Alvin M. Townley, Chamois, Mo., in place of V. F. Engelage, retired.
Robert F. Collins, Shelbina, Mo., in place of E. J. Dempsey, retired.
Martin B. Winger, Stewartsville, Mo., in place of E. E. Saunders, retired.
J. Walter Jones, Sweet Springs, Mo., in place of C. R. Muller, resigned.
Leslie A. Phillips, Wheaton, Mo., in place of E. E. Lamberson, deceased.

MONTANA

Helen L. Lucier, Frenchtown, Mont., in place of M. W. Bowman, resigned.

NEBRASKA

Myron A. Christensen, Oakland, Nebr., in place of K. C. Baugh, retired.

NEW JERSEY

Robert W. Kidd, Jr., Penns Grove, N.J., in place of R. W. Kidd, retired.

NEW MEXICO

Norman M. Booker, Hobbs, N. Mex., in place of L. L. Gholson, removed.

NEW YORK

Gavin R. Argue, Apalachin, N.Y., in place of J. D. Megivern, Jr., resigned.
Edwin J. Faber, Caroga Lake, N.Y., in place of Burton Yates, retired.
Francis L. Marshall, Clayton, N.Y., in place of W. S. Amo, retired.
Louise E. Seville, Congers, N.Y., in place of R. B. Henry, retired.
George W. Stevens, Hobart, N.Y., in place of O. B. Brockway, retired.
Henry C. Schreiber, Long Island City, N.Y., in place of G. A. Albrecht, retired.
George J. Posner, Mamaroneck, N.Y., in place of I. F. Linehan, retired.
Grant D. Morrison, Northville, N.Y., in place of P. H. Griffing, retired.
Gary C. Babjeck, Philmont, N.Y., in place of F. L. Ritchie, deceased.
William A. Potskowski, Port Henry, N.Y., in place of L. J. Hollister, Jr., retired.
Timothy D. Sullivan, Scarsdale, N.Y., in place of M. O. Drury, retired.
Herbert Strumpf, Selkirk, N.Y., in place of William Winne, retired.
James F. Murray, Valatie, N.Y., in place of H. S. New, retired.

NORTH CAROLINA

Neil W. Walton, Ash, N.C., in place of J. R. Simmons, retired.
E. Wade Ledbetter, Gibsonville, N.C., in place of M. W. Jordan, deceased.

NORTH DAKOTA

Stephen J. Urie, Cogswell, N. Dak., in place of O. M. Bartlett, retired.
Kenneth I. Jones, Parshall, N. Dak., in place of B. G. Shubert, deceased.

OHIO

Margaret S. Bennett, Alexandria, Ohio, in place of B. E. Barrick, retired.

OKLAHOMA

Donald R. Kardokus, Eakly, Okla., in place of Elton Sullavan, retired.
Donald L. McKinney, Inola, Okla., in place of A. B. Mullen, transferred.
Sexson C. Longest, Ringling, Okla., in place of T. E. Cavins, deceased.
Parks E. Harlan, Spiro, Okla., in place of J. R. Redwine, Jr., transferred.

PENNSYLVANIA

Abram B. Lauver, Dalmatia, Pa., in place of P. L. Tressler, retired.
Edward W. Snyder, Beach Lake, Pa., in place of B. A. Snyder, retired.
Joseph Windish, Jr., Denver, Pa., in place of W. M. Crouse, retired.
Martin T. Brittingham, Jr., Exton, Pa., in place of L. C. Reese, retired.
Nick Roscoe, Farrell, Pa., in place of James Nevant, retired.
E. Glenn Kauffman, Gap, Pa., place of C. T. Foulk, retired.
Andrew P. Stallsmith, Hadley, Pa., in place of R. S. Feather, deceased.
Harry R. Collins, McDonald, Pa., in place of J. H. Galbraith, retired.
Chester L. Shirk, Rothsville, Pa., in place of E. A. Carvell, removed.
Walter R. Barron, Slippery Rock, Pa., in place of M. H. Bard, deceased.
James L. Roney, Unionville, Pa., in place of E. P. Eastburn, retired.

SOUTH CAROLINA

Eugenia C. Williams, Heath Springs, S.C., in place of T. B. Horton, retired.
Wilford C. Hoffman, Patrick, S.C., in place of V. S. Buie, deceased.

TENNESSEE

Donald B. McMillan, Erin, Tenn., in place of Elvira Boone, retired.
Delmer C. Norman, Kelso, Tenn., in place of F. W. Golden, transferred.

TEXAS

Rosale M. Trammell, Big Wells, Tex., in place of P. A. Picket, deceased.
Jo Harry DeRamus, Hillister, Tex., in place of F. E. Maddox, deceased.
Dixie S. Odom, Karnack, Tex., in place of L. A. Baker, retired.
Samuel T. Toney, La Vernia, Tex., in place of E. B. Smith, retired.
Everett A. Bierds, Sr., Rosebud, Tex., in place of J. R. Killgore, deceased.
Archie V. Boyd, Trent, Tex., in place of F. B. Steadman, transferred.
Ora A. Smith, Wellman, Tex., in place of W. H. Jackson, retired.

VIRGINIA

Freeman H. Stewart, Crewe, Va., in place of K. H. Woody, retired.

WASHINGTON

Samuel Manus, Everett, Wash., in place of E. P. Hennessey, retired.
Bessie L. Van Slyke, Nespelem, Wash., in place of G. V. Gray, deceased.

WEST VIRGINIA

Howard W. Smith, Barrackville, W. Va., in place of J. M. Stevens, retired.
Thomas K. Cole, Grafton, W. Va., in place of L. A. Hoffman, retired.
Virginia S. Everhart, Kearneysville, W. Va., in place of W. B. Hammond, retired.
Ralph M. Gibson, Smithville, W. Va., in place of I. M. Gibson, retired.

WISCONSIN

Clifford J. Pfeifer, Allenton, Wis., in place of R. W. Stoffel, retired.
Samuel F. Kuykendall, Fort Atkinson, Wis., in place of P. W. Cornish, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 2 (legislative day of March 30), 1964:

DISTRICT OF COLUMBIA

Pursuant to the provision of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, as amended, the following-named person for appointment as indicated:

John S. Crocker, to be a member of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 4, 1964.

DEPARTMENT OF AGRICULTURE

Dorothy H. Jacobson, of Minnesota, to be an Assistant Secretary of Agriculture.

Dorothy H. Jacobson, of Minnesota, to be a member of the Board of Directors of the Commodity Credit Corporation.

SENATE

FRIDAY, APRIL 3, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. Lester K. Welch, minister, Christ Methodist Church, Washington, D.C., offered the following prayer:

Amid the perplexities of a changing order, our Father, our hearts instinctively turn to Thee, like weary travelers returning home at eventide. Thou art our refuge in time of trouble; Thou art our strength; Thou art our only hope.

Enable us so to put our trust in Thee that our spirits will grow calm and our hearts be comforted.

Thy word of old hath declared, "Blessed is the nation whose God is the Lord"; we humbly acknowledge our need of Thee. It is imperative for us today to distinguish truth from error or from the seemingly right; and to have clear insight and perception, instead of listening to the babbling of many voices. May the recognition of this responsibility spur us to accept the admonition of the wisest of the wise who said, "Ye shall know the truth, and the truth shall make you free."

Relying upon Thy grace, which is always sufficient, may we transcend our differences and rise to the higher unity of the spirit. Enable us to face this day with courage, and the challenge of our tasks in the good providence that Thou hath called us, through Jesus Christ our Lord. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 2, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT ON ACTIVITIES UNDER PUBLIC LAW 480, 83D CONGRESS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am sending to the Congress the 19th semiannual report on activities carried on under Public Law 480, 83d Congress, as amended, outlining operations under the act during the period July 1 through December 31, 1963.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 3, 1964.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The Chair wishes to announce on behalf of the President pro tempore the designation of the Senator from Florida [Mr. SMATHERS] to serve as an alternate member for the Senate members of the Commission on the Relationship with Puerto Rico established under Public Law 88–271.

The Chair announces the designation of the Senator from California [Mr. KUCHEL] to serve as an alternate member for the Senate members of the Commission on the Relationship with Puerto Rico, established under Public Law 88–271.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON VOLUNTARY HOME MORTGAGE CREDIT PROGRAM

A letter from the Administrator, Housing and Home Finance Agency, Washington, D.C., transmitting, pursuant to law, a report on the voluntary home mortgage credit program, for the calendar year 1963 (with an accompanying report); to the Committee on Banking and Currency.

AMENDMENT OF CHAPTER 1, TITLE 38, UNITED STATES CODE, RELATING TO AUTHORITY FOR PRESIDENTIAL MEMORIAL CERTIFICATE PROGRAM

A letter from the Administrator of Veterans' Affairs, Washington, D.C., transmitting a draft of proposed legislation to amend chapter 1 of title 38, United States Code, and incorporate therein specific statutory authority for the Presidential memorial certificate program (with an accompanying paper); to the Committee on Finance.

EXTENSION OF COVERAGE UNDER FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE SYSTEM OF SOCIAL SECURITY ACT TO CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to extend coverage under the Federal old-age, survivors, and disability insurance system of the Social Security Act to temporary and intermittent service performed in the employ of the District of Columbia if such service is not covered by a retirement system established by a law of the United States (with an accompanying paper); to the Committee on Finance.

REPORT ON EXCESSIVE COSTS RESULTING FROM THE OPERATION OF SEPARATE DEPARTMENTAL PUBLIC INFORMATION OFFICES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excessive costs resulting from the operation of separate departmental public information offices, Department of Defense, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON EXCESSIVE COSTS INCURRED IN TRANSPORTING SATURN LAUNCH VEHICLES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excessive costs incurred in transporting Saturn launch vehicles, National Aeronautics and Space Administration, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON INEFFICIENT UTILIZATION OF PERSONNEL TO ADMINISTER THE MILITARY ASSISTANCE PROGRAM IN ADVANCED WESTERN EUROPEAN COUNTRIES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the inefficient utilization of personnel to administer the military assistance program in advanced western European countries (with an accompanying report); to the Committee on Government Operations.

REPORT ON INEFFICIENT UTILIZATION OF PERSONNEL TO ADMINISTER THE MILITARY ASSISTANCE PROGRAM IN ADVANCED WESTERN EUROPEAN COUNTRIES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the inefficient utilization of personnel to administer the military assistance program in advanced western European countries, Department of Defense, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

ARMED FORCES DAY

A letter from the Assistant Secretary of Defense, informing the Senate of activities in connection with the observance of Armed Forces Day; ordered to lie on the table.

RESOLUTION OF GENERAL ASSEMBLY OF RHODE ISLAND

Mr. PASTORE. Mr. President, on behalf of my colleague, the junior Senator from Rhode Island [Mr. PELL], and myself, I present for appropriate reference a copy of a resolution adopted by the General Assembly of the State of Rhode Island, memorializing the Congress of the United States to act favorably upon the land and water conservation fund bill.

There being no objection, the resolution was referred to the Committee on Interior and Insular Affairs, and, under the rule, ordered to be printed in the RECORD, as follows:

H. RES. 1509

Resolution of the general assembly memorializing the Congress of the United States to act favorably upon the land and water conservation fund bill (H.R. 3846) now before it

Whereas land and water conservation are of the utmost importance to the whole of the United States; and

Whereas it is vital that land and water conservation be practiced so that future generations may enjoy the abundance with which we have been blessed: Now, therefore, be it

Resolved, That the general assembly does hereby memorialize the Congress of the United States to take favorable action upon H.R. 3846, the land and water conservation fund bill now before it; directing the secretary of state to transmit duly certified copies of this resolution to the Rhode Island congressional delegation.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CASE:

S. 2711. A bill for the relief of Frank S. Chow; to the Committee on the Judiciary.

By Mr. KEATING:

S. 2712. A bill for the relief of Sime Dragutin Vulin; and

S. 2713. A bill for the relief of Anthony Peranich; to the Committee on the Judiciary.

CONCURRENT RESOLUTION

PRINTING OF ADDITIONAL COPIES OF CERTAIN HEARINGS OF JOINT COMMITTEE ON ATOMIC ENERGY

Mr. PASTORE submitted the following concurrent resolution (S. Con. Res. 73); which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Committee on Atomic Energy two thousand additional copies each of part 2 and part 3 of its hearings on the "AEC Authorizing Legislation, Fiscal Year 1965."

INCREASE OF DOMESTIC BEET SUGAR AND MAINLAND CANE SUGAR TO BE MARKETED DURING 1964, 1965, AND 1966—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 19, 1964, the names of Mr. ALLOTT, Mr. BENNETT, Mr. BOGGS, Mr. BURDICK, Mr. CARLSON, Mr. CHURCH, Mr. CURTIS, Mr. DOMINICK, Mr. HART, Mr. HRUSKA, Mr. HUMPHREY, Mr. JACKSON, Mr. JORDAN of Idaho, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. MOSS, Mr. MUNDT, Mr. PEARSON, Mr. SIMPSON, Mr. WALTERS, and Mr. WILLIAMS of Delaware were added as additional cosponsors of the bill (S. 2657) to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966, introduced by Mr. YOUNG of North Dakota on March 19, 1964.

RELIGION BEHIND THE IRON CURTAIN

Mr. KEATING. Mr. President, the increasing concern of the people of the United States, people of all faiths and all national origins, over antireligious manifestations behind the Iron Curtain deserves constant public attention and comment.

While Communist propagandists orate over the glories of the Communist state, the unfortunate people who reside behind the Iron Curtain find themselves deprived and shorn of the basic elements of spiritual life.

Mr. President, 2 years ago there appeared in the Journal of the Central Conference of American Rabbis an excellent article by Dr. S. Andhil Fineberg, community relations consultant for the American Jewish Committee. In the article Dr. Fineberg discussed the broad facts of communism's hostility to religion, particularly to the Jewish faith. Unfortunately, the points made in his fine exposition of 2 years ago are, if anything, more relevant today.

Mr. President, I strongly urge the people of the United States, their representatives, their government, and all the many private associations concerned with individual rights and community welfare to make their voices heard in protest against anti-Semitism as is now being practiced in Communist-bloc countries.

I ask unanimous consent to have printed in the RECORD, following my remarks, the text of the article by Dr. Fineberg.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[Reprinted from CCAR Journal, Central Conference American Rabbis]

RELIGION BEHIND THE IRON CURTAIN

(By S. Andhil Fineberg)

In 1930, I told a Communist spokesman who had addressed a favorably impressed audience that, even if his glowing promises of affluence for everyone could be fulfilled, I would still oppose communism vigorously.

My chief reason for hostility was Communist contempt for all religions that recognize God's existence. Atheists steeped in dialectical materialism were not likely to tolerate religious organizations indefinitely. In Communist-dominated lands there could be only temporary respite, perhaps for a few generations, for beliefs and practices regarded by Karl Marx and all other Communists as opiates used by exploiters to keep the masses in subjection.

Communists born as Jews have been as antireligious as any other Communists. Those who desire Jewish identity in order to retain old friends and influence people of their own background view the Jews merely as a nationality whose culture should be totally irreligious.

Since Jewish culture is essentially a religious culture, it cannot be throttled without strangling some Jews and oppressing many others. The Communist promise to "outlaw anti-Semitism" was a hoax in the 1920's, as it is now. It really meant that, relieved of his religion, the Jew would be treated exactly as all others would be treated. This was equivalent to granting civil rights to any Jew who forsook his parents and abandoned his children. Few Jews could become completely de-Judaized.

In the Soviet Union one born of Jewish parents acquires Jewish nationality at birth. Marriage to a non-Jew does not terminate Jewish identity, nor does conversion to another religion. Only non-Jewish grandparents can alter a Jewish identity. As it was in Hitler's Germany, so it is now in Russia. A Soviet Jew seeking an education, or wanting to change his residence or his job or desiring to travel, must show papers bearing this identification. Can anyone believe for a moment that "outlawing anti-Semitism" is compatible with this practice? Yet, a colleague of mine published a Jewish history book many years ago which contained lavish praise for Stalin's country where anti-Semitism was presumably abolished. He could not understand why I rejected this otherwise admirable volume. Regrettably, actual persecution and immeasurable suffering have uncovered that anti-Semitism is inherent in Communist doctrine.

Treatment of Jews and of religion in the 13 countries under Communist domination is by no means identical, although mistreatment starting in 1 Communist country is likely to be echoed in 1 or several others. After about 6 years of relief from persecution, Jewish religious leaders were arrested in the Soviet Union, Rumania and Bulgaria, charged with crimes that included communicating information treasonably to representatives of Israel and embezzlement of funds. The leaders of the Leningrad synagogue were arrested in secret, tried in secret, condemned in secret and secretly imprisoned—again reminiscent of the Nazis. This news leaked out fully a month after the elderly men were sentenced to long prison terms. How many other Jews have been arrested and sentenced similarly we cannot know, since secret arrests are no novelty in Communist countries, and habeas corpus is nonexistent there. But, without doubt, a resumption of official anti-Jewish activities began in the fall of 1961 and in some, if not all, of the Iron Curtain countries Jews are in jeopardy. If they are religious Jews, their situation is doubly precarious.

Occasionally we get a report from someone who visited an Iron Curtain country and spoke to lackeys of the Communist bureaucracy and to a few authentic Jews who were too frightened and intimidated to tell the truth. The traveler's report may prove nothing but his own gullibility. I doubt that anyone can obtain truth by consulting people who dare not tell a stranger that which might displease their despotic government. Only official publications of that government, written not for foreign consumption but for that government's own minions and students, are fully reliable.

Here is what one reads about Judaism in the Short Philosophical Dictionary, published by the government and considered a standard guide for Soviet thought:

"Like any other religion, Judaism is uncompromisingly hostile to science, and preaches anti-scientific views on nature and society. The rabbis were always enemies of enlightenment and secular education, and persecutors of progressive thought. Judaism sanctifies social inequality and private ownership; it deifies the rule of kings and exploiters. In Judaism the role of spiritual opium is played by the conceptions of life in the hereafter, which have been carefully developed by the rabbis: paradise for those who obediently follow the reactionary instructions of the Jewish religion, and hell for those who reject these instructions and participate in the class struggle."

If this typical Communist description of Judaism appeared in a lunatic fringe paper in the United States we would be outraged. What must it be like to live in a land where this is the customary government-sanctioned view of the Jews' historic faith? What must it be like to want to worship on a high holy day, but not be able to do so because attendance at religious services is not an acceptable excuse for absence from work? What must it be like to desire to participate in congregational worship and to know that your children are being taught in school that all religion is superstition and humbug, a hoax perpetrated by hypocrites for their personal benefit? How much incentive can there be to serve as a rabbi, cantor, or shochet?

Among the myths that softened the attitude toward the Soviet Union of free men, and especially religionists, was the frequently cited claim that religious freedom is guaranteed in the Soviet Union. One can hardly expect honest semantics from the Communists, who call autocratic bureaucracy "democracy," political brigandage "peace" and bondage "freedom." But for internal operations, when writing for their own information, Communists must in some situations state realities in correct terms. The constitution of the U.S.S.R. reads: "Freedom of religious worship and of antireligious propaganda is recognized for all citizens." (That clause should be memorized by everyone who wishes to discuss religion behind the Iron Curtain.) "Worship" is only one aspect of organized religion. Antireligious education is guaranteed; religious education is not. Crippling limitations were placed upon religious institutions by the Soviet decree of religious associations, issued on April 8. 1920, and still in effect.

