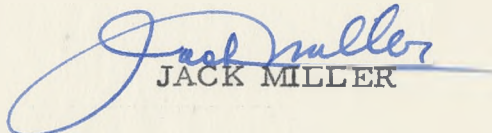
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House-passed bill, and this is when a filibuster can be expected. I am not one of the Senators who is opposed to choking off a filibuster as a matter of principle, and if the underlying bill is a reasonable one and if there are no concerted efforts made to intimidate the Senate, my disposition is to vote for cloture. Whether or not cloture will be invoked is also not possible to forecast at this time. However, it is my best guess that a meaningful rights bill will eventually pass both houses.

I regret very much the delay that has occurred. A certain amount of the delay is essential to permit reasonable hearings and discussions, and important committee deliberations, when a bill of such far-reaching economic, social, and moral implications is involved. But much of the delay could have been avoided if the Administration had not given number one priority to the ill-advised tax cut bill. I have been saying for a long time that number one priority should have been granted to civil rights legislation, but I am not in control of the situation.

Thank you for taking the time to write to me.

Faithfully yours,


JACK MILLER

Enc. (The Des Moines Register editorial)

A Good Statement by Miller

U. S. Senator Jack Miller (Rep., Iowa) has expressed his views on civil rights legislation in a carefully-prepared statement which clearly aligns him with those members of the Senate who want Congress to take decisive action toward assuring equal rights for Negroes.

Most welcome is his willingness to vote for cloture (ending debate) if the expected filibuster by Southern senators develops. Miller says he is not among those senators opposed to cloture as a matter of principle but does believe debate should be choked off only under "exceptional circumstances." He adds that the racial unrest in some parts of the country obviously amounts to exceptional circumstances.

Miller thinks the success of efforts to break a filibuster will depend upon the reasonableness of the bill or amendment before the Senate and upon whether there are attempts to intimidate Congress. However, he expresses no opposition to orderly and peaceful activities by the backers of civil rights legislation.

The Iowa senator is a co-sponsor of a bill (S 1750) which is identical with the administration's proposal, except that it omits the section against discrimination in "public accommodations." He says he recognizes that some legislation with respect to public accommodations is appropriate—"particularly with respect to hotels, motion picture houses, department stores, res-

taurants, lunch counters, and gasoline stations. "However, he objects to the wording of the administration's bill, providing injunctive relief against discrimination in any business "substantially" affecting interstate commerce.

This test — of whether a business substantially affects interstate commerce — is "too vague and is fraught with controversy and litigation," in Miller's opinion. He thinks it is unfair that the administration's proposal would permit a complainant to recover attorney's fees if he wins but would not permit the person complained against to recover attorney's fees if he wins the case.

Miller expresses hope that what he calls "defects" in the administration bill will be removed following committee hearings. The bill may be revised so that the section applying to public accommodations will be more definite. Attorney General Robert Kennedy has said he wouldn't object if Congress wants to be more explicit in the section aimed at discrimination in public accommodations.

Miller's position is reasonable. He rejects the Southern idea that "states' rights" are superior to "human rights." He says inaction on public accommodations can't be justified by saying that property rights are involved. He wants legislation enacted that will enable the federal government to deal more effectively with discrimination and give Negroes greater assurance of getting equality of opportunity and treatment.
