

Legislation

The House Moves First

Benjamin Zelenko, Counsel, House Judiciary Committee

Benjamin Zelenko explains why the House moved before the Senate on the civil rights bill.

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Well it didn't originate in the House or the Senate. It went into both. It was introduced in the Senate under a separate bill number and it was introduced in the House as 7152. In both cases it was referred to the Judiciary Committee. The difference is that in the Senate the Judiciary Committee was a graveyard. Its chairman was from Mississippi and he was a segregationist. He had on his committee Strom Thurmond, another segregationist. I don't remember all the Members of the Judiciary Committee. But it was generally understood that unless extraordinary measures were taken that bill would never get out of Judiciary Committee in the Senate.

So by happenstance the House moved first. And that was the strategy anyway. The House would go first. They would get it out of the Judiciary Committee somehow by a discharge operation in the Senate. But if it passed the House and they could get that bill passed the Senate, generally in the same form, then they could send it back to the House without a conference, and the House would agree to the Senate version. There was no way they could allow this bill to go to conference, because it would never get out of conference. Members of conference committees are appointed by seniority and by the committee having jurisdiction over the measure. And if this bill were to go into a conference, there would never be a consensus, which is how conferences work. The bill would die in conference.

So from a strategic point of view, while Kennedy was still President and Bobby Kennedy was the strategist in charge, the notion was to get it heard in the House in hearings that were under way. Get it acted on in the House by committee. Get it to the floor of the House as soon as you could. And get it passed. And then deal with the filibuster in the Senate.