Forbidden are: "(a) Use of any property in their control for any other purpose except the satisfaction of their religious needs; (b) to assist their fellow members by giving them material support; (c) the organization of special meetings for children, youths and women for prayer purposes and Biblical, needlework, and other meetings for the teaching of religion; (d) groups, circles, and departments, also the arranging of excursions, to found libraries and reading rooms, to organize sanitoriums and medical assistance. In buildings used for prayer purposes, only such books may be kept which are required in connection with the particular cult."

Thus, libraries, philanthropic work, ladies' auxiliaries, and religious schools and classes are forbidden. Those who wish to worship together must secure rental of a building from the government and pay for it. I do not know whether the government pays for the antireligious museums, but it has given utmost encouragement to societies of the godless.

That religion has survived among Jews behind the Iron Curtain should not surprise those who know how Jews accepted martyrdom throughout 25 centuries to maintain their faith. The Maccabees and the Marranos are two examples of many Jewish groups for whom kiddush hashem was worth any price despots might exact. Christianity and other religions can likewise attest to the unyielding loyalty of the faithful under torment and oppression. Because the religious fervor of Poland's Roman Catholics would lead to open rebellion were the church driven to use excommunication, the Communist rulers of Poland have granted to the priests of Poland privileges far greater than Communists permit where the worshipers are fewer and less well organized. Communists are essentially opportunists and have from time to time cooperated even with capitalists and imperialists while scheming for ultimate triumph.

In the area of religion, they deal most harshly with religious denominations that have few members within their boundaries. Jehovah's Witnesses, Seventh-day Adventists, and Jews are among those who have suffered the harshest restrictions. The Russian Orthodox Church, on the other hand, has a central organization, publishes periodicals, maintains theological seminaries and, under strict governmental supervision, maintains relations with churches abroad. The Orthodox Church in Russia is a pliable instrument of Communist government policies, as subservient to the Communist regime as it ever was to the czars. Having denounced religion for being a serf of the state in pre-Communist Russia, and in Catholic-dominated countries today, the Communists demand nothing less than a state-controlled church with themselves in the saddle. For the exercise of even the minimal activities in which they are permitted to engage, religious bodies must have the consent of the Minis-

try of Cults, composed of atheists. Freedom of religion under communism is impossible.

The 2½ million Jews of the Soviet Union have been termed a nationality without being given any of the means accorded other nationalities to preserve their culture. Their culture needs schools, theaters, journals, and since it is a religious culture, theological seminaries. The rabbinical seminaries that existed at the time of the Communist revolution were forcibly closed and for nearly 40 years none have reopened. Sixty aged rabbis now serve all of Russian Jewry, where several thousand rabbis should be functioning. The importation of rabbis was, of course, impossible. This is one reason why I have questioned the possibility of Judaism's survival in the U.S.S.R. where attrition and lack of opportunity for religious education are accomplishing what other tyrants, such as Antiochus Epiphanes and the Spanish monarchs sought to achieve.

Even the most cruel czars permitted the Jews to practice their religion freely, to have plenty of prayerbooks, matzoth, yeshivoth, schochtim, and the like. Moreover, the czars permitted Jews to leave Russia. Now the persecutors will not let them leave, nor maintain their culture, nor transmit their heritage to their children.

In 1956 a delegation of rabbis returned from the U.S.S.R. quite jubilant. They knew, since the Communists had at last admitted it, that there had been dire persecution of Jews under Stalin. Now all would be well. A rabbinical seminary was being planned in Moscow. What more did we need but to send talethim, tefilin, and sidurim? After hearing an optimistic report, I demurred and insisted that what was needed was to expose the dire truth of what was happening to Jews and Judaism under Communist rule. I was censured by the chairman, who said he disagreed thoroughly. It was, he believed, better to cooperate with the Communists, send supplies, and have faith that all would be well with our brethren.

A yeshivah called Kol Jacob was opened in Moscow on January 6, 1957, with 35 students. It is a lamentable affair, shunted into small quarters, with a dwindling student body, all incidentally from the Georgian Republic. There are now only 12 students. On November 17, 1961, reports circulated that the administrative council of the yeshivah was dissolved. This was denied. But whom should we believe? The denial came from two Communist journalists who wrote reassuring reports. One said that he interviewed people at the synagogue where, near the women's gallery, the yeshivah sessions are held. He was assured that there was no difficulty of any kind and nobody interferes with the affairs of the worshipers and the students except foreigners. Is this a correct report or is the following true?

According to reliable informants, a Russian-speaking Orthodox Jew, visiting Moscow, asked one of the students in class about his hometown. The young man responded with a panegyric of praise about the condition of the Jews there. Later, as the visitor was leaving, the student overtook him in a dark corner of the courtyard and apologized for his reply. None of it was true, he whispered, but even among the students there might be a stoolpigeon and he could not therefore say how unbearable conditions really were.

The broad basic facts of communism's hostility to religion are clear and readily discernible. The details vary. Religion and the Jews fare better in the satellite countries than in the Soviet Union but the satellite countries have been Communist only 15 years or less. What on the international scene could be of more importance to clergymen than the antireligious activities of Communists and their ideological war against religion? For Jews the subject is of doubly grave importance, since antireligious motivations enter into anti-Semitic manifestations. Shall we protest or shall we be passive and hope that the Communists will somehow cease to be dialectical materialists, recognize the values of religion and proclaim religious liberty throughout their lands?

I submit that our first obligation is to learn all we can on this subject. What is the relationship between Communist ideology and Communist conduct? What is the ethic of communism and how does it differ from that of Judaism? If courses on comparative religion are appropriate at theological seminaries, surely we should have comparative courses on Judaism and communism in Jewish seminaries, and on Christianity and communism in Christian theological schools. Clergymen should be invited to attend these courses.

During the past several decades there have been many sessions lasting 3, 4, or even 5 days under religious auspices where all manner of current subjects were discussed by clergymen and laymen but where communism was not given an hour of discussion. I am well aware of the thesis that our task is to build a perfect society in our own locales and that we must pursue only affirmative programs. I challenge that theory. On that basis neither religion nor Jews will survive behind the Iron Curtain. Communists are not impressed by our virtues nor moved to emulate our beliefs and practices. The challenge they present to us has its own theories, its own dynamism, and its own unrelenting zeal. It says to mankind, "Organized religion is a fraudulent scheme unhampered by theological notions. You were born to enjoy the material things of the earth. Abandon religion and follow us and you will have more and more of earthly satisfactions."

Our religious institutions with their pulpits and classrooms, sisterhood, and men's club programs, adult study courses, and other facilities have not been adequately used to acquaint our congregations with the most important phase of the Communist menace—what it does to man's desire and opportunity to worship, to his spirit as a child of God, to his aspiration to be something more than another animal. There are aspects and phases of communism and the cold war which need not concern the clergy. Let others deal with them. But there are areas of responsibility in reference to this atheistic creed which religious leaders should not neglect because they are intertwined with the survival of religion and with the preservation of religious freedom. For the rabbis, knowledge about communism is mandatory for the preservation of Judaism and for the survival of Jews.

EDMUND WILSON AND UNCLE SAM

Mr. SIMPSON. Mr. President, a great many events which normally would be of interest to the American public are necessarily bypassed by the press as it attempts to pack the world into the "A Section" or the 5-minute split. I should like to call to the attention of my colleagues one such omission.

The Presidential Medal of Freedom found its way last December into the outstretched hand of sometimes literary critic, Edmund Wilson, author of an effusion called "The Cold War and the Income Tax: A Protest."

While it is not unusual for authors and critics to receive recognition from the Chief Executive, I do feel there is something questionable in a system which extends such recognition to persons with the predilections of Mr. Wilson.

The first sentence of Mr. Wilson's tax protest reads:

Between the years 1946 and 1955, I did not file any income tax returns.

It would not have taken extensive research for the administration to have been made privy to that surprising revelation, and it is a fact, which in my mind should bear rather strongly on Mr. Wilson's eligibility for the Presidential Medal of Freedom.

However, Mr. Wilson does not limit his activities to the negative—to not paying his income tax. He has some rather caustic and "positive" words for the country in which he lives. Not only that, he expresses a desire, because of the pressures of taxation, to leave the United States for a nation which is less "oppressive."

Richard Kluger, editor of Book Week, published by the New York Herald Tribune and associated papers, summed up the purpose of Wilson's book this way:

Passion—dominated a bitter broadside by Edmund Wilson. In a thin book called "The Cold War and the Income Tax: A Protest," he portrayed America as a bastille bristling with unneeded weaponry, a witless capacity for overkill, and an arsenal that costs the taxpayer unconscionable sums. Why all the billions for arms and a lunge at the moon when the Nation is culturally so undernourished and so many of its citizens are socially deprived?

What undermined the Wilson fusillade, besides its banal, offhand style, was its origin. His corrosive remarks were prompted by a nasty brush with the Internal Revenue Service which reacted with some indignation upon learning Wilson had neglected to pay his income tax for a stretch. Annoyed at the relentlessness of the tax people, Wilson tells us in effect that he decided the money he owed the United States would have been spent imprudently had he paid it and so his oversight was hardly such a crime—that the crime in fact was the Government's for its power hunger and pandering to the people's unwarranted fears of a benign Soviet Union—the words of Book Week magazine.

Although I cannot recommend the Wilson book for its literary content, I should like to read a few passages from it. On page 41, we find this pithy statement:

It may perhaps be wondered why a former leftist, who in 1932, at the time of the great depression, when the Communist Party was legal, voted for the Communist candidates in the presidential election and who voted for Norman Thomas thereafter up to the time when he ceased to run, should be making so much fuss about State control.

On page 45, Wilson is critical of:

The FBI officials, who, on evidence equally dubious, constructed the case against Alger Hiss.

After some tortured reasoning and 118 pages, Wilson finally arrived at some conclusions:

The truth is that the people of the United States are at the present time dominated and driven by two kinds of officially propagated fear: fear of the Soviet Union and fear of the income tax. These two terrors have been adjusted so as to complement one another and thus to keep the citizen of our free society under the strain of a double pressure from which he finds himself unable to escape. If we fail to accept the tax, the

Russian buffalo will butt and trample us, and if we try to defy the tax the Federal bear will crush us (p. 91).

Later:

Tougher members of the population—among upper and lower brackets—have privately taken the stand that they are damned if they are going to lie down and take it when they are persecuted and spied upon and rooked by that son of a bitch Uncle Sam, who pretends that he is saving them from those Russians that live half the world's breadth away (pp. 94, 95).

Still later:

But I am not going to let myself be sent to Leavenworth * * * I have thought of establishing myself in a foreign country as my lawyer friend suggested and as I thought him rather absurd for suggesting. I do feel that I must not violate the agreement I have signed with the Government to surrender for 3 years longer all the income that I take in above a certain taxable amount. My original delinquency was due not to principle but to negligence: but I now grudge every penny of the imposition, and I intend to outmaneuver this agreement, as well as the basic taxes themselves by making as little money as possible and so keeping below taxable levels. I have always thought myself patriotic and have been in the habit in the past of favorably contrasting the United States with Europe and the Soviet Union; but our country has become today a huge blundering power unit controlled more and more by bureaucracies whose rule is making it more and more difficult to carry on the tradition of American individualism; and since I can accept neither this power unit's aims nor the methods it employs to finance them, I have finally come to feel that this country, whether or not I continue to live in it, is no longer any place for me.

So much for the sentiments of author Wilson, who, with 33 other individuals, was given the Presidential Medal of Freedom. The award went posthumously to Pope John XXIII and to President Kennedy.

It should be pointed out also that the original list of 31 nominees had been announced July 4 by President Kennedy. However, Wilson's book was not available until October. The final choice on the Wilson medal was President Johnson's.

The White House citation for Wilson released December 6 read:

Edmund Wilson, critic and historian. He has converted criticism itself into a creative act while setting for the Nation a stern and uncompromising standard of independent judgment.

Mr. President, the author is indeed "possessed of a stern standard of judgment" where his native country is concerned, while his praise of communism and socialism appears to be quite "uncompromising."

I am aware that Mr. Wilson is "one of our most gifted men of letters"—as Book Week put it. I am also aware that he has no qualms about using adjectives of four letters to describe the United States.

The question that crosses my mind, Mr. President, is: What justification exists for honoring by a President's Freedom Medal a man of Edmund Wilson's philosophy and temperament? And under what system would consideration be given to awarding such an honor to such a man, in view of his utterances of record?

Mr. DOUGLAS. Mr. President, has morning business been concluded?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1963

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. DOUGLAS. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. STENNIS. Mr. President, will the Senator from Illinois yield to me, to permit me to suggest the absence of a quorum?

Mr. DOUGLAS. Yes, if I may do so with the understanding that in yielding for that purpose, I shall not lose the floor.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. DOUGLAS. Very well; I yield for that purpose.

Mr. STENNIS. Then, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. There will be a live quorum call; but at this time I wish to make a brief statement.

The PRESIDING OFFICER. The Senator from Montana may proceed, if there is no objection.

COMMENT ON PERSONAL STATEMENT BY SENATOR MORSE—SOUTH VIETNAM

Mr. MANSFIELD. Mr. President, in the late afternoon on yesterday the Senator from Oregon [Mr. MORSE] rose to a point of personal privilege in order to make a statement with reference to the situation in Vietnam. I was unable to remain for the entire statement. But I was in the Chamber long enough to learn that the point of personal privilege was raised that a chief of state took upon himself, according to press reports, to classify the able Senator as a "traitor to the American people."

I do not at this time comment upon the views which the Senator from Oregon holds on Vietnam. He has his views; I have mine; other Senators have theirs. Sometimes they coincide and sometimes they do not.

But on one point I do not believe a single Member of this body will deviate, and that is in stating that the disparaging remarks with reference to the patriotism of the Senator from Oregon are uncalled for. They reveal a lack of understanding of the U.S. system of government and of the role of free and open discussion in a responsible government.

I would be most hopeful that the Ambassador of the United States in Saigon would see to it that the substance of those remarks is noted. At the same time, the Ambassador might explain the operation of the free system of government in our Nation, with which he has had considerable firsthand experience in the Senate.

Mr. President, I suggest the absence of a quorum.

Mr. GRUENING. Mr. President——

Mr. KEATING. Mr. President——

Mr DOMINICK. Mr. President——

Mr. GRUENING. Mr. President, will the Senator withhold his request for a quorum call?

Mr. MANSFIELD. I merely asked that the previous quorum call, which was to be a live one, be withheld until I had made my statement, with the understanding that immediately afterward I would suggest the absence of quorum.

Mr. GRUENING. I wish to comment on the Senator's statement. I also raise a point of personal privilege.

Mr. MANSFIELD. Mr. President, since I am asked to yield, and since I have mentioned the name of the Senator from Oregon, I yield to him first.

Mr. MORSE. I appreciate very much the statement of the majority leader. It is another proof of his unfailing fairness and his great statesmanship.

Mr. GRUENING. Mr. President will the Senator yield?

Mr. MANSFIELD. I yield.

Mr GRUENING. I wish to associate myself with the statement made on Vietnam yesterday by the senior Senator from Oregon, and I wish also to applaud our majority leader for his comment in condemning the insulting and unwarranted slur of Gen. Nguyen Khanh. I feel that I might also rise to a point of personal privilege, as did Senator MORSE, because although I was not mentioned by the chief of state of South Vietnam, Gen. Nguyen Khanh, and condemned by him, as was Senator MORSE, as a "traitor to the American people" I made precisely the same statement which the distinguished Senator from Oregon made for which General Khanh denounced him as "a traitor to the American people."

Mr. STENNIS. Mr. President, may we have order? I cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRUENING. I also said that all of South Vietnam was not worth the life of a single American boy. I repeat that statement now. I shall continue to repeat it. I have in my office an enormous flood of mail on our involvement in South

Vietnam. I have received more mail on this subject than I have on any other issue on which I have spoken in the 5 years I have been in the Senate. With four exceptions in which the writers differ with my stand, I have received hundreds of letters supporting my position to get our boys out of the firing line which is no place for them to be. Allegedly they—these American boys—are in South Vietnam as advisers, but they are actually in combat uniform and have been for some time. Hence the casualty lists. Hence the more than 200 killed. It is time that the Pentagon stopped deceiving the American people. We have been told that those boys are over there as military advisers. But in fact, Mr. President, they are engaged in combat in a place to which they should never have been sent and for a duty to which they never should have been assigned.

I associate myself fully, as I have all along on this issue, with the senior Senator from Oregon.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Chair invites the attention of Senators to the fact that the rule of germaneness is in effect.

Mr. CLARK. Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CLARK. Mr. President, I ask unanimous consent that the rule of germaneness may be suspended, and that I may be permitted to speak for not to exceed 4 minutes.

Mr. DOMINICK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, if the Senator will withhold his objection, I point out that the Senator could make the same request himself.

Mr. DOMINICK. Mr. President, I recall that one of the advocates of the rule of germaneness was the Senator from Pennsylvania. It does not seem to me that there is any reason why we should change it at this time. So long as the morning hour will be cut off in 7 minutes, I see no reason why the rule of germaneness should be changed. It ought to apply in the same way to all.

The PRESIDING OFFICER. Morning business has been closed.

Mr. CLARK. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. CLARK. I should like to make the point that when I advocated a rule of germaneness, I advocated a far more stringent one than was adopted; and every time I spoke in support of such a rule I stated that it could be waived by unanimous consent. I assumed normal senatorial courtesy would result in its being waived on most occasions.

Mr. DOMINICK. I would assume that on most occasions there would be available more than 7 minutes for morning hour business.

Mr. CLARK. Mr. President, I ask unanimous consent that the order ending the morning hour be rescinded and that the Senate continue with morning business.

The PRESIDING OFFICER. Is there objection?

Mr. MORSE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The pending business is House bill 7152.

Mr. KEATING. Mr. President, may I be heard?

Mr. MANSFIELD. Mr. President, I yield to the Senator from New York. I had intended to suggest the absence of a quorum; and it will be a live quorum.

Mr. DOUGLAS. Mr. President, who has the floor?

Mr. MANSFIELD. I have it.

Mr. DOUGLAS. Mr. President, I thought I had been recognized earlier.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. The Senator from Illinois had the floor and yielded to the Senator from Mississippi for the purpose of suggesting the absence of a quorum. During the quorum call, the Senator from Montana asked unanimous consent that the order be rescinded.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that in view of the courtesy extended to me and the circumstances which have been explained that the Senator from Illinois be given the recognition which I believe is his due.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Illinois is recognized.

Mr. DOUGLAS. Mr. President, I have no objection to a quorum call.

Mr. KEATING. Mr. President, before the quorum call, will the Senator yield for one-half minute on a germane subject?

Mr. DOUGLAS. I shall be glad to do so, but I had previously declined a request of the Senator from North Dakota.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the understanding that the Senator from Illinois will not lose his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The absence of a quorum has been suggested, and the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 110 Leg.]

Beall	Hayden	Ribicoff
Boggs	Hruska	Robertson
Burdick	Johnston	Saltonstall
Case	Jordan, Idaho	Scott
Church	Keating	Simpson
Clark	Lausche	Smith
Cooper	Long, La.	Sparkman
Cotton	Mansfield	Stennis
Curtis	McClellan	Symington
Dirksen	McGovern	Walters
Dominick	McNamara	Williams, N.J.
Douglas	Metcalf	Williams, Del.
Goldwater	Morse	Young, Ohio
Gruening	Mundt	
Hart	Pearson	

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. JACKSON], the Senator from North Carolina [Mr. JORDAN], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], the Senator from Wisconsin [Mr. NELSON], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. HOLLAND], are absent on official business.

I also announce that the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from California [Mr. ENGLE], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Alabama [Mr. HILL], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PELL], the Senator from Georgia [Mr. TALMADGE], the Senator from South Carolina [Mr. THURMOND], and the Senator from Wyoming [Mr. MCGEE] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

Mr. DIRKSEN. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from New York [Mr. JAVITS] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. FONG], the Senator from California [Mr. KUCHEL], the Senator from New Mexico [Mr. MECHEM], the Senator from Kentucky [Mr. MORTON], the Senator from Vermont [Mr. PROUTY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. AIKEN, Mr. ANDERSON, Mr. CARLSON, Mr. HICKENLOOPER, Mr. HUMPHREY, Mr. KENNEDY, Mr. MILLER, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Illinois [Mr. DOUGLAS] has been recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield for a brief announcement?

Mr. DOUGLAS. I yield.

Mr. MANSFIELD. Mr. President, Senators are aware—without my mentioning the specific number of minutes required—how long it took to obtain this live quorum.

Senators also know how long it took to obtain live quorums yesterday.

Senators are also aware of the fact that the floor manager in charge of the bill, the distinguished deputy majority leader, the Senator from Minnesota [Mr. HUMPHREY], asked and received unanimous consent that the Senate convene tomorrow at 11 a.m., and that the Senate convene on Monday next at 10 a.m.

For the information of the Senate, there will be a session tomorrow. For the further information of the Senate, there may well be a live quorum call.

The Senate has now been on notice for several days; and Senators who are interested in the pending bill, regardless of whether they favor the bill or are opposed to it, owe the Senate the duty of being on hand. That is a responsibility which they should assume, and which they must assume.

Mr. MORSE. Mr. President, will the Senator from Illinois yield briefly to me, to enable me to comment on the same subject matter?

Mr. DOUGLAS. Very well; I yield briefly to the Senator from Oregon.

Mr. MORSE. I wish to say that tomorrow I shall call for a live quorum.

I wish to say also to the Senate that I have become weary of the tactic which has been used in order to allow committees to meet for some time after the Senate convenes, under a morning-hour arrangement. I serve notice that unless the morning hour is in order under the rules, I shall object to any morning hour following the taking of a recess by the Senate.

Mr. MANSFIELD. Mr. President, I hope the distinguished Senator from Oregon will allow a brief morning hour after the Senate convenes, for the purpose of permitting Senators to take care of bills, resolutions, and brief remarks.

Mr. MORSE. Mr. President, I shall allow no morning hour at all.

Mr. MANSFIELD. Then, Mr. President, the Senate is now on notice in regard to what will happen during the forthcoming sessions of the Senate—in other words, that there will be no morning hour, insofar as committee meetings are concerned. In other words, as I understand the remarks of the Senator from Oregon, it is his intention to object to the holding of a morning hour—with the result that immediately following the convening of the Senate, the reading of the prayer, and the order to dispense with the reading of the Journal, the Senate will proceed with its consideration of the business now pending.

The Senate also is on notice that the Senator from Oregon intends tomorrow to suggest the absence of a quorum, and that the quorum call may be for a live quorum.

Let me also say that when the distinguished deputy majority leader, the Senator from Minnesota [Mr. HUMPHREY], indicates, a day or two ahead of time, that there will be a Saturday session, the Senate has a responsibility to honor that announcement, which was made in connection with the bill now pending.

Mr. DOUGLAS. Mr. President——

Mr. FULBRIGHT. Mr. President, will the Senator from Illinois yield to permit me to make an insertion in the RECORD?

The PRESIDING OFFICER (Mr. MCGOVERN in the chair). Does the Senator from Illinois yield to the Senator from Arkansas?

Mr. DOUGLAS. Mr. President, I regret to state that I have been compelled to refuse to yield to permit Senators to make insertions in the RECORD. I am very sorry and I hope the Senators will forgive me.

Mr. President, I rise today to speak on title IV of the bill, H.R. 7152, dealing with the desegregation of the public schools. The problems connected with the public schools are among the thorniest branches in a tangled thicket, for the public schools are one of the most important parts of our national life. In them, for better or worse, is reposed the awesome responsibility for training and cultivating our youth; and to those who commit the care of our most precious possessions—our children.

The fundamental character of our country, the Constitution, declares in the 14th amendment that the States must afford to all citizens the equal protection of the laws. It is the custom of many of our southern friends—and they are our friends—to ignore this amendment and to assume that it is either nonexistent or has ceased to operate. But it is as much an integral part of the Constitution as the original text of 1787, or the Bill of Rights comprising the first 10 amendments to the Constitution. It was largely ratified because the attempts of Lincoln and Andrew Johnson for reconciliation with the white South had been defeated by the way in which the reconstituted white southern legislatures had passed a series of black codes which bound into serfdom the penniless, propertyless, and jobless Negroes who, upon freedom, could not find work, and who by the new law were either to be committed to their former masters or their services put up for auction. For a description of these codes, see James G. Blaine, "20 Years in Congress," volume 2, pages 93 to 105. To help protect the Negroes against this exploitation, the 14th amendment was ratified. We cannot repeat too often its sonorous and noble mandate to the Nation:

> SECTION 1. All persons born or naturalized in the United States are citizens of the United States and subject to the jurisdiction thereof and of the States in which they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.
>
> * * * * *
>
> SEC. 5. Congress shall have the power to enforce by appropriate legislation the provisions of this article.

WHAT 14TH AMENDMENT ESTABLISHED

This epochmaking amendment established a number of fundamental principles, of which the full significance is only now being appreciated.

First. The newly emancipated blacks were made full-fledged citizens, not merely freedmen.

Second. No distinctions were to be made as to the various types of citizenship. There were to be no second-class or third-class citizens. All were to be first-class citizens on equal terms with all others.

Third. Citizenship was to be primarily a national right rather than merely a State right. States could therefore not claim exclusive jurisdiction in determining the rights and duties, privileges and obligations of citizens. These were to be matters for national concern and national protection, as well.

Fourth. All citizens—white or black, rich or poor—were therefore entitled to "equal rights and privileges under the law," nor was any State to deprive them of the "equal protection of the laws," nor could a State take a man's "life, liberty, or property without due process of law."

Fifth. All this constituted an explicit obligation on the part of the State governments—and their subordinate local governments—to refrain from any action which might deny to some rights and privileges granted to others. There are eminent authorities who believe that this amendment did more. This school holds that the individual rights which are protected against violation by the Federal Government by the first 9 amendments to the Constitution are extended by the 14th amendment to provide protection against their being violated by the respective States. But this is another story.

Sixth. Under the broad ambit of the 1st and subsequent sections of the 14th amendment, Congress is also given the power in the 5th section to make these principles effective "by appropriate legislation"; and by means of the pending bill, we are proposing to legislate under this section of the 14th amendment, as well as under the commerce clause of the Constitution itself.

Prior to the adoption of this amendment, Congress had passed over President Johnson's veto, laws setting up a Freedman's Bureau and providing for transitional military governments in the States which had seceded.

For slightly over a decade an effort was made to make these principles effective

in the States of the old Confederacy. Many harsh judgments have been passed upon the Reconstruction governments of this period.

When I was a graduate student at Columbia University, many years ago, I studied under Professor Dunning, who taught several generations of students about the evils which occurred during the Reconstruction period.

I think I am aware of the abuses which developed during the Reconstruction period. Without doubt there was much corruption within the Reconstruction governments, although whether this was more flagrant than the moral decadence in the capitals of the North, or merely less concealed, may well be open to question. With all their faults, and there were many, the new State governments of the Reconstruction era did at least try to extend free public education to the white and black children of the South—and upon approximately equal terms.

They also established a number of welfare institutions to care for the sick, the infirm, and the old which had not been present in State governments of the South prior to the Civil War.

THE DEAL OF 1877

But these forward steps were vitiated by the infamous deal of 1877.

I hope I may be pardoned if I speak briefly on that deal.

One of the things that we cherish most in this debate is the fact that we have a very fine cooperative relationship with our friends on the other side of the aisle who are joining with us in this battle. I do not mean to cast any aspersions upon the Republican Party as such. From 1848 to 1872 the Democratic Party did not write a very good record. For some of the years of that period it was dominated by the slave power. It was less than devoted to the conduct of the Civil War and to the emancipation of the slaves. But in 1877 an infamous deal occurred.

The Democratic candidate, Samuel J. Tilden, was really elected to the Presidency in 1876. But the Republicans would not permit this to occur, and, in agreement with certain Southern Democrats, arranged that if the votes of South Carolina, Florida, and Louisiana were transferred from Tilden to Hayes they would withdraw all Union troops from the South and permit the militant whites to take over.

If Senators desire confirmation of that statement, they need only read the biography of Rutherford B. Hayes, by Professor Echenrod, in which the full memorandum of agreement which was arrived at is reproduced. That bargain was carried out. Hayes was declared elected by one vote, and then performed his part of the bargain. The militant whites soon gained control of the State governments of the South.

Schools for Negroes were shut down or starved for funds, and beginning a few years later segregation was pushed by statute, and by the end of the century was almost complete.

SEGREGATION CAME LATE IN 19TH CENTURY

Many people think of segregation as having been practiced from the time of the emancipation. That is not so. The eminent historian, C. Van Woodward, in his interesting book "The Strange Case of Jim Crow," points out that the legal segregation movement began only about 1890, but by the end of the century it was in full strength.

The North, tired of the idealism under which so many had fought the war, allowed all this to happen with little protest. The Supreme Court in 1883 declared the Civil Rights or Public Accommodations Act of 1875 to be unconstitutional and, in 1896, in the celebrated case of Plessy against Ferguson, declared segregation statutes to be constitutional on the false justification that separate facilities were not unequal.

So far as I know, that was the first time that the separate but equal doctrine was laid down by the U.S. Supreme Court.

Mr. COOPER. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I am glad to yield.

Mr. COOPER. The Senator has made an important point. I know that many people believe that the separate but equal doctrine for public facilities and schools had been in force perhaps since the civil rights cases in 1883, but as the Senator has noted, the celebrated case of Plessy against Ferguson, decided in 1896, was the first case after the Civil War holding that there was such a doctrine as separate but equal facilities.

JUSTICE HARLAN DISSENTS

Mr. DOUGLAS. The Senator is correct.

One of the great men in American history—the dissenting justice in both the Civil Rights case and in Plessy against Ferguson—was John Marshall Harlan, of Kentucky, who had been a slaveowner, who had fought in the Civil War, and who wrote dissenting opinions in both cases. Indeed, they were dissenting opinions of such nobility that they deserve to be remembered by the people of our country.

I interrupt what I had prepared to read some passages from Justice Harlan's dissenting opinion in Plessy against Ferguson:

> In view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is colorblind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved. It is, therefore, to be regretted that this high tribunal, the final expositor of the fundamental law of the land, has reached the conclusion that it is competent for a State to regulate the enjoyment by citizens of their civil rights solely upon the basis of race. The arbitrary separation of citizens, on the basis of race, while they are on a highway—

And this statement was made in a railway segregation case—

> is a badge of servitude wholly inconsistent with the civil freedom and equality before the law established by the Constitution. It cannot be justified upon any legal grounds.

Of course, even in physical terms, separate accommodations were almost never equal. Some areas lacked schools completely, the schoolhouses for the Negro children were, in general, miserable, the textbooks few and poor, the teachers ill trained and underpaid, and school terms short. But for over 50 years, little if anything was done and the Negroes were not only allowed, but in a sense compelled, to continue in a pronounced state of marked legal, social, educational, and economic inferiority. Over large sections of the country the 14th amendment was, in practice, a deadletter.

In the schools, ordinarily very little attention was paid to the fact that the amendment apparently guaranteed the equal protection of the laws to all citizens.

THE BROWN CASE

Then, in 1954, in the famous Brown case, the Supreme Court handed down its decision which unanimously declared that the guarantee of the equal protection of the laws required the school systems of the country be open to all on equal terms.

I point out that this was a unanimous decision in which three of the Justices of the Court were southerners.

This ruling has been twice reaffirmed by unanimous decisions of the Court and it is now past argument. At long last, the noble dissents of Justice John Marshall Harlan in the Civil Rights cases and in Plessy against Ferguson have become the law of the land and it has been affirmed in his language that the schools of this country, like the Constitution itself, should be colorblind.

The Constitution is clear. The decisions of the Supreme Court have been clear. But what difficulties, delays, and evasions in carrying out these principles have been created.

MASSIVE RESISTANCE

Almost immediately after the second decision of the Supreme Court, the editor of probably the most influential newspaper in the South, James Jackson Kilpatrick, Jr., editor of the Richmond News Leader, wrote an editorial on the 1st of June 1955, from which I quote:

> These nine men repudiated the Constitution, spit upon the 10th amendment, and rewrote the fundamental law of this land to suit their own gauzy concepts of sociology. If it be said now that the South is flouting the law, let it be said to the High Court, "You taught us how."
>
> From the moment that abominable decision was handed down, two broad courses only were available to the South. One was to defy the Court openly and notoriously; the other was to accept the Court's decision and combat it by legal means. To defy the Court openly would be to enter upon anarchy; the logical end would be a second attempt at secession from the Union. And though the idea is not without merit, it is impossible of execution. We tried that once before.
>
> To acknowledge the Court's authority does not mean that the South is helpless. It is not to abandon hope. Rather, it is to enter upon a long course of lawful resistance; it is to take lawful advantage of every moment of the law's delays; it is to seek at the polls and in the halls of legislative bodies every possible lawful means to overcome or circumvent the Court's requirements. Litigate? Let us pledge ourselves to litigate

this thing for 50 years. If one remedial law is ruled invalid, then let us try another; and if the second is ruled invalid, then let us enact a third.

When the Court proposes that its social revolution be imposed upon the South as soon as practicable, there are those of us who would respond that as soon as practicable means never at all.

This statement by Mr. Kilpatrick represented the dominant sentiment of the white majority in the South. There were dissenters, it is true; and I pay tribute to the hundreds of southerners who have stood up against the pressures of their communities and have worked for the reconciliation of the races and obedience to the decisions of the Supreme Court.

They have shown heroism beyond praise. The difficulty has been that they have been, in the main, lone voices. There are probably tens of thousands of others who would like to join them, but who, for one reason or another, have felt they could not do so because the weight of public opinion was against them.

Let it also be recorded that 19 southern Senators from the States of the Old Confederacy pledged themselves in 1956 to use "all lawful means to bring about a reversal of this decision." No less than 82 Representatives also signed the document. The pre-Civil War doctrine of interposition was revived; namely, that a State could nullify the effects of an edict of the Federal Government within its borders, and, in the analytical words of the noted Virginian, Benjamin Muse, "that in the last analysis the State was independent." It had been thought that this doctrine had been buried nearly a century before. But not so. The refusal to obey the decision of the Supreme Court began to drown out the voices of the moderates in the South.

THE STATUS OF DESEGREGATION

I have prepared tables drawn from the Southern Educational Reporting Service which show the degree of desegregation among the Negro school population of the South.

Now I wish to congratulate the six border States and the District of Columbia for the progress which they have made in desegregating their schools. As of the current school year, 1963–64, there were no less than 287,000 Negro children in schools with white children. This came to 56 percent of the total number of Negro schoolchildren in these States and in the District of Columbia.

The numbers and percentages in each of these border States were as follows:

State [1]	Negroes in schools with whites	
	Number	Percent
Delaware	10,209	55.4
District of Columbia	98,813	83.8
Kentucky	29,855	54.4
Maryland	77,816	48.3
Missouri	40,000	42.1
Oklahoma	12,048	28.1
West Virginia	18,500	87.9
Total	287,241	56.2

[1] These statistics are taken from the 1963–64 report of the Southern Education Reporting Service, "Statistical Summary of School Segregation-Desegregation in the Southern and Border Area, 1954 to the Present," p. 2.

But the story is very different in the 11 States of the Old Confederacy. Here in 1963–64 there are 7.9 million white schoolchildren and 2.9 million colored schoolchildren; the Negroes forming, therefore, a little over a third of the number of white schoolchildren and a little over a quarter of the total.

But here, 10 years after the Brown decision, there are only 30,798, or just under 31,000 Negro children in schools with white children. This is only 1.06 percent of the total number of Negro schoolchildren. At this rate, it would require approximately 1,000 years for full integration to be accomplished. Can this be said to be deliberate speed?

The picture is made even sharper if we look at the statistics State by State:

TABLE 2

State	Number of Negro schoolchildren in schools with whites	
	Number	Percent
Alabama	11	0.004
Arkansas	1,084	.968
Florida	3,650	1.53
Georgia	177	.052
Louisiana	1,814	.602
Mississippi	0	0
North Carolina	1,865	.538
South Carolina	10	.004
Tennessee	4,466	2.71
Texas	14,000	4.29
Virginia	3,721	1.57
Total	30,798	1.06

Texas has the best record with a little over 4 percent of the Negro children in desegregated schools. In only four other States is the percentage of Negro children in nonsegregated schools about 1 percent. In the other six States it is less than 1 percent. There are absolutely none in Mississippi and only a bare handful in South Carolina and Alabama.

We must simply face the fact that the decisions of the Supreme Court are not being carried out over large sections of the country and that unless we are to make a mockery of them, as we did for three-quarters of a century with the 14th amendment, Congress must act and put the strength of the National Government behind them. That is what we are trying to do in this bill and specifically in this title which deals with the very subject of school desegregation which the Supreme Court ordered.

Ten years after the Brown decision there are only a little fewer than 31,000 Negro children in public schools with white children. This is only 1.06 percent of the total number of Negro schoolchildren. For practical purposes, we can call it 1 percent.

SLOW RATE

At this rate, if it has taken 10 years for 1 percent of the Negro schoolchildren to go to school with white children, it would require approximately a thousand years for full integration to be accomplished. Can this be said to be the "deliberate speed" which the Supreme Court in its second decision laid down as the standard?

The picture is made even sharper if we look at the statistics State by State. It will be noted that there are absolutely no Negro schoolchildren going to school with white children in Mississippi. There are only 10 in South Carolina, and only 11 in Alabama. That is four-thousandths of 1 percent.

In Arkansas, Louisiana, and North Carolina the percentage is less than 1. The record in the State of Texas is the best of all—an estimated 14,000 out of an estimated 186,000 Negroes, or a little more than 4 percent.

If it had not been for Texas, the average would have been only a little more than one-half of 1 percent elsewhere in the South.

We must face the fact that the decisions of the Supreme Court are not being carried out over large sections of the country, and that unless we are to make a mockery of the decisions of the Court, as had been done for three-quarters of a century with the 14th amendment, Congress must act to put the strength of the National Government behind it, as would be authorized by this bill. That is what we are trying to do by the bill, and specifically in title IV, which deals with the very subject of school desegregation which the Supreme Court ordered.

The almost infinitesimal progress which has been made in the States of the Old Confederacy, and particularly in the States of the Deep South, has been largely due to the fact that thus far the enforcement of these fundamental principles has been left to private litigation in the courts. The aggrieved parties have been compelled to seek alone for the principles which the Supreme Court laid down, without appreciable assistance from anyone else.

PRIVATE LITIGATION INADEQUATE

I shall try to show today that this process of private law enforcement has failed adequately to defend and vindicate basic constitutional rights. I shall try to show that the deprivations to which millions of young people have been, and still are, being subjected are the result of a conscious, deliberate attempt by State and local authorities to evade the command of the Constitution which we and they are sworn to uphold. I shall try to show that it is long past time for the Congress of the United States to use its great authority to insure that in this land and in this time the rights of all our children are vindicated.

I shall do this without the slightest animus and, indeed, in a spirit of deep friendliness to the white people of the South, who, in a sense, are also imprisoned by the mistakes of the past. We are all children of history.

Before I begin, let me say that we in the North have committed, and are in fact committing, many errors and sins which, so far from defending, I should like to reduce and eliminate.

Our differences on this issue are not due to differences in the innate moral quality of northerners as compared with southerners, but to the fact that slavery was not adapted by climate and geography to the North, and therefore did not flourish in the North. It was adapted by temperature and by soil to the South and was profitable and, therefore, it was adopted. Thus slavery became deeply

fastened in the South, but not fastened in the North. This permitted northerners to be more opposed to slavery than they would have been had they been in the South.

Let it also be said, to the shame of many northerners, that they were, in the main, the brutal sea captains who brought Negroes over from Africa under the most terrible and horrible conditions and, in the main, furnished the most brutal overseers on the southern plantations.

So I hope our southern friends will not feel that we are trying to strike an attitude of moral superiority over them. We were blessed by the fact that we were not a slaveholding territory. Southerners also suffered from the fact that the Civil War was, with rare exceptions, fought on their soil. War is never pleasant. It is particularly terrible when it is fought on one's own soil. This has naturally created a feeling on the part of the white South toward the National Government which has found it difficult to move in the direction which I believe the public opinion of the Nation believes desirable.

TITLE IV

WHAT DOES TITLE IV DO?

Basically, all title IV does is to give legislative authority to the Attorney General to enforce the Constitution of the United States. It does not create any new rights; it merely sets out ways in which existing rights can be enforced and guaranteed under the 14th amendment which grants equal protection to all citizens under the law.

Specifically, title IV gives the Attorney General limited authority—I emphasize that phrase "limited authority"—to initiate suits in the Federal district courts in order to bring about desegregation in public schools and colleges. His authority to initiate such suits is limited to those circumstances in which he receives a written complaint which reasonably establishes a number of things: One, that the school board in the District has failed to achieve desegregation, or that the individual in the case of a college student had been denied admission to or had been unable to continue in attendance at a public college by reason of race, color, religion, or national origin. So, first of all, it must be established that segregation still exists in the elementary or secondary school, or that the individual has been denied admission to or has not been allowed to continue to attend a college.

But, in addition to this, there are two further provisions which must be met; namely, that the signers of the complaint are unable, in the judgment of the Attorney General, to initiate and maintain appropriate legal proceedings for relief, and that such action will, in the words of the bill, "materially further the public policy of the United States favoring the orderly achievement of desegregation in public education."

In determining that the person or persons are unable to initiate and maintain these appropriate legal proceedings, the Attorney General must find either that the person or persons are unable themselves or through the help of other persons or organizations to bear the expense of the litigation or to get effective legal representation. Or, the Attorney General may find a person unable to initiate the proceedings if, in doing so, it would jeopardize his employment or economic standing or result in injury to him or economic damage to him or his family or his property.

In these limited circumstances the Attorney General is authorized to initiate suits to carry out the Constitution of the United States and, specifically, those provisions of the 14th amendment affecting school desegregation under the opinions handed down by the Supreme Court.

I suppose some will argue that this will give the Attorney General some unusual and unique power. We have all seen the full-page advertisements in which it is being claimed that the Attorney General or the Justice Department would receive dictatorial power under this bill. Mr. President, the authors of that advertisement could not seriously be referring to this section of the bill. What is wrong with the chief legal officer of the United States having the power in limited circumstances to enforce the Constitution of the United States?

Mr. HUMPHREY. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am happy to yield to the Senator from Minnesota.

Mr. HUMPHREY. Is it not a fact that the oath of office which the Attorney General takes requires him to enforce the provisions of the Constitution of the United States and the laws pertaining thereto?

Mr. DOUGLAS. The Senator is correct. It is possible that the Attorney General already has such general powers, but this title aims to make them explicit, to lay down the ground rules under which the Attorney General may exercise such powers and, in a sense, perhaps it could be argued that these are somewhat limited clauses.

Mr. HUMPHREY. Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. Does not the Senator find, in reading the bill, particularly title IV, that the powers which the Attorney General has been given are obviously based upon the Constitution? They explicitly outline the terms of the procedural use of such powers. Such procedural requirements are, in fact, a conditioning of the use of the powers?

Mr. DOUGLAS. Exactly. Otherwise the Attorney General might roam at random.

Mr. HUMPHREY. Is it not a fact that Congress has responsibility, under the Constitution, to take whatever action is necessary, on the basis of whatever laws are necessary, to effectuate the mandate of the Constitution?

Mr. DOUGLAS. I believe Congress has such general powers. In addition, it is specifically assigned those powers under the 5th section of the 14th amendment.

Mr. HUMPHREY. Indeed. And under the 2d section of the 15th amendment also?

Mr. DOUGLAS. The Senator is correct. That is the section on voting rights.

Mr. HUMPHREY. It is a fact, is it not, that instead of giving the Attorney General alleged dictatorial powers—as the advertisement states—the bill provides that the Attorney General's powers shall be used in a moderate, regular, uniform, limited manner?

Mr. DOUGLAS. The Senator is correct.

Mr. HUMPHREY. So the advertisement should read, "Civil Rights Bill Holds Attorney General to Strict Procedures of Statutory and Constitutional Law," rather than screaming out in bold headlines that this is a grant of dictatorial, tyrannical power to the Attorney General of the people of the United States.

Mr. DOUGLAS. The Senator from Minnesota puts it perfectly.

Mr. HUMPHREY. I thank the Senator for yielding to me.

Mr. STENNIS. Mr. President, will the Senator from Illinois yield to me on that same point?

Mr. DOUGLAS. I am happy to yield to the Senator from Mississippi. Before I do so, let me say that there is no fairer Member of this body than the Senator from Mississippi. He is the soul of fairness. He is also the soul of courtesy. I have often said that if I were to be on trial for my life, I could have no fairer judge than the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Illinois very much. It is a privilege for me to serve with the Senator from Illinois in the Senate. He and I came to the Senate at about the same time, I appreciate greatly his courtesy in yielding to me.

Mr. President, do I correctly understand the Senator from Illinois to state that the Attorney General now has the general power to institute suits of this kind?

Mr. DOUGLAS. I believe it can be contended that he has.

Mr. STENNIS. Has the Attorney General instituted any suits of this kind in the name of the Federal Government?

Mr. DOUGLAS. Not that I know of. He instituted 61 suits affecting voting rights under the 1957 and 1960 acts, by authority of the 15th amendment.

Mr. STENNIS. If the Attorney General has power to institute these suits in school cases, does not the Senator lay down a terrible indictment of the present Attorney General for his failure to institute even one suit?

Mr. DOUGLAS. Does the Senator mean that Attorney General Robert Kennedy has been too lax in defense of civil rights? I never thought it was the position of our southern friends that Robert Kennedy had been too lax.

Mr. STENNIS. If the Senator will answer the question, he can comment on it later. If it is true that the Attorney General has the authority that the Senator asserts he has, and has not filed a single suit, is that not an indictment of him on the grounds of dereliction of duty and failure to act?

Mr. DOUGLAS. I believe he has such implicit authority, and that he has shown great restraint in not exercising this authority in the absence of specific legislative authorization. He has shown excessive susceptibility to legislation by Congress and to the criticism which our southern friends might level at it.

Mr. STENNIS. Since no suit has been filed, and the Senator now is asking for this sweeping authority, can the Senator sustain his position that the Attorney General now has such power by any opinion which the Attorney General has given, in public or in private, to the effect that he has authority to file these suits?

Mr. DOUGLAS. I do not believe he has made any such suggestion. He has shown extraordinary restraint. I hope this record goes back to the Deep South, so that people will realize that Robert Kennedy has been very sparing in the way he has exercised his legal authority.

Mr. STENNIS. According to the contention of the Senator, the Attorney General has such authority. This is the first time that I have heard it contended by anyone that under present law the Attorney General has authority to institute cases of this kind.

Mr. DOUGLAS. Does the Attorney General have power to defend the Constitution without specific legislative authority, or may he operate only under legislation enacted by Congress?

Mr. STENNIS. The Senator is dealing in very general terms. It is well known that the legislative branch must implement various programs and give authority and make appropriation of funds.

Mr. DOUGLAS. Yes. I will come to that.

Mr. STENNIS. I deny emphatically that under present law the Attorney General has the authority to institute such suits. That is proved by the fact that the present Attorney General has not attempted to do so. He has never given any opinion that he has such authority; nor have any of his assistants ever claimed it.

Mr. DOUGLAS. One reason why he has not done so is due not merely to sensitiveness to the mandates of Congress, but also to the fact that the Appropriations Committees have not given the Civil Rights Division great amounts of money with which to operate. It has been so busy with voting rights cases that it has not had an opportunity to move into this field.

Mr. STENNIS. The Senator from Mississippi is a member of the Appropriations Committee.

Mr. DOUGLAS. Yes; he is a very effective member of that committee.

Mr. STENNIS. The record will show that the Attorney General has never asked for one dime of money to institute a suit in a school case. That is another reason why I believe the Attorney General does not have that authority.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I wish to clear up one point. I believe the record does show that the Appropriations Committee has given to the Department of Justice every lawyer in the Civil Rights Division which the Department has requested. How long this will continue, I do not know. I congratulate the Senator from Mississippi. I am very glad to make that statement.

Mr. STENNIS. I appreciate the Senator's remarks. I do not want to take too much of his time.

Mr. DOUGLAS. That is quite all right. This is important.

Mr. STENNIS. I wish to explore the question of the Attorney General having authority under present law to file these suits. The Attorney General appeared before the Senate committee and the House committee when these bills were under consideration. The Senator from Mississippi did not hear any claim made by the Attorney General or any of his assistants that the Attorney General now had such authority. If the Senator could buttress his argument by any opinion or contention in that regard it would be helpful to the Senate. Does the Senator have anything to show that?

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I suggest that the Senator from Kentucky give the Senator from Illinois an opportunity to answer the question.

Mr. DOUGLAS. It stands to reason that the Constitution is the basic law of the land, and that the Department of Justice can proceed to defend the Constitution even though specific legislation may be lacking. I remind my good friend that we are trying to make it doubly sure now by passing specific legislation which would lay down the limits within which the Department of Justice can operate.

Mr. STENNIS. If the Senator will yield further, I should like to ask the Senator whether he is proposing to limit the Attorney General or to give him more power.

Mr. DOUGLAS. The purpose is to make his powers explicit, and to furnish guidelines for action.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. COOPER. There may be some misunderstanding on this point. I believe the Senator from Mississippi will agree with me that the Attorney General can now intervene in an action brought by a private person, by filing an amicus brief, and coming into the case as a "friend of the court." This may be done upon the Attorney General's request, or upon the request of the court. This procedure has already been followed in several school desegregation cases.

Mr. STENNIS. If I may answer that contention briefly, the Senator from Mississippi understands the law. The Attorney General can intervene at the request of the court or with the permission of the court, but he has no power in his own right to come into court.

Mr. COOPER. But in a great many cases—for example, in Brown against Board of Election and in Cooper against Aaron and many others—the Attorney General did enter an appearance as amicus curiae, or friend of the court and took a very active part in the proceedings. I believe that is perhaps the procedure to which the Senator from Illinois is alluding.

Mr. STENNIS. I appreciate the fact that the Senator from Kentucky sustains my position.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. I do not profess to be a constitutional lawyer, but I did read something about our Constitution—at least in the earlier days of my life—and I have been doing a good deal of reading of the Constitution in these later days. The Constitution contains two types of powers, implicit and explicit. Implicit power comes from the full body and full weight of the Constitution itself. The explicit power comes from the directives in the articles and sections of the Constitution itself. In the 14th amendment there is not only an expression of a constitutional provision, which is within itself both implicit and explicit, but there is also a directive to Congress, in section 5 of that amendment, which provides that "Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

There have been enacted numerous Federal statutes which authorize the Attorney General, under the terms of the Constitution, to intervene in behalf of the Government of the United States or in behalf of the citizens of the United States, where the real or incidental beneficiary would be a private person. As an example, there are the Sherman Antitrust Act and the Clayton Act. The Antitrust Division of the Justice Department is proof that the Attorney General exercises such power.

First, there is a full constitutional basis for title IV under section 5 of the 14th amendment. This title lays down guidelines for the Attorney General. In a sense, it spells out the details of the Attorney General's exercise of authority.

Mr. DOUGLAS. Mr. President, inasmuch as there seems to be a dispute as to the implicit power of the Attorney General to intervene in school desegregation cases, why does not the Senator from Mississippi join us in making the authority explicit by passing title IV? I suggest to the Senator that he should now clear up any constitutional doubt he may have by approving title IV, which would clinch this question beyond the shadow of a doubt.

Mr. STENNIS. The Senator from Mississippi will take the Senator's suggestion under advisement, after which he will reject it, as I am sure the Senator knows. If the Senator from Illinois will make clear the basis upon which he argues that the Attorney General has this power, and if the Senator will bring in some supplemental proof from either the present Attorney General or a prior Attorney General or any of their assistants, to show that such power exists, it will be helpful.

Mr. DOUGLAS. I do not believe that the Department of Justice ever claimed any such authority. I personally believe—although I am not a constitutional lawyer—that this power is resident in the Attorney General. This title spells out how he should use it.

Mr. HUMPHREY. There is a famous Supreme Court case. I do not remember the exact citation. It is entitled Curtis against United States, as I recall. It related to an airplane company. In this case it was stated in substance that the executive branch has only such powers as are granted by the Constitution. It was further stated that there is no emergency, for example, that gives more power merely because there is an emergency. It is in an emergency, however,

that the use of the latent power of the Executive may be called upon by the President.

The Senator from Minnesota was saying to the Senator from Illinois that the Attorney General, representing the Government and the people thereof, has a clear constitutional base in the 14th amendment upon which to exercise the directives of this bill.

He not only will have the authority—he will have the obligation to protect the rights of citizens of the United States. The bill lays down the limits of the authority.

Mr. STENNIS. Mr. President, will the Senator yield at that point for me to agree with him?

Mr. HUMPHREY. I yield.

Mr. STENNIS. The Senator touched upon the vital point when he read from the amendment the provision that Congress—not the executive branch—shall have the power to carry out these provisions.

The Senator proposed that Congress should pass a law in this instance to clothe the executive with this power. I believe that is a constitutional question. If Congress enacts a statute, it must be based on the Constitution; otherwise it is invalid.

Mr. HUMPHREY. This bill is based on the Constitution.

Mr. DOUGLAS. That is, I think, an admission from the Senator from Mississippi.

Mr. STENNIS. There is no admission at all. There is only a plain statement of facts. There are many things in the bill that purport to give power which I do not think we have any right to bestow. But if Congress in good faith passes an implementing act, that is where the power is—in the Congress, not in the executive branch.

Mr. HUMPHREY. I agree with the Senator from Mississippi.

Mr. STENNIS. I emphasize that point, and one additional point. I do not wish to take up more time. There is no common law in the Federal Government. There is no reservoir of law, as there is in the case of the State. The law in most States is bottomed on the common law of England. There is the general common law of power which perhaps each State district attorney might have, unless it is expressly denied him by the law of that State. There is Bishop's criminal law, the old English law. They set various precedents that the State district attorney can rely on. But a Federal district attorney or Attorney General has only such power as is expressly given by the Constitution or by a statute based on constitutional authority. He must find authority. He has no reservoir of law to call upon.

Mr. HUMPHREY. I do not disagree with the Senator. We must go from title to title. I grant that there are differences in the wording of the titles, as to where the authority comes from.

The point which the Senator from Minnesota was making was that there is no power—no authority that is not prescribed by the Constitution. Congress was given the constitutional directive to implement the 14th amendment which it is doing in title IV. I do not say that this is solely true, for the executive branch was given powers directly by the Constitution which needed no further implementation from Congress. But under the 14th amendment, which specifically provides in section 5:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

It was obviously the intent that Congress should take whatever action was necessary to effectuate the purposes of the 14th amendment. Does the Senator agree with that statement?

Mr. STENNIS. If we assume the validity of the Brown case, and other desegregation cases, and if we take that as a starting point, it still follows that Congress, and only Congress, has the authority to bestow this power on the Attorney General.

As the Senator from Kentucky suggested, the Supreme Court can ask the Attorney General to intervene, or he can petition the Court for permission to intervene. If the permission is granted by the Court, he is in the case. But that action in both instances is Court action, and not original power vested in the Attorney General. Nor is it based on action by the Congress.

I thank the Senator for yielding to me.

TITLE IV—A MODEST PROPOSAL

Mr. DOUGLAS. Mr. President, whatever the dispute may be as concerns the power of the Department of Justice to initiate or intervene in suits to vindicate constitutional rights without legislation, I am very glad that it is now admitted that the legislation now proposed, so far as title IV is concerned, is constitutional. Under the laws of the United States, the Attorney General daily uses his power to enforce the laws of the United States. That is what the chief legal officer is supposed to do. Can it be seriously argued that he should not have the power to enforce the Constitution of the United States, which is the supreme law of the land, and which the Attorney General should certainly enforce as diligently as he enforces the laws passed by Congress?

I suppose that some will argue that the Attorney General will initiate literally hundreds of suits to bring about desegregation. This might indeed be necessary, or reasonable, or important, but anyone who reads the language of the title and who knows how departments of the Government work, will seriously doubt that this will come about.

There is always a reluctance on the part of Government agencies to take on additional work and additional burdens on behalf of individual citizens. At the time, they showed extraordinary reluctance in that direction. It is therefore true by the nature of things that the Attorney General will not initiate a suit at the mere whim of a citizen. Furthermore, the language reads that the action should "materially further the public policy of the United States favoring the orderly achievement of desegregation in public education." It must be in conformity with public policy. The objective must be the orderly achievement of desegregation.

When we consider the relatively few cases in which the Government enters into a private suit as a friend of the court, I think it is clear that any Attorney General will want to pick and choose his cases carefully.

APPROPRIATIONS NEEDED

There is also another fact of life which will no doubt limit the number of suits which are initiated. The Department of Justice, like all Departments of the Government, must come to Congress for needed appropriations. Even the most cursory examination of congressional appropriation machinery, or the membership on the Appropriations Committees indicates that no Attorney General will have forced upon him by the Appropriations Committee in the Senate a vast army of lawyers to initiate cases under this title.

We certainly hope that if this title passes, the Attorney General will request and the Appropriation Committees will grant adequate funds to enforce the Constitution of the United States. We know that authorization is one process and appropriation is another process, and that the lawyers at the Justice Department will be heavily burdened in initiating anything like the number of suits which would be necessary to carry out the full intent of this title and to bring about the fulfillment of the Supreme Court decisions of 1954 and of 1955.

As an example, Mr. President, in 1957 and in 1960, we granted authority to the Attorney General to initiate cases under the 15th amendment, or voting rights amendment, of the Constitution. The record shows that in the first 6 years under that provision of law, only 58 cases were initiated by the Attorney General. There have been another 3 cases in 1964, bringing the total to 61. The provisions for the Justice Department starting suit under title IV of the present bill are less expansive than those provided under the Voting Rights Act of 1957.

MUST WIN SUITS

There is a third point here, too—namely, that to initiate a suit is not the same as to win a suit. The Attorney General or the other representatives of the Government of the United States must appear in a Federal district court. We all know that in almost every case these will be Federal district courts in the South. The Federal district judges on these courts are men who, in almost every case, were born and reared in the South, and who, while sworn to uphold their oath of office to defend and protect the Constitution of the United States, certainly will not by their background and experience be prejudiced in favor of the Attorney General. Certainly that is a most modest statement.

The Government will be required to present facts and evidence and to make legal arguments and to have these rebutted and argued against, if the past is any experience, by the most capable and legal minds in the South.

So all this title does is to give the Attorney General the right to initiate suits to enforce the Constitution of the United States with respect to desegregation in the limited circumstances where the aggrieved parties are unable to do so themselves, either due to lack of funds or where the results might be severe injury

or damage to them. What could be more restrained or more limited than this modest proposal? Why should not justice be provided with a sword, not merely with a tribunal where the weak and the unassisted must contend with the strong?

Roscoe Pound once defined the American system of justice as one of clearing the ring and allowing grossly unequal contestants to go at it, unhampered by any ideas of equal justice.

BILL LONG OVERDUE

Mr. President, this bill is long overdue; and in my judgment, it should be passed.

Another section of title IV, unlike the one I have been describing, applies not alone to school districts where segregation is being enforced by the action of the State or its officials "under color of the law," but also to any public school or public college which seeks to desegregate voluntarily, as well as under a court ordered plan. This section provides for technical assistance to a school board, a State, a municipality, a school district, or other governmental unit which is legally responsible for operating a public school or schools. Technical assistance could be provided them in the preparation or adoption or the carrying out of a plan to desegregate the public schools. The technical assistance could take the form of providing information to them about the special problems that may arise as a result of desegregation and to provide personnel who are trained to advise and assist them with the problems they may encounter. That would have helped very much at Little Rock in 1957. I am happy to note that this feature was apparently copied from a bill which I introduced in 1958.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is it the view of the Senator from Illinois that colored students should be placed in schools with white students, even in cases in which the colored students do not prefer to be in classes with white students?

Mr. DOUGLAS. Oh, no; that would be done only if the individual wanted to enter a public school or a public college—it would not apply to private schools—and only if the Negro wished to enter there; and thus would take on himself a very heavy burden.

Mr. LONG of Louisiana. But if the colored student preferred to go to a school where he would be with others of his own race, does the Senator from Illinois feel there is anything wrong about that?

Mr. DOUGLAS. Not at all. The 14th amendment and the bill merely provide that if a person wishes to assert his constitutional right, this is his right, insofar as public education is concerned.

Mr. LONG of Louisiana. Will the Senator from Illinois answer this question: If it is all right for a colored student to go to a school among other colored children—and I see nothing wrong about that—then what is wrong if white students wish to go to schools among other white students? Why would the Senator from Illinois object to having the white students go to school with other white students?

Mr. DOUGLAS. Such a privilege would not and should not carry with it the right to deprive a Negro citizen of his constitutional rights.

Mr. LONG of Louisiana. Does the Senator from Illinois feel that a constitutional right of a Negro is to be with people of a race other than his own?

Mr. DOUGLAS. I merely say that insofar as the public schools are concerned, the Supreme Court has so ruled.

Mr. LONG of Louisiana. Can the Senator from Illinois tell me why there is anything wrong with an arrangement by means of which colored students attend school with others of their own kind and white students attend school with others of their own kind?

Mr. DOUGLAS. There is nothing wrong with it; but we are trying to establish the right of individual choice. If a Negro wishes to go to a public school that is predominantly white, that is a constitutional right; or if a white student wishes to go to a public school that is predominantly Negro, that is his right, too. The basis is individual choice in utilizing public facilities.

Mr. LONG of Louisiana. I saw Mr. James Farmer appear on a television debate with Malcolm X; and on that occasion James Farmer said that he did not object to colored citizens' having colored communities such as Harlem; he said he thought they should have that privilege, but that he thought they should have a choice between either living in colored communities or living in communities among whites.

If the colored are to have that choice, why should not the whites have the same privilege of living either among whites or in colored communities?

Mr. DOUGLAS. Now the Senator from Louisiana is bringing up the question of housing; but absolutely nothing in the bill refers to housing or requires open occupancy. The bill is confined to the specific titles set forth in it—namely, voting rights; equal access to specified public accommodations; the right to use State and local facilities, whether locally supported or federally supported; and, in title IV, the right to desegregated public education; and the bill also includes the fair employment practices provisions and certain other provisions—but no provisions in regard to housing.

Mr. LONG of Louisiana. But my question is basic to the same question, and relates to the right to associate with people of one's own kind.

Mr. DOUGLAS. In the schools?

Mr. LONG of Louisiana. Yes; I am speaking of the schools.

Mr. DOUGLAS. In the public schools?

Mr. LONG of Louisiana. I ask the Senator from Illinois whether the right to associate with one's own kind is the same theoretical right, regardless of whether association in a school or association in a neighborhood is concerned.

Mr. DOUGLAS. I believe that white students should have the same right to transfer out of schools that Negroes should have the right to transfer in—I shall put it that way; in other words, that there should not be any greater rights given to Negroes to transfer in, than are given to whites to transfer out. But the Negro must have the right of equal access to school facilities owned and operated by the public.

Mr. COOPER. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. COOPER. I am interested in a particular question, which was addressed to me the other day by the Senator from Florida.

I would like to say, with all deference to my distinguished friend the Senator from Louisiana that the argument which he raises is being used considerably, as a diversion, in an attempt to avoid the decision of the Supreme Court in these school desegregation cases.

The Supreme Court held in a later case—Goss against Board of Education, June 3, 1963, from Nashville—and in a similar case, Watson against City of Memphis, May 27, 1963, from Knoxville, Tenn., that the so-called right on the part of a student, to transfer from a desegregated school to a segregated school in a district outside his own district—either to a white school if he were a white student, and wants to attend that school, or, the same opportunity for a Negro child, that the right to transfer out of a particular school district which results in continuing segregation does not exist. Regulations for the school transfer program as involved in those cases, were found to violate the equal protection clause of the 14th amendment because the school district transfers were discriminatory.

I believe something has been overlooked. The Brown case, the Cooper against Aaron case, and other cases in the 1950's held that segregation in public schools was a denial of constitutional rights under the equal protection clause. These cases set forth a series of questions to be answered. Those questions were based upon the problems which arise in desegregating public schools in a normal geographic school district. The hearing of the Brown case was for the purpose of instructing the school district as to the kind of plans that they should make, the integration programs that they should carry out, based upon normal compact geographic school districts in each State. Once the States had established such normal school districts, a later decision, Goss against Board of Education, decided by the Supreme Court on June 3, 1963, held that school children could not be transferred out of a district where an effort to avoid desegregation of schools, was the real reason for the student transfer program.

Mr. DOUGLAS. I do not believe that the Negro should be given any rights that the whites do not have. The important point is that no one should be denied rights by law on the basis of race or color.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Is it not true that in the great city of Chicago, where the Senator served in local city governments with great distinction and

honor, there is a decided pattern of residential segregation which reflects itself in segregation in the public schools of that community?

THE HAUSER REPORT

Mr. DOUGLAS. That is true to some considerable degree. The school districts were laid out in Chicago on the neighborhood pattern to which the Senator from Kentucky has referred. It is true that the residential pattern within and between those neighborhoods tends predominantly, although not exclusively, to be overwhelmingly white or overwhelmingly Negro. Some communities—and mine in Hyde Park-Kenwood happens to be one of them—are integrated communities. But it is true that in the main the neighorhoods have a general residential pattern of either one or the other. To a very large degree it results in schools being either all white or all black. That is not universal. There is a considerable percentage of integrated schools, although they are not in the majority.

The pattern is not forced by law. It follows from the neighborhood pattern, which in turn is not forced by law. Restrictive covenants in Chicago, as elsewhere, are illegal. They have been declared unconstitutional. However, a de facto problem has been created which is very serious and with which, I am very frank to say, we have not coped successfully, but with which we are trying to cope.

On Tuesday of this week a distinguished committee made a report to the Chicago Board of Education. The committee was under the chairmanship of Professor Hauser, of the University of Chicago. I have with me the text of that report. The report criticizes our weaknesses very severely. It also lays down a program for the future. In that program it is proposed to enlarge the school districts so that a school district, though still on the neighborhood pattern, will not be exclusively white or exclusively black. Within the elementary school districts it is proposed that pupils shall have the choice of attending the school which they desire; and transportation within that district for elementary pupils will be furnished by the community. That plan would permit a considerable degree of integration.

Second, the plan proposes that, so far as high schools are concerned, each student shall have the right of choice anywhere within the city, but must pay for his own transportation costs.

There is a third recommendation; namely, that new schools should be located on the borders of a Negro district, on the one hand, and a white district on the other, and be eligible, therefore, to receive students from both. A great many new schools are being built.

In short, the problem really came upon us unawares. It grew out of the residential pattern. We are trying to cope with it.

The difference between our efforts and those of our southern friends is that whereas we are trying to overcome the residential pattern, and to go beyond legal requirements, our southern friends are trying to circumvent the legal ruling. That is a very great difference. The problem is profound.

I believe I understand some of the difficulties in the South. But this is the latter part of the 20th century; and we must get away from the rigid segregation which has existed in the past, because segregation, as the mayor of Atlanta said, is the child of slavery.

Mr. LONG of Louisiana. The Senator has a right to his view, and the mayor of Atlanta, Ga., can think in that way if it suits him. But I do not happen to look at the question in that way. I feel that the good Lord must have meant us to be what we are; otherwise, he would not have made us in the way that he has. The good Lord did as much segregating as anyone I know of when he put one race in one part of the world and another race in another part of the world.

I have difficulty in understanding the position of the descendants of those who had something to do with the Yankee slave traders, who took Negroes into captivity and brought them to this country. My forebears had no slaves and had no part in it. I am not trying to blame anyone who did.

Mr. DOUGLAS. My forebears were not in the slave trade. If the Senator from Louisiana had been in the Chamber earlier, he would have heard my denunciation of the Yankee slave traders. I said that we of the North must bear a large share of the guilt.

Nevertheless, slaves were brought here because they were profitable, and they were profitable because the institution existed in the South and enabled some men to live without working.

Mr. LONG of Louisiana. In any event, I see nothing wrong with white citizens being among white citizens, and colored citizens being among colored. As one who has had a great deal of experience in the South with the problem, I should like to state that there are a great number of colored people, as well as a great number of white people, who find a great deal of satisfaction in being among their own people and take pride in their own people.

Mr. DOUGLAS. Certainly, but let it be by individual choice rather than by something which is forced by law. That is our point.

Mr. LONG of Louisiana. The point that I make is that, much as I enjoy the company of the distinguished Senator from Illinois, I may not have the privilege of his company unless he is willing to associate with me.

Mr. DOUGLAS. I am always happy to associate with my good friend from Louisiana. He knows that.

Mr. LONG of Louisiana. That is a mutual feeling. My quandary is that decisions such as whom a person will have as his neighbor and with whom he will associate in other respects, together with the guidance that he will give his children as to whom they shall associate with, are questions in respect to which a person has a right to discriminate. He may decide with whom he will associate and with whom he will urge his children to associate.

Mr. DOUGLAS. In anything that is not public in nature—in all private relationships—I grant what the Senator has said. If we may discuss another title—title II, related to public accommodations—it is explicitly stated in that title that its provisions do not apply to private clubs. The title does not apply to "Mrs. Murphy's Boarding House," to which the Senator from Vermont [Mr. AIKEN] called attention. It does not apply to boardinghouses in which the owner and manager live, and which take in fewer than five persons. We wish to preserve the right of individual choice. I believe that we as individuals have been too rigid in applying that right, but that is another question. All we are trying to do is provide that the law shall not discriminate between people on the basis of race or color. As Justice Harlan said, the Constitution is colorblind.

Mr. LONG of Louisiana. A great amount of segregation exists in Louisiana, and I suspect that a great amount exists in Illinois by choice of the people themselves.

Mr. DOUGLAS. If it is a free choice and not in a public facility or one engaged in interstate commerce, that is all right. I emphasize that.

Mr. LONG of Louisiana. But I submit that there is something of an invasion of the rights of persons when people are made to associate with those with whom they do not want to associate. It seems to me the freedom we would like to protect most would be the right of every person, so far as possible, to choose those with whom he wishes to associate or not to associate.

I say that in spite of the fact that the Senator from Louisiana has probably been blackballed from more organizations than any other Member of this body; but, at the same time, I think we should protect the right of a person to be among his own kind.

The Senator from Illinois has said there is nothing in the bill with respect to the housing problem. Perhaps the Senator will vote for an amendment which will be offered to the bill, which would provide that the President of the United States may not usurp the power of any Federal agency or any agency doing business with the Federal Government to lend money for housing purposes in order to break up the white or the colored nature of a subdivision.

Perhaps the Senator from Illinois approves the usurpation of power in that way, but the Senator from Louisiana does not approve it, and I am sure his constituents do not approve of the power of the Federal Government being used to break up the nature of a white community or a colored community, if that is the way they want to live, among people of their own race and kind. It seems to me that is a personal right the people have which Congress should protect. It is both a personal and a property right.

Mr. DOUGLAS. I do not want to enter into a discussion of proposals which are not in the bill and which refer to provisions other than those I am trying to discuss under title IV. I wish to deal with the point which our southern friends constantly bring up. They say that we are hypocritical; that we want to enforce desegregation in the South,

but are not willing to apply it in the North.

I point out that, so far as the law is concerned, there is no legal segregation in the North. It arises from neighborhood patterns and is based on the theory that children should not travel too far away from home to go to school. Also, the segregation patterns are brought about, not by law, but by choice, with some degree of pressure from the whites, it is true. The result is segregation to that extent. We are still trying to solve that problem in the big cities.

INTEGRATION IN MEDIUM-SIZED CITIES

However, I point out that there are large numbers of Negroes in medium-sized cities, those with a population of from 40,000 to 150,000, where there is only 1 high school or, at most, where there are 2 or 3 high schools, cities like Springfield, Aurora, Rockford, Rock Island, Decatur, Champaign, Danville, and others in my State.

In those cities there are considerable numbers of Negroes, and they go to the common public high school, and there is desegregation—indeed, integration, which is one step beyond desegregation—in the high schools. That fact needs to be emphasized.

On the other hand, in the Southern States, even a moderate-sized city will have a separate high school for Negroes, and segregation will be enforced.

So, when the charge of hypocrisy is made, it is true only to a relatively small degree.

Mr. LONG of Louisiana. The Senator from Illinois knows that we folks in the South are not hypocrites about this matter. We think it is absolutely desirable that the white people should continue to be white, and that their children and grandchildren should be the same; and we let our children know that we think just that. We think it desirable to encourage the colored people to exert themselves in the same direction.

If they had been left alone, and if the troublemakers had not stirred the people in our area to think and believe differently, the prevailing view of the overwhelming majority of the colored, as well as the white, would be that it is desirable for the colored, as well as the white, to associate with their own kind, and to have their social relationships among their own kind. The Senator from Louisiana believes that is the opinion of the overwhelming majority of the white, as well as the colored—reserving the right of anyone who wants to mix to do so.

Mr. DOUGLAS. The Senator from Louisiana, in a polite way, has brought up the old question of, "Do you want your daughter to marry a Negro?" Marriage is difficult enough at best. Marriage between people of different races would be that much more difficult. But marriage is an individual matter and has nothing to do with this legislation. Many whites may not want their daughters to marry Negroes and many Negroes may not want their daughters to marry whites. This is a personal matter. However, in spite of the protestations that have been made by our southern friends that they do not want mixing of the races, race mixing has occurred in the past in the South, and most of it was not initiated by the Negroes.

Mr. LONG of Louisiana. The Senator says they do not want intermarriage, but they are being encouraged to do so by going out on dates together.

Mr. DOUGLAS. I am not proposing that at all. It has nothing to do with this bill. It may well be that in high schools there could be segregation, not by race, but by sex. That idea somehow has not caught on, but I always thought it was a rational idea. It certainly would be constitutional. There could be segregation based on sex. Our Catholic friends have practiced it to a very large degree, and I think it has worked out very well for them.

I now return to a discussion of title IV.

TECHNICAL ASSISTANCE

In addition to this, the Commissioner of Education is authorized to make grants or contracts with institutions of higher education for special institutions to give training to school teachers and supervisors and other personnel to help them in dealing with the problems which might follow upon desegregation. It also provides that grants may be made for inservice training for school personnel and in employing specialists to advise in problems concerning desegregation.

As I previously pointed out, this technical assistance would not only be available to a school or district where desegregation has been ordered under a plan, but where the desegregation was voluntary as well.

RACIAL IMBALANCE EXCLUDED

Finally, there is nothing in this title dealing with so-called racial imbalance in the public schools. There is nothing in this title which would require the busing of students, to transfer white students from predominately white schools to Negro schools. There is nothing to require the transfer of Negroes into predominately white schools.

The provisions with respect to racial imbalance were specifically excluded from the House bill and are not a part of this bill, contrary to some of the propaganda and publicity which has gone out about it.

Let me read from the bottom of page 13, and the top of page 14, of the bill:

"Desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

It would be possible for States and localities to follow such policies as they thought wise and proper, but it would not be a requirement of Federal law. This is one of the issues with which we are trying to deal in Chicago. The Hauser report has been very well received by the press of Chicago and by a very large section of public opinion in Chicago. It may be put into effect.

Mr. LONG of Louisiana. Does the Senator agree that what has happened in Washington, D.C., under the so-called model integration procedure, has been resegregation of the races? Has there not been a great amount of residential segregation, compared with that which previously existed and a great amount of moving of children from schools which they previously attended, until there is, to a very large degree, segregation in the District schools?

Mr. DOUGLAS. I believe the program has resulted in a considerable number of white parents moving into the suburbs so that their children would not have to go to integrated schools. This, of course, is by no means the only reason people move to the suburbs. They are within their rights in doing so. It is a development which is creating serious problems for the huge metropolitan centers. There is no doubt about it. I believe the white community and its white residents need to seriously consider the question of how far they can go, in abandoning the ship, because we may get into a situation in which the large metropolitan centers will eventually become centers of poverty-stricken people ringed by the more securely established suburbs. I would regard this as unfortunate, because I view the city as a great mixing of peoples where tolerance and appreciation are learned from one another. Contrary to some opinion, I believe that cities have been among the strongest civilizing forces in the country.

Mr. LONG of Louisiana. I do not agree; I do not believe the Senator from Illinois believes that a person should be poor because he is colored. I would hope that we could see to it that every colored citizen has a good job, but I would also hope that we would not accomplish that result by imposing upon white citizens in order to do so. I hope we can see to it that both white and colored citizens have good jobs.

Mr. DOUGLAS. I hope the Senator from Louisiana is for the fair employment practices title in the bill.

Mr. LONG of Louisiana. No; that is just what I am against. I am not in favor of giving a colored man a good job by taking it away from a white man. I am in favor of aiding both.

Mr. DOUGLAS. I do not wish to become involved in discussions on another subject. Why not let jobs be awarded on the basis of ability rather than discrimination or favoritism based on race or color?

Mr. LONG of Louisiana. Who will make the decision? Shall it be some prejudiced board member who interferes in some man's business, or the man who operates the business himself, and who wishes to select those whom he wishes to hire?

Mr. DOUGLAS. I believe that decision will have to be made by the courts. When we come to the fair employment practices provision, I believe we can make it clear that the Federal board does not have the power to initiate suits, contrary to the power given to some State commissions, but that, as Kipling said, is another story.

I return to the discussion of title IV.

Not only is the racial imbalance question not dealt with in this bill, but the bill expressly and specifically excludes the problem of racial imbalance from the scope of the bill.

WHY IS IT NECESSARY?

Why, then it may be asked, is it necessary to give the Attorney General the

authority to initiate suits which is found in this title? After all, do not the courts sit to remedy deprivations of constitutional rights? Why cannot Negroes then, like other citizens, pursue their rights with their own resources?

The answer is that the process of private litigation simply is not successfully vindicating the clear rights of Negroes. Private litigation, in all too many cases, has failed. And it has done so because of the intransigent opposition of the duly constituted governing authorities of the Southern States. A system of private litigation, which is and must be founded on a presumption that the governing authority will in good faith attempt to comply with the established principles of law, once these have been determined, cannot perform its function when persons in authority attempt, instead, to evade and disobey that law, and follow the advice of Mr. Kilpatrick, which I read earlier. It is the failure of social and political responsibility which has deprived Negroes of an effective remedy in the courts; it is this failure of responsibility which has made this title and bill necessary.

The outstanding example of this failure is the problem with which title IV attempts to deal—the question of school desegregation. Ten years ago, in *Brown v. Board of Education*, 347 U.S. 483 (1954), the Supreme Court unanimously decided that "the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the 14th amendment." After another year in which all interested parties were invited to submit their views on the most appropriate method by which these principles might be enforced, the Court unanimously ordered that the district courts should "take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed" the parties before it. In this opinion it noted that "courts of equity may properly take into account the public interest in the elimination of such obstacles—to desegregation—in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them"—349 U.S. 294, 300–01 (1955).

RESISTANCE TO COURT DECISION

Yet, in a very real sense, the constitutional right of Negro children to a desegregated education has yielded, for the 9 years since the second Brown decision, to disagreement with the basic principle that all Americans have equal rights. This disagreement has been expressed by State legislatures which have passed every conceivable kind of law to thwart school desegregation. This disagreement has also been expressed by State Governors, sworn to uphold the Constitution of the United States, who nevertheless have used the power of their offices to keep Negro children from their rightful heritage. This disagreement has also come from local school boards which have arbitrarily and capriciously administered the law so as to evade and disobey lawful court orders. And disagreement has been violently expressed in shameful disturbances in the streets—and sometimes in the bombings in the dark of night.

Mr. President, I have already indicated that 9 years after the second Brown decision, only 1 percent of Negro children attend desegregated schools in the Old South.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. I do not believe the Senator from Illinois would wish to convey the impression, by the statement he has just made, that any bombings that may have occurred in the South were the responsibility of some southern official So far as I know, every southern official has done his duty to uphold the laws and to protect a person's property. There may have been improper conduct on the part of some southern official, but it remains to be shown and demonstrated.

So far as I know, every southern law official has undertaken to enforce the law, to uphold it, and to protect the property and personal rights of all citizens.

There may have been some occasions when those officials found themselves acting contrary to the majority sentiment of their own people in order to protect the property rights of those who were unpopular, perhaps, with the majority of the people in a certain community because of the position they were advocating.

Mr. DOUGLAS. I am not charging southern officials with carrying out or encouraging bombings. I merely say that they have occurred, and they have occurred in the attempt to maintain segregation.

Mr. LONG of Louisiana. There may have been a bombing somewhere. I am sure there has been. There has also been murder in some places, too. But every responsible official has tried to protect the property rights of all individuals. I do not believe the Senator would wish to suggest that has not been the case.

Mr. DOUGLAS. Sometimes officials have helped to create a climate of opinion in which recourse to violence becomes accepted and conventional. I am sure the Senator from Louisiana has never done that himself, but we know that it has been done.

Mr. LONG of Louisiana. I suspect some would find that——

Mr. DOUGLAS. Such as in Birmingham, in Oxford, Miss., and in other places.

Mr. LONG of Louisiana. When the Senator refers to the Birmingham situation and the Mississippi situation, there have been climates created there by the people on both sides, and there have been law violations in virtually all respects. I do not know too much about Birmingham. I know much more about what happened in Plaquemine, La., where this sort of thing occurred, where a minority group undertook to try to make it appear that they were not engaging in any violation of the law, but bushels of brickbats and broken bottles, and one thing and another, were hurled about, to the extent that law enforcement officers had a serious problem in upholding the peace of the community. That sort of thing, engaged in by those conducting demonstrations, is provocative in itself. It is quite unfair, in my judgment, to try to blame law enforcement officers for provoking trouble when they are merely trying to maintain the peace of the community, trying to protect the property and personal rights of all citizens.

NEGRO RESTRAINT

Mr. DOUGLAS. I do not wish to enter into a too detailed discussion of this point. I merely wish to say that when one takes into consideration the long history of abuses under which the Negro people have suffered, abuses not merely under slavery, but also in the century since slavery, and the indignities to which they are daily subjected, it is extraordinary that their protests have been so peaceful. The restraint with which the Negroes have acted, in the main, has been beyond my expectation and, in my judgment, beyond praise. People who have followed Martin Luther King, Ralph Abernathy, and John Shuttlesworth have shown extraordinary restraint. How much longer this can continue, I do not know, but I believe it is a miracle that it has lasted as long as it has.

It ill becomes any white man to criticize Negroes for their general actions. So far as I can tell, by and large the action of the white race has been worse than that of the black race in this matter.

Mr. LONG of Louisiana. The Senator probably has seen such shows as the picture which shows a cardinal and a number of Catholic priests, both black and white, being beaten by Ku Klux Klan mobs. That sort of thing has never happened in the entire South.

Mr. DOUGLAS. I have not seen that motion picture.

Mr. LONG of Louisiana. Or a picture like "To Kill a Mockingbird," which portrayed an obviously innocent colored man being found guilty of attacking a white woman.

What usually happens is more like the incident that happened recently in my hometown, when a colored citizen raped a white woman and cut her throat twice and left her for dead. When the culprit was apprehended, he contended that this white person tried to attract him, which was completely out of keeping with his slashing the woman's throat twice and letting her lie there to bleed to death.

Fortunately someone found the white woman, and the culprit was punished. Every conceivable safeguard was used to make sure that no one would contend that there had been any irregularity in the selection of the jury, or in the selection of the grand jury that had indicted him; everything else was done to lean over backward as far as possible to see to it that it could not be later contended that he had been unfairly convicted. He was obviously guilty of rape and attempted murder, having left the woman,

with hands and feet tied, to bleed to death.

Mr. DOUGLAS. Crime is individual. A person who commits such a crime should feel the full weight of the law in a just setting.

Mr. LONG of Louisiana. I hope the Senator will not leave the record in such shape as to indicate what I believe to be totally incorrect, namely, the impression that southern law officials are not undertaking to protect the lives and property of citizens of the South. I believe the record will show that they have done so. At least, that has been the case for the past decades, and all my life so far as I know anything about it.

Mr. DOUGLAS. What is the status of desegregation in public education in the South? What has happened in the 9 years since Brown—years of patient, devoted effort—and what have these years brought the Negroes who have sought equal education for their children?

THE STATUS OF SCHOOL DESEGREGATION IN THE SOUTHERN STATES

In the 11 States which made up the Old Confederacy, there are about 11 million school children—8 million white, and 3 million Negro. Of the 3 million Negroes, less than 31,000—just 1 percent—actually attend school with whites. And the prospect of others being desegregated in large numbers is not bright. Thirty percent of the South's Negro children attend school in desegregated school districts—that is, districts in which the most rudimentary compliance with law has been instituted. And only 3 percent of the Negroes in districts which are nominally desegregated actually attend desegregated schools; namely, the districts are desegregated in name only. As of last August, 3 States—Alabama, Mississippi, and South Carolina—had not a single Negro child registered to attend a desegregated school below the college level. Alabama has since admitted 11 Negro children to "white" schools and South Carolina has admitted 10; Mississippi's schools are still pure white—see Statistical Summary of School Segregation and Desegregation in Southern and Border States 1963–64, Southern Education Reporting Service, page 2.

Children who were entering segregated primary schools when the Supreme Court decided the Brown case are attending segregated high schools. At the rate at which school desegregation is now proceeding, their children and their children's children will attend segregated schools as well. Generations of Negro children will continue to be deprived of their rights under the 14th amendment to the Constitution.

When I am asked, as I often am, not to try to hasten desegregation but to allow the process to take place gradually, I am reminded of a conversation which a friend of mine had with an acquaintance who was also urging gradualism. My friend then said, "I would be satisfied with gradualism if it were discernible." "Oh," was the horrified rejoinder, "discernible. That is much too fast for me." That, I am afraid, is about what has happened in the States of the Old Confederacy in the years since the Brown decision.

THERE IS NO SUCH THING AS SEPARATE BUT EQUAL

One can argue about the amount of money spent per child for Negro education and white education in the South. One can compare the number of students per teacher in Negro schools as compared with white schools. One can compare the facilities afforded the Negro students as compared to white students in the South.

Up until about 1945 the facilities were mostly unequal, in that Negro schools were much poorer. A Chicago philanthropist, Julius Rosenwald, gave money for about 3,000 Negro schools in the South, to start building decent schools. Textbooks were poor or lacking. Teachers were ill trained and underpaid. The technical, tangible education was quite inferior to that given in the white schools. This is the sober fact. It is true that in the past 20 years there has been a general improvement in the tangible form of education given to Negro students. I pay tribute to the South for having done this. In part it was the result of decent, humanitarian desires on the part of conscientious southerners; in part, also, it was because the South felt the hot breath of impending Supreme Court decisions; and they felt that unless they raised the tangible level of Negro education, they would be forced to desegregate. Southerners will admit, privately and honestly, that this improvement has usually resulted from the fear of northern intervention. This has been one of the beneficial effects of the agitation and efforts which have been carried on in the North.

The distinguished Senator from Florida argued on the Senate floor recently that in many of these areas comparative figures in the South are perhaps as good as comparative figures in some other sections of the country. But his argument was essentially one for separate but "equal" facilities.

I have examined the figures and it is fair to say that in some sections of the South the differences between Negro and white schools are tremendous. In other sections, the differences are not so great. Some have done well and others have done very poorly.

So far as a "tangible" comparison was made, in virtually every instance the number of students per schoolteacher has been found to be greater in Negro schools than in white schools. The amount of money spent per Negro student is less than the amount of money spent per white student. In some cases the differences are great; in other cases they are not so great.

I do not wish to make any State the whipping boy for what I have to say. However, in Mississippi, no Negro child attends school with a white child, in a State where half the children are Negro. According to the biennial report of the State superintendent of public education, 1959–61, and the Mississippi School Bulletin, there were, in Mississippi, only 7 Negro high schools which were accredited by the Southern Association of Colleges and Secondary Schools, as compared with 82 accredited high schools for whites. Four of the seven accredited Negro high schools were in Hinds County, where the State capital is located. For the 270,000 schoolchildren outside Hinds County there were 3 accredited Negro high schools. One Mississippi county had no high school at all. Nine counties had high schools for whites, but not for Negroes. These 7 counties had a total of 21,000 white schoolchildren and 31,000 Negro schoolchildren. For the 21,000 white pupils the counties provided 27 high schools; for the 31,000 Negroes, no high schools were provided.

In two of the counties there were five times as many Negro schoolchildren as white. Of course, there were no counties which provided high schools for Negroes but none for whites.

Statewide, $46 million was expended for instruction in the white schools in 1960–61; $26 million was expended for instruction in Negro schools. Local school boards expended on the average, in that year, approximately $82 for each white pupil, and approximately $22, or about one-fourth as much, for each Negro pupil. In 19 counties more than 10 times was spent on each white pupil as was spent on each Negro pupil. In one county, the ratio of the amount the local school board expended was 100 to 1, however, and it should be stated that State funds reduced the average difference in per pupil expenditure from about 4 to 1 to a mere 2 to 1.

SEPARATE, NOT EQUAL

Mississippi is the outstanding illustration of the fact that "separate" is not, and probably never can be, "equal." But other States in the region bear ample witness to the same fact. In Arkansas, for example, 72 percent of the white schools received the 2 top ratings of the North Central Association of Secondary Schools, while 36 percent of the Negro high schools were so rated. One of the 389 white high schools was not accredited at all; 20 of the 122 Negro high schools were not accredited. Sixty times more Negroes than whites attended nonaccredited high schools.

In fact, every State in the region furnishes an accredited education to a greater percentage of its white students than to its Negroes.

But general statistics such as these do not tell the whole story. In New Orleans, for example, it was found in the case of *Bush* v. *Orleans Parish School Board* (308 F. 2d 491 (Fifth Cir. 1962)) that in the elementary schools the average Negro class had 38.3 pupils; the average white class had 28.7. There was 1 teacher for every 36 Negro pupils, but 1 teacher for every 26.1 white pupils. Negro classes met in a variety of makeshift classrooms, converted from stages, custodians' quarters, libraries, and teachers' lounge rooms. White classes met only in regular classrooms.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. If the Senator will check his figures further, I believe he will find that in the State of Louisiana there has been much more emphasis on the construction of facilities

for colored children in the past 20 years than there has been for white children. Furthermore, I believe the Senator will find that all the colored teachers are paid the same pay scale which applies to the white teachers.

Mr. DOUGLAS. I believe that is true. I credit the family of the Senator from Louisiana [Mr. LONG] for doing fine work in this connection. The Senator's father was criticized by many, but in his public policy so far as I know he did not have race prejudice. He tried to improve educational facilities for the Negroes. This was the policy which his cousin, Earl Long, always tried to carry out. I have always paid sincere tribute to the Long family for this.

When they started, the Negroes were so far behind that even with the efforts of the Long family—which were not always accepted by the power structure of the State of Louisiana—the Negro started from so far behind that it has been very difficult, if not impossible, for him to catch up.

Mr. LONG of Louisiana. I believe the Senator will also discover that a very large percentage of the white students in New Orleans go to parochial schools, where they pay for their own education. This takes a considerable percentage of the white students—who otherwise would be in the public schools—into the parochial system.

The Senator very well knows that the Catholic religion is the predominant religion of that city.

Mr. DOUGLAS. Yes.

I could go further, Mr. President. Four-fifths of the white students in Georgia now attend accredited schools. Less than half of the Negro students of Georgia have this benefit. I could go on from State to State, but all of the discussion as to the tangible comparisons between segregated Negro education and segregated white education is in my judgment beside the point. Education is not merely a matter of buildings, or of books, or of the number of students per class.

It also involves the social attitudes under which children study and live. Segregated schools are unequal schools by definition. Furthermore, it is now clearly against the principles of the Constitution and the 14th amendment to provide legally for separate facilities for Negroes, even if from a tangible point of view they are equal to the facilities in the white school. The Supreme Court has held—and it is true—that separate school facilities are inherently unequal and violate the 14th amendment of the Constitution.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. The Senator makes the statement that segregated schools are not equal by definition. In Baton Rouge, which is my hometown, there is one law school, Southern University, which is a colored State-supported college in the northern section of the city. In the southern section of the city is Louisiana State University.

For a number of years, the same faculty which taught the law students in the classes at Louisiana State University in the mornings, taught the law students in the classes at Southern University in the northern section of the city. With the same books, with the same professors, and with each university having a library which met the standards required by the American Association of Law Students, why would the Senator contend that the mere presence of solely Negro students in Southern University made it inferior?

Mr. DOUGLAS. So far as the tangible aspects are concerned, perhaps it would meet the test. It is extremely exceptional so far as the South is concerned. It is certainly not true in the elementary schools. It is not true in the high schools. It is rarely true in the colleges.

The more fundamental consideration is that the separation of people on the basis of race inherently gives to the race which is regarded as socially inferior a pronounced inferiority complex, which, followed through life, handicaps them in the competitive struggle for jobs, for status, for position.

At this point, I am really getting into the heart of the matter, and the heart of the ruling of the Supreme Court.

Mr. LONG of Louisiana. In some instances, the segregation may occur because the colored people may actually have the pride which I would like the colored person to have in his race in this particular period.

I would recommend that the State over a period of time move on to the point of getting colored teachers to teach the students. If good colored law professors were available, they would have good colored teachers to instruct them. That would aid in establishing the pride which people should have in their race.

STIGMA OF SEGREGATION

Mr. DOUGLAS. Suppose from birth a person has the stigma of inferiority fastened upon him. There are still Southern States in which it is ground for libel if a man is called a Negro if he is not a Negro. I have never heard that it was ground for libel if a Negro man were called a white man when he was not a white man.

We all know that color carries a deep, social stigma with it all over the country, and particularly in the South.

Suppose from birth a person is treated as inferior by society and is herded into separate classes. Suppose he is compelled to go to separate if physically equal facilities. Suppose throughout his life, this feeling is inculcated in a man or woman by the social structure around them. Would it not shake a person's confidence in himself? Would it not destroy a person's self-esteem? Would it not handicap a person?

MORAL HEROES

The people who are able to surmount this handicap are great moral heroes. This is one of the difficulties in India. Few people surmount it. I had a friend at Columbia University. I thought he was a Brahman. He turned out to be one of the untouchables. However, he later became one of the members of the Indian Cabinet. He was one person out of millions of people. Perhaps the Senator from Louisiana could surmount such difficulties. I am frank to say that I do not think I could surmount them.

If a person tried to think of himself in the position of a Negro—and that is very difficult for white people to do—I think he could see the tremendous weight which falls upon them.

It is bad enough because of the practices of individuals; but, for heaven's sake, let us not make it a part of the law of the land. Let us at least throw the influence of the Nation against it.

The caste system still endures in India, and is a great disgrace upon India; but at least the Government of India has had the courage and the foresight to make it illegal; at least it is not sanctified by law; and, at least in theory and law, the temples are open to members of all castes—both the high castes and the low castes.

Mr. LONG of Louisiana. Much separation will always exist between peoples of different natures and different kinds; it will exist because they are different, not necessarily because one is inferior to the other. I certainly hope a colored man would not be encouraged to feel or to think that one who prefers to be with others of his own kind or his own general nature intends the least offense toward a colored man, because that is not the case. Some of the finest citizens I know, and for whom I have the highest regard, are members of the colored race; and I feel that many other southerners, and also the Senator from Illinois, hold the same opinion. One should not take offense merely because some prefer to be among others of their own kind. I certainly hope they do not take offense.

EQUALITY IS THE POINT

Mr. DOUGLAS. The only question is equality. I hope no one here will say that Negroes are not entitled to the equal protection of the laws which the 14th amendment commands. I quote now from a distinguished professor of constitutional law—a southerner by birth and rearing—Charles L. Black, Jr.:

> Then does segregation offend against equality? Equality, like all general concepts, has marginal areas where philosophic differences are encountered. But if a whole race of people finds itself confined within a system which is set up and continued for the very purpose of keeping it in an inferior station, and if the question is then solemnly propounded whether such a race is being treated "equally," I think we ought to exercise one of the sovereign prerogatives of philosophers—that of laughter. The only question remaining (after we get our laughter under control) is whether the segregation system answers to this description.
>
> Here I must confess to a tendency to start laughing all over again. I was raised in the South, in a Texas city where the pattern of segregation was firmly fixed. I am sure it never occurred to anyone, white or colored, to question its meaning. The fiction of equality is just about on a level with the fiction of finding in the action of trover. I think few candid southerners deny this. Northern people may be misled by the entirely sincere protestations of many southerners that segregation is better for the Negroes, is not intended to hurt them. But I think a little probing would demonstrate

that what is meant is that it is better for the Negroes to accept a position of inferiority, at least for the indefinite future.

But, it may be argued, this is only one man's interpretation—though it is corroborated by almost every writer from the South, from its Pulitzer Prize winning newspaper editors to its Nobel Prize winning novelists. More, this interpretation is the indisputable conclusion from the barest reading of history. Professor Black continues:

Segregation in the South comes down in apostolic succession from slavery and the Dred Scott case.

The Dred Scott case decision was to the effect that Negroes had no rights which the whites were bound to respect.

I read further from the article by Professor Black:

The South fought to keep slavery, and lost. Then it tried the Black Codes, and lost. Then it looked around for something else and found segregation. The movement for segregation was an integral part of the movement to maintain and further "white supremacy"; its triumph * * * represents a triumph of the extreme racialist over moderate sentiment about the Negro. It is now defended very largely on the ground that the Negro, as such, is not fit to associate with the white.

History, too, tells us that segregation was imposed on one race by the other race; consent was not invited or required. Segregation in the South grew up and was kept going because, and only because, the white race has wanted it that way—an incontrovertible fact which, in itself, hardly comports with equality. This fact, perhaps more than any other, confirms the picture which a casual or deep observer is likely to form of the life of a southern community—a picture, not of mutual separation of whites and Negroes, but of one ingroup enjoying full normal communal life, and one outgroup that is barred from this life and forced into an inferior life of its own. When a white southerner refers to the woes of the South, do you not know, does not context commonly make it clear, that he means white southerners? When you are in Leeville and hear someone say Leeville High, you know he has reference to the white high school; the Negro school will be called something else—Carver High, perhaps, or Lincoln High, to our shame. That is what you would expect when one race forces a segregated position on another, and that is what you get.

CIRCUIT COURT DECISION

One of the clearest statements in connection with this matter was made by the circuit court which originally passed on the Brown case, and which nevertheless felt compelled to rule against the Negro plaintiffs. I wish to quote from that decision; and I shall quote now, not from a statement by a Swedish economist, but from a decision by that court:

Segregation of white and colored children in the public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system.

Mr. President, some years ago a southern journalist, John Howard Griffin, made an experiment, to find how he would feel if his skin were black and if he lived with Negro people and had contacts with those of the white group. So he used a chemical to color his skin black. So far as I know, he is the only white man who ever consciously made such an experiment. His experience should help us realize some of the terrible handicaps which the mere existence of dark color gives to many people in this country. He was then a grown man, and had come from a white background, and knew that he would be returning to a white background. However, the Negro child knows that he is compelled to remain in the Negro group, and that there is no escape from it. Therefore, he was in a very different position.

The burdens on a Negro are heavy enough, from the nature of life; and certainly the Government should not add to them. On the contrary, the Government should try to diminish those burdens.

LIBEL PER SE

Now let us use our own commonsense. If we truly want someone to improve himself, to take advantage of the education we offer him, we would not dream of insulting him in every class, every day. We would not think it conducive to education, to his education, to put over the doors of his school the words "School for Inferiors." Nor would it occur to us—again assuming that our aim was to help him learn—to proclaim every day that his station was forever limited by the circumstances of his birth. Yet that is precisely what is done to the Negro school child in the South. It is libelous per se to call a white man a Negro in the South. See *Bowen* v. *Independent Publishing Co.*, 230 S.C. 509, 96 S.E. 2d 564; Annotation, 46 A.L.R. 2d 1287 (1956). Thus those who say that to segregate Negroes is not to mark them as inferior, will award damages to any white man who is called Negro on the premise that to so call him holds him up to the scorn and ridicule of the community—the classic test of libel. Thus, simply to attend a "Negro" school is to be branded each day as inferior. This conclusion is made more clear by the holding of southern courts that to place a white man in a car reserved for Negroes is an actionable humiliation. See, Mangum, "Legal Status of the Negro" II—1940—at pages 209–10, 219–20. And statute books still define as "tainted" any person with so much as one-eighth Negro ancestry—much as we might define as tainted a strain of dogs that ran to displasia. (See, e.g., Fla. Stat. Ann. section 1.01(6) (1961); Md. Code 27, section 398 (1957); S.C. Const. art. III, section 33).

We need not rely on conjecture, then, to know that segregated education is a proclamation of and a testament to inequality. For its practitioners have decided the issue in their own courts, their own laws. Nor need we rely on conjecture to know that 99 percent of the Negro children in the South are subject to the indignity of inequality, in plain contravention of the Constitution, every day. For the facts of school segregation are plain. We must now turn to an examination of why, 9 years after Brown, these children attend segregated schools; and we must then turn further to an examination of how we can assure that children who enter segregated primary schools this fall will not graduate from segregated high schools in 1978.

THE LEGAL FIGHT AND INTERMINABLE DELAY IN BRINGING SCHOOL DESEGREGATION IN THE SOUTH

It may be said that the small amount of desegregation so far achieved in the South is the best that could be expected and that the problems of reshuffling school systems throughout the South simply do not allow a faster pace. But such is not the case. Southern officials have used every legal gimmick in the book. The most cursory glance at the history of school desegregation since the *Brown* decision reveals nothing less than a conscious, deliberate effort not to comply with the law of the land, not to allow Negro children their plain constitutional rights—and to carry out this discriminatory scheme with all the weapons available to those in power.

The Senator from Minnesota has drawn our attention to the city of New Orleans—technically, Orleans Parish in the State of Louisiana. The story which he related was taken from the opinion of the Fifth Circuit Court of Appeals in the case of *Bush* v. *Orleans Parish School Board*, 308 F. 2d 491 (1962). One thing the Senator did not mention was that the panel of three judges which decided this case are all native southerners. One, Judge Wisdom, is from New Orleans; another, Judge Rives, is a native of Montgomery, Ala.; the third, Judge Brown, makes his home in Houston, Tex. Let us turn, then, to the history of school desegregation in New Orleans, as chronicled by these three southerners. The Senator from Minnesota has related that in 1951, certain Negro parents petitioned the school board, on behalf of their children, for desegregation of the public schools. In 1952, they instituted suit in Federal court. The case waited until the Supreme Court decided *Brown* v. *Board of Education* in 1954 (373 U.S. 483), and then until the Supreme Court, after another period of argument and study, directed that the constitutional mandate of Brown be implemented "with all deliberate speed" in 1955 (349 U.S. 294). Following that mandate, the District Court for the Eastern District of Louisiana, in 1956, ordered the New Orleans School Board to comply with the supreme law of the land. The school board appealed; the judgment was affirmed (242 F. 2d 1956). The school board sought certiorari from the Supreme Court; it was denied (354 U.S. 921). The school board then returned to the district court and moved that the injunction—a simple order to begin considering ways in which to comply with a clear rule of law—be vacated. This essentially dilatory and frivolous motion was of course denied. Again, the school board appealed and lost (252 F. 2d 253), again it sought review in the Supreme Court and was denied (356 U.S. 969). A third time the school board attacked the order in the district court; a third time it appealed the denial of that

attack (268 F. 2d 78). After this third appeal to the circuit court, the school board did not seek certiorari. By this time, however, it was 1959; by what must be called abuse of the leeway which our courts afford for the correction of error, the school board had managed to postpone even the beginning of thought about desegregation for three years. And during this time, other forces had been at work to further evade the Constitution. The Senator continued:

Immediately after the issuance of the 1956 injunction, the Louisiana Legislature enacted a massive body of laws intended to preserve segregation in the schools. When the district court ordered the school board to file a plan—not to begin desegregation, but only to file a plan for desegregation—a Louisiana court ruled that under one of these laws, the legislature and not the board had the right to change the racial situation in the schools. Thus the local board, with its unique knowledge of local conditions, was barred from participation in the drawing of a desegregation plan; and the district court was forced to draw its own without the board's assistance. The district court's plan was no radical step; it affected not at all children then attending school. It provided that in September 1960—6 years after Brown—children entering the first grade could enter either the formerly all-white or the formerly all-Negro schools nearest their homes, at their option. The school board could transfer students from school to school, so long as they did not do so on considerations of race. But, even this moderate plan was too much for the State of Louisiana. The State attorney general obtained, in the Louisiana courts, an injunction against the school board forbidding it to obey the Federal court order. Then, the Governor, acting under a law passed for the occasion, took over control of the New Orleans public schools. Again it was necessary to go to Federal court, this time for an injunction against the Governor and other State officials to prevent them from interfering in the orderly progress of desegregation. Again the State used the processes of law to delay the granting of constitutional rights; again it appealed to the Supreme Court and was repulsed.

The way now seemed clear for the school board; and that board, in public session, announced its intention to comply with the court orders and adopt the grade-a-year plan. But, as the fifth circuit noted:

"The Louisiana Legislature did not remain idle. The Governor of the State called five consecutive extra sessions of the legislature (unprecedented in Louisiana) for the purpose of preventing the board from proceeding with the desegregation program. Among other actions, the legislature seized the funds of the Orleans Parish School Board, forbade banks to lend money to the board, removed as fiscal agent for the State the bank which had honored payroll checks issued by the school board, ordered a school holiday on November 14 (the day on which desegregation was to commence) addressed out of office four of the five members of the board, later repealed the act creating the board, then on two occasions created a new school board for Orleans Parish, still later addressed out of office the superintendent of schools in Orleans Parish, and dismissed the board's attorney. The Federal courts declared these and a large bundle of related acts unconstitutional."

Again, be it noted, the removal of these unconstitutional barriers to the carrying out of orderly desegregation by the local authorities required three cases before a three-judge district court, and three appeals to the Supreme Court. (365 U.S. 569; 367 U.S. 908; 368 U.S. 11.)

On November 14, 1960, 4 little Negro girls—out of 134 Negro children who had applied—were admitted to "white" schools in New Orleans. I am sure that the people who threw stones, demonstrated, and rioted in protest would prefer now to forget what followed; I am sure that all of us would prefer that it had never happened. The school year ended more quietly. In September 1961 eight more Negro children were admitted to "white" schools.

TWELVE CHILDREN ADMITTED

Thus, after 9 years of litigation, innumerable hearings in the district court, at least 5 appeals to the circuit court, and 7 proceedings in the Supreme Court, 12 Negro children—out of over 55,000 in the parish—had been admitted to white schools. You ask, how could this be? How could so much painful effort, so much legal work and expense, accomplish so little? And, how could a school board, ordered by the courts time and time again to formulate and implement a comprehensive plan for desegregation, desegregate only 12 pupils?

The answer is that the Orleans Parish School Board and the government of Louisiana simply had found another way to evade the Constitution of the United States. Louisiana, like 10 other Southern States, enacted what is called a "pupil placement law." These statutes, on their face, are innocuous. They generally provide that no pupil shall be transferred from school to school except on an individual basis, taking account of such factors as residence, academic qualifications, personal factors, and so on. But most—including that of Louisiana—provide that students shall remain in the schools to which first assigned until qualified for transfer under the Pupil Placement Act. And the school to which they are presently assigned is, of course, a segregated school. Thus, Negroes, to enter the schools heretofore reserved for white pupils, must pass a series of tests from which whites were and are exempt. The full dimensions of this system are plain only when it is realized that in flat contravention of numerous court orders, the school board continued to assign children entering school for the first grade to segregated schools, regardless of whether a "white" school was nearer to their homes. Moreover, promotion to junior high and high schools is governed by a "feeder" system, under which each elementary school promotes all its graduates to a designated junior high school, from which they go to a designated high school. I trust I need not tell you that in almost all cases, Negro children are "promoted" to all-Negro schools.

Once again, then, it was necessary to return to court. In 1962, the district court ruled that the school board was applying the pupil placement law, in conjunction with a system of initial assignment to schools on a segregated basis, so as to discriminate unconstitutionally against Negroes. The court then formulated its own plan for desegreation. Again, the State appealed; again it lost; again it sought to carry the appeal to the Supreme Court.

Lawyers may be primarily concerned here with the inexcusable attempts to harass and block the Negro plaintiffs and the district court, and with the abuse of the appellate process, for every lawyer knows that if every litigant were to insist on appealing all points which were technically appealable, no matter how clear it was that the appeal was in substance frivolous, the court system would break down. But what should concern us more, is what was happening to the children during this 10-year period of delay. For the record in this case, as I noted earlier, offers shocking testimony that aside from its fundamental discriminatory unfairness, separate education is never equal. But even the physical facilities were unequal. The average class in the Negro elementary schools was more than one-fourth again as large as an average white class. Each teacher in the Negro elementary schools had to teach on the average of 10 pupils more per class than each teacher in the white schools. Negro classes were conducted in all varieties of makeshift classrooms, but white classes met in regular classrooms.

CHARLOTTESVILLE CASE

Lest any think that New Orleans is an exceptional example, or that once the issue is settled once in a State it is at least settled for that State, I commend to your attention the multifarious litigations in the counties of Virginia. In Charlottesvile, for example, the school board was enjoined from discriminating against Negroes in 1956. After the usual appeals to the circuit court and the Supreme Court (240 F. 2d 59 (Fourth Circuit), cert. denied 353 U.S. 910 (1957)), the district court, on default of the school board, ordered certain Negro students transferred to white schools. The Governor, acting under Virginia's version of the massive resistance laws, then closed the Charlottesville schools. Further litigation in both the State and Federal courts was necessary to void the Governor's action as unconstitutional. (*James* v. *Almond*, 170 F. Supp. 331 (E.D. Va. 1959); *Harrison* v. *Day*, 200 Va. 439, 106 S.E. 2d 636 (1959)).

The school board then asked for a stay of the district court's order so that it might prepare a desegregation plan; the circuit court granted the request (263 F. 2d 295 (1959)). The school board then assigned each of the city's six elementary schools to a district; one of the six contained almost all of the Negro students. The board, however, assigned all Negroes to that school regardless of residence, and assigned all whites living in the Negro district to schools outside that district—that is, the white schools. Assignment to the city's two high schools was on the basis of race. Transfer procedures which discriminated against Negroes were instituted; the school board stated that these discriminatory provisions, which afforded a theoretical opportunity to transfer to a white school, were tantamount to a desegregation plan. Again the Negroes went to court, again the case went to the fourth circuit (289 F. 2d 439). To avoid an injunction, the board in 1960 submitted a plan for truly residential districts; these districts, however, were drawn so that 13 Negro children were admitted to one white school. But the board would take no chances that desegregation would go further. It therefore instituted a special procedure

allowing any child to transfer out of any school in which he was in a racial minority to one in which he would be in a racial majority. Such transfers, of course, could lead only in the direction of greater segregation. As to the high schools, the board allowed transfer only after exhaustive academic and personal testing; no pupil could transfer unless he was "substantially above the median" of the students in the school to which he was transferring. But in the absence of transfer, all white students were assigned to one school and all Negro students to the other. Thus, only superior Negroes could enter the white school, while the most ignorant whites were allowed to enter there without hindrance. And, as the court noted, Negroes with less than superior academic records were denied admittance to the white school because they would harm its academic program; but they were assigned to the Negro school without regard to the consequences. This intolerable dual standard required yet another trial and another appeal to the circuit court to strike down. (*Dillard* v. *Charlottesville*, 308, F. 2d 920 (4th Cir. 1962)). And again, the State forced unsuccessful proceedings in the Supreme Court (374 U.S. 827 (1963)).

The histories of similar litigations in other Virginia communities can be found in *Bell* v. *School Board of Powhatan City*, 321 F. 2d 494 (1963); *Jackson* v. *School Board of Lynchburg*, 321 F. 2d 230 (1963); *Bradley* v. *School Board of City of Richmond*, 317 F. 2d 429 (1963); *Marsh* v. *School Board of Roanoke*, 305 F. 2d 94 (1962); *Green* v. *School Board of City of Roanoke*, 304 F. 2d 118 (1962); *Hill* v. *School Board of Norfolk*, 282 F. 2d 473 (1960); *Jones* v. *School Board of Alexandria*, 278 F. 2d 72 (1960); *Hamm* v. *School Board of Arlington City*, 264 F. 2d 945 (1959); *Walker* v. *Floyd County School Board*, 5 Race Rel. Law Rep. 1060 (W.D. Va. 1960); *Blackwell* v. *Fairfax County School Board*, 5 Race Rel. Law Rep. 1056 (E.D. Va. 1960); *Joins* v. *County School Board* (Granson County), 282 F. 2d 343 (4th Cir. 1960); *Crisp* v. *Pulaski County School Board*, 5 Race Rel. Law Rep. 721 (W.D. Va. 1960); *County School Board of Warren County* v. *Kilby*, 259 F. 2d 497 (4th Cir. 1958).

In most of these cases the court was dealing with the same system and pattern of segregation. In most cases the court was applying the same governing law to the same State system and to almost the same facts. Yet, almost none of these school boards listened to decisions which clearly showed them the way; most insisted on years of litigation before they would begin the most rudimentary steps toward compliance with the law of the land. How many more litigations it will take to desegregate schools in the other counties of Virginia, it is impossible to say. And, I might add, that in one Virginia county, the "enlightened" citizenry, rather than accede to a court desegregation order, closed the schools so that plaintiffs in the original Prince Edward litigation, the companion case to Brown against Board, have not only no relief, they have no public schools. They are at present before the Supreme Court again—9 years after they "won" their case.

THE COST OF LITIGATION

Mr. President, not only does such a suit take a very long period of time, because of the delays, but it is also extremely expensive. The Senator from Minnesota has given us a rough idea of what this litigation costs. A single trial in a district court—with normal attendant motions, discovery procedures, and so forth—with one appeal to the circuit court and an application for certiorari to the Supreme Court, costs from $15,000 to $18,000. I refer to a letter from Gordon Tiffany, staff director, Commission on Civil Rights, dated January 29, 1960, and published in the CONGRESSIONAL RECORD, volume 106, part 3, pp. 3663–3664. A Federal judge, 6 years ago, found that a case establishing a fundamental rule governing racial problems cost the NAACP from $50,000 to $100,000 (*NAACP* v. *Patty*, 159 F. Supp. 503 (E.D. Va., 1958)); the same judge found the cost of Brown against Board of Education to be over $200,000. What Negro family can afford to spend that amount of money?

Nor are these costs the result of lavish fees paid to high-priced attorneys. The cost of printing briefs and records, I am told, now runs to about $10 a page for a run of up to 50 copies. And the record in a school case may easily run to many hundreds of pages.

To enroll 12 children in desegregated schools in New Orleans—that is, to secure to them their plain constitutional rights—cost the plaintiffs alone about $8,000 per child and there have been cases in which as much as $10,000 was spent to enroll 1 student in a desegregated school.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. The Senator perhaps knows more about the question I shall ask than I do. I am under the impression that the people who are filing lawsuits are not paying for them. For the most part, the litigants are being paid to apply to schools and pursue legal suits. They are not out the money. Someone is paying the expense for them. Apparently the financing is ample. The NAACP and the Congress of Racial Equality seem to have plenty of money with which to carry on that sort of activity. They have been getting it from one source or another. That much is obvious.

Mr. DOUGLAS. I point out that they have marshaled against them the resources of the States. The States can spend money received from taxes levied upon their citizens. Funds to which Negro citizens contribute are used to fight these cases.

I point out that the purse of the legal defense fund of the NAACP is extremely limited. They were able to raise an initial fund from certain war benefits which Negro servicemen earned serving in the fighting forces of our country. That money was turned over to defend the rights of those people, but they have had very hard going.

Mr. LONG of Louisiana. If those people can find the necessary funds to finance a march of 200,000 Negroes on the city of Washington, they are not very hard up for money. I noticed that a semireligious organization of a Catholic nature was able to find only $2,000 to help those of the Catholic faith purged in Cameron Parish. The organizations which I have mentioned found 10 times that much to help finance the march on Washington. Apparently they are not too hard up for money. Many people contribute money to that kind of activity.

Mr. DOUGLAS. I took part in the march to which the Senator referred. I saw people who came from my city of Chicago and from other cities. In my judgment, the march was, in the main, individually financed.

Mr. LONG of Louisiana. The Senator might give the Senate information on what it has cost the Federal Government to fight those cases. It costs a great deal of money. If he does not know it, he should. In addition, there was great financing from outside sources, running into hundreds of thousands of dollars.

Mr. DOUGLAS. It was worth every cent of it. But what I am trying to say is that we are speaking of people who are, as a group, the most poverty stricken in the country. They occupy the lowest rung on the economic totem pole. They are pitted against the States, which have the power to tax and to spend and municipalities which have the power to tax and to spend. It is an unequal contest. There are delays, costs, and intimidation.

Shortly after the Civil War, Ben Butler rose on the floor of the House of Representatives and waved the shirt of a Union man from Mississippi who had been flogged so that the shirt was covered with blood. He waved that shirt, and ever since we have heard the expression, "Waving the bloody shirt." I shall not wave the bloody shirt on the floor of the Senate, but there have been many cases of violence and intimidation used against Negroes who have asserted their constitutional rights. I will submit that proof for the RECORD, if necessary, if the Senator challenges me. I will cite case after case in support of the contention. I have compiled a list of 15 cases that have arisen since 1959, and they merely scratch the surface. From 1955 to 1959 there were many other cases, the citations to which I have before me. I prefer not to read them at this moment. I would prefer to put them in the RECORD so that people can read.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement relating to the cases to which I have referred.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

1. On February 17, 1964, the home of a Negro child attending desegregated schools in Jacksonville, Fla., was bombed. The schools were under court order. Perpetrators have been indicted under 18 U.S.C. 241.

2. In Greene County, Miss., a teacher was discharged from her job for voting activities and testifying in a Federal voting case.

3. In Holmes County, Miss., reprisals were taken against Negroes for engaging in voter registration activity.

4. In Louisiana a witness before the Civil Rights Commission was refused ginning of

his cotton because of his testimony before the Commission.

5. In New Orleans a white family had to leave town because their children attended an integrated school and neighborhood pressure was intolerable.

6. In Clinton and Nashville, Tenn., schools were bombed at the time of initial desegregation.

7. In Birmingham, Ala., the home of Reverend Shuttlesworth, who brought the first school integration suit in Alabama and is active in various civil rights areas, was bombed and Reverend Shuttlesworth was beaten up.

8. The Civil Rights Commission reports that Aid to Dependent Children funds were cut off from a witness who testified before a State advisory committee.

9. In Louisiana, ADC funds for 23,000 children were cut off throughout the State by a law refusing such funds to illegitimate children. Ninety-five percent of them were Negroes. The Negro leaders felt that this was a reprisive measure due to their activity in voting and school desegregation.

10. Surplus food distribution was cut off in Leflore County, Miss., in March 1963 because Negroes had been active in voter registration drives.

11. In Clinton, La., a group of solid, middle-aged Negro citizens petitioned the mayor to start a biracial committee. They were charged with attempting to intimidate a public official.

12. The Negroes who brought the bus desegregation suits in Montgomery, Ala., in 1956 were the victims of numerous reprisive actions—bombing of homes, etc.

13. In Gaffney, S.C., the home of Dr. Sanders, a white physician, was dynamited, in December 1957. Mrs. Sanders had recently contributed to a booklet, sponsored by a group of clergymen, which advocated a moderate approach to desegregation. Mrs. Sanders suggested that desegregation begin at the first grade level. A local jury freed those charged with the bombing. (Southern School News, August 1958.)

14. In Little Rock, Ark., the Negro leader, Mrs. Bates, was placed under police protection because of threats and violence which occurred as a result of her activity in school desegregation. She and other NAACP members were fined under State laws requiring registration and submission of membership lists.

15. In Clay, Ky., Everett Gordon was plaintiff in a desegregation suit. While the suit was pending the Gordon children were sent to a white school, under State military escort, for a day or two. Trouble arose, and the children were then sent to a Negro school. The family was threatened with violence and economic reprisals by the Citizens Council. Before long Mr. Gordon was fired from his job in a garage. The Gordons later moved to Indiana.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. When the Senator spoke of waving the bloody shirt, I suppose he was speaking of some of Mr. Butler's activities in support of the reconstruction acts which permitted Federal bayonets all over the South to perpetuate outrages the like of which the history of our country had not seen before or has not seen since.

On the point of the Southern States spending money to defend the rights of citizens, I believe it is a matter of record that hundreds of millions of dollars of Federal money is being spent in an effort to force upon southern people answers to their social and cultural problems which they find unacceptable.

Mr. DOUGLAS. I am not here to defend the personal and political life of Ben Butler. However, he was waving the bloody shirt in protest against the Black Codes of the South, which were enacted by all-white governments under the lenient Reconstruction provisions of Lincoln and Andrew Johnson. It was those abuses under the Black Codes which, in part, caused the Congress to turn to a more severe form of reconstruction.

The entire history of that period has been badly written and badly interpreted. The reconstruction governments certainly were not perfect, but the experiment of a year or more in 1865 and 1866 under the reconstituted Confederates also had its very bad features.

ANATOLE FRANCE AND EQUALITY

Mr. President, many years ago a somewhat cynical and satirical French novelist, Anatole France, wrote a novel entitled "The Red Lily." In that novel he put into the mouth of a leading character an aphorism about the equality of the law. He said:

> The majestic equality of the law forbids the rich as well as the poor from sleeping under bridges and begging in the streets for bread.

That statement is true. If a rich man dared to sleep under the Parisian bridges over the Seine, he would be arrested for vagrancy. If he begged for bread in front of the opera in Paris, he would also be arrested for vagrancy. But the rich man does not have to do that. He has resources of his own. The poor man sometimes is compelled to do it. Equality of the law punishes him.

What I am trying to say is that the magnificent sentiment inscribed on the building across the way from us—the Supreme Court—states "Equal justice under the law," needs to be qualified. It is a noble sentiment. It applies after one gets to the Supreme Court. But it costs a great deal to get there. That cost shuts out the vast majority of the people, particularly if they are colored. The expense heaps up; delays occur; intimidation is practiced. Those people are disadvantaged.

The whole principle of this bill is that now we intend to authorize the Attorney General, in a limited number of cases, to try to vindicate constitutional rights for people who, because of poverty or intimidation or lack of status, are not sufficiently strong to vindicate those rights for themselves. That is all there is to it.

AUTHORITY GRANTED IN TITLE IV NOT UNIQUE

It is a general principle of our society that persons or groups may may sue for their rights in the courts. But it is a principle of at least equally general application that in cases where private litigation is ineffective, or cases in which the aggrieved persons lack effective means to sue, or cases in which the public interest is clear, that the society as a whole, acting through its government, should vindicate the threatened rights. Suppose, for example, that stock-market investors are injured by a misstatement in a securities registration statement. Injured investors, of course, may sue for damages. But not only does the Securities and Exchange Commission have power to sue for an injunction against the violation, indeed to prevent the injury in the first instance by enjoining sale of the stock; in addition, the Attorney General may bring a criminal prosecution. Another example: Several years ago, giant utility companies, public and private, were the victims of a conspiracy to fix prices on electrical equipment. The utilities have, of course, sued for damages. But the conspiracy was uncovered and enjoined in the first instance by the efforts of the Department of Justice; and the utilities may rely, in their damage suits, on the evidence developed by the Government.

The full list of situations in which the Government acts so as to benefit or aid persons who otherwise would have to rely on their own resources in litigation would take over an hour to read. During an earlier debate in this Chamber, the Senator from New York inserted in the RECORD such a list, prepared by the Library of Congress, describing nearly 30 statutes which provide for injunction suits by the Attorney General in cases where private persons are necessarily benefited by his action. It appears in the CONGRESSIONAL RECORD volume 106, part 3, page 3665, and I commend it to the attention of the Senate. In 1957, I compiled and placed in the RECORD similar instances.

Is school desegregation, then, a question which it is appropriate for the Attorney General to litigate? Of course it is. First, the interest at stake is a national interest, on several levels. It is of the highest importance for the integrity of our system of government that the commands of the Constitution be obeyed, and that the rights assured by that charter be vindicated. Moreover, the question of race discrimination is certainly the most important domestic issue of our day and time; I think it is not too much to say that what we do or fail to do about it will shape the future of this country, for better or for worse. And within the question of race relations in general, education—which largely determines future ability—is perhaps the most important element.

Second, the problem is not being solved by the process of private litigation. As I noted earlier, 9 years of litigation like that in Virginia and Louisiana has produced a 1-percent desegregation in 11 States as a group, and less in some of them. And we cannot expect a different result in the future, unless we act now.

I gave some idea of what this litigation costs. To that account it must be added that there are nearly 2,000 totally segregated school districts remaining in the South, each one of which would be a separate entity for the purposes of litigation. And to that account must be added further that the persons who have so far been asked to bear the cost of this litigation are, as a class, the poorest, least-educated people in our society.

I think we must take notice of the fact that one of our greatest judges once said that next to a long serious illness, he would fear a lawsuit above anything on earth. Litigation is expensive, painful, and usually protracted. Yet to carry on

this litigation, the southern Negro has tragically few resources.

FEW NEGRO LAWYERS

In the 11 States of the Old Confederacy there were, in 1960, about 300 Negro lawyers. And the States in which school desegregation is least advanced and the authorities most intractable, the lawyers are fewest. I understand that by latest account there were 19 Negro lawyers in Louisiana; 18 in Alabama, 13 in South Carolina, 12 in Georgia, and only 4 in the entire State of Mississippi.

There was one very able and unselfish young white lawyer in Mississippi who defended Negroes in civil rights cases. He has been driven from Mississippi.

Thus there are only 300 lawyers—the equivalent of three good-sized New York corporate firms—with which to fight all the resources of these States and their attorneys general; to fight, up to the Supreme Court, unconstitutional discriminatory laws; and with which to fight the best legal talent the city and the State treasuries can hire.

There is, of course, the National Association for the Advancement of Colored People. The NAACP's legal defense fund, which acts as counsel to many plaintiffs in segregation cases, has 12 lawyers. For the bulk of its litigation, it depends on volunteer and retained help, mostly from the 300 Negro lawyers of the South. Nevertheless, it must be considered when we weigh the ability of the southern Negro to vindicate his rights in the courts.

ANTIBARRATRY STATUTES

But if we are to put the NAACP into the balance, then we must also put into the other side of the balance the sustained attempts of most of the Southern States to harass and intimidate the NAACP. As part of the massive resistance campaign which followed the Brown decision, seven States passed laws, which brought within their barratry statutes attorneys paid by an organization such as the NAACP and representing litigants without charge, *NAACP* v. *Button,* 371 U.S. 415, 445 (1963) concurring opinion. The seven States were Arkansas, Arkansas Statutes Annotated, sections 41–703 to 41–713, Cumulative Supplements, 1961; Florida, Florida Statutes Annotated, sections 877–01 to 877–02, Cumulative Supplements 1962; Georgia Georgia Code Annotated, sections 26–4701, 26–4703, Cumulative Supplements 1961; Mississippi, Mississippi Code Annotated, section 2049–01 to 2049–08, 1956; South Carolina, South Carolina Code sections 56–147 to 56–147.6 Cumulative Supplements 1960; Tennessee, Tennessee Code Annotated, sections 39–3405 to 39–3410, Cumulative Supplements 1962; and Virginia, Acts 1956, extra session, chapters 31, 32, 33, 35, and 36.

The real purpose of these laws, which purported to prevent the NAACP from assisting Negroes to challenge school and other segregation in the courts, appears from the candid admission of one important Virginia legislator who said that "With this set of bills we can bust that organization wide open." See *Scull* v. *Virginia,* 359 U.S. 344, 347, 1959.

Some States, either through registration laws or legislative investigations, sought to compel disclosure of the NAACP's membership lists, so as to expose its members to harassment and retaliation. See *NAACP* v. *Alabama,* 357 U.S. 449, 1958; *Scull* v. *Virginia, supra.* And we all know the sorry story of the bombings, beatings, and even the shootings which have befallen NAACP leaders and members at the hands of the vicious and the deranged.

The States which have attempted to suppress the NAACP cannot now be heard to assert its existence as a reason for denying Government litigation assistance to the Negro.

INTIMIDATION

Under title IV the Attorney General may institute a suit when a person is unable "to initiate and maintain appropriate legal proceedings for relief."

This is further defined not only to include those who are unable to bear the expense of litigation, about which I have already spoken, but also when the Attorney General is satisfied that "the institution of such litigation would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property."

Mr. President, this section and this provision are badly needed. Not only has litigation been protracted in school and other civil rights cases; not only has litigation been costly and beyond the means of the ordinary persons; and not only have many Southern States moved through the passage of antibarratry laws to effectively prevent the poorest and weakest of our citizens from getting help from others to sustain their rights; but some of those seeking merely to gain their constitutional rights have been subjected not only to economic intimidation but also to physical violence.

I do not intend to dwell on this aspect or to go into it in great detail, for I have already cited some general examples of physical or other intimidation against those who merely were trying to gain their legal and constitutional rights.

Mr. President, I think these examples I have already placed in the RECORD are sufficient to show the dangers to economic livelihood and even to life and limb that come to some who assert their rights.

Title IV gives the Attorney General the authority to initiate suits on behalf of a person where his economic standing or employment would be jeopardized or where he or his family might sustain injury or economic damage if he initiated such suits himself.

This provision should be passed no matter what argument is used. If these things continue, then this section is badly needed. If our southern friends argue that these examples are not true or are isolated or will not occur in the future, then this provision can do no harm.

Either way, it should be passed and should be supported.

THE BILL'S APPROACH

This, then, is the problem of school desegregation in the South: Private litigation by individual Negroes and their organizations has not made significant inroads on the established patterns of segregation. As a consequence, Negro children in the South receive an education that is in every sense inferior to that received by their white neighbors; and in every sense, are denied their plain constitutional rights.

For such a problem, the clear answer is Government participation. The means of participation chosen by this bill—suits by the Attorney General to vindicate the public interest in the preservation of constitutional rights and guarantees—is one that has many times before been used by the Congress in other situations. And the circumstances here are appropriate, by the standards generally used, for exercise of the Government's power to litigate.

It must be emphasized, however, that this bill gives the Federal Government the least power it could have and still deal with these problems in an effective manner. When a violation of the antitrust laws injures a businessman, the Attorney General does not ask whether that businessman is capable of bringing suit on his own behalf; if he feels it appropriate, the Attorney General institutes proceedings. But under this bill, he is authorized to institute suits to desegregate schools only in the most limited circumstances.

But there is another kind of provision in this title, which may in the long run be more important than any number of lawsuits. Title IV provides that State and local authorities faced with desegregation problems may request technical assistance from the Commissioner of Education. This assistance would be rendered regardless of whether the local authorities were desegregating under court order or on their own volition; but it would be given only on request.

But for all the immediate good that these provisions can do, they are perhaps more valuable in another way. They establish a commitment by the entire Nation to insure adequate education to all its children. It is in every respect right that we not wash our hands of the many problems in the South and in the North as a result of desegregation; for no part of the Nation is free of responsibility for the present condition of education among the poor and the disinherited.

Let us therefore pass this bill and this title. Let us move forward to guarantee all of our rights to all of our people. Let us say clearly and loudly to all who will hear, that the Congress and the Government of the United States intend to narrow the gap between promise and performance, and between principle and practice, and to make a reality of the great principles in the Declaration of Independence, which declares that "all men are created equal and are endowed by their Creator with the unalienable right to life, liberty, and the pursuit of happiness, and that to secure these rights governments are instituted among men and derive their just powers from the consent of the governed." We repeat those words. We quote them on the 4th of July. We say we believe in them. But there is a wide gap between our

verbal pledges and our actual performance. We should live up to the principles of the Constitution, including the 14th amendment. We should live up to the principles of Lincoln's Gettysburg Address that ours is a government "of, by, and for the people." Let us make all of these principles a reality for all of our people, whatever their religion, their national origin, their race, or their color.

It is the habit of Members of the Senate not to refer to the great Civil War which tore this country apart a century ago. This perhaps is correct in general, but the war is a part of the history of the country. While it is true that the war originally began in the efforts of the South to expand slavery and in the efforts of the North and the West to preserve the Union, in the concluding years of the war it was also a war to free the slaves. Tens of thousands of northern men gave up their lives with that purpose. It was not mere surface sentiment which caused them to sing the Battle Hymn of the Republic:

Mine eyes have seen the glory of the coming of the Lord;
He is trampling out the vintage where the grapes of wrath are stored;
He hath loosed the fateful lightning of His terrible swift sword;
His truth is marching on.

May the truth of human brotherhood, as stated by Jesus, and by all the great religious leaders of every faith, as embodied in the Declaration of Independence and the Constitution of the United States, prevail, and may we here in our generation do our part in furthering this noble purpose.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly for questions?

Mr. DOUGLAS. I yield.

Mr. STENNIS. I invite the Senator's attention to the fact that, in absolutely good faith, he cited certain statistics about schools in Mississippi. In spite of his good faith in using those statistics, they were not correct. Even if it is contended that they were correct at one time, they are not correct now, and the impressions which can be drawn are entirely wrong.

Will the Senator permit me to preface some questions—and I will try to be brief—with a general statement?

Mr. DOUGLAS. Yes.

Mr. STENNIS. In the first place, I have personal pride in the elementary and public high schools of Mississippi. I try to visit them every year. I visit them and make talks to them from time to time. I know a great many teachers in my own home county. I give personal attention to these matters. They flatter me by advising with me about the schools.

There are 82 counties in Mississippi. It has been said that nine of those counties do not have a Negro high school.

Mr. DOUGLAS. These figures are drawn from the 1959–1961 biennial report of the State superintendent of public education of the Mississippi schools, and the Mississippi school bulletin. I have not been able to obtain more recent figures. Does the Senator say they are incorrect as of the date cited?

Mr. STENNIS. Perhaps some, but not all, of the figures may have been correct at that time. However, they are not correct now.

Further, certain conclusions drawn by the Senator from Illinois, and also by the Senator from Minnesota Monday, from those figures and the picture they present are entirely erroneous.

I point out that there are 82 counties in Mississippi, and only one of those counties is without a Negro high school. That county is Issaquena County which, as I recall, has a population of about 3,500. It has neither a white high school nor a Negro high school. All the white and Negro children are transported to another county in modern buses, where they attend modern schools on a contract transfer basis or a joint school basis. There are not enough white or Negro students in Issaquena County to justify a high school in the county.

A great consolidation program has been in progress in Mississippi which is almost complete. We have greatly reduced the number of school and school districts but have increased the services available in those schools.

Noxubee County was mentioned in debate by the Senator from Minnesota [Mr. HUMPHREY] on page 6541 of the CONGRESSIONAL RECORD for March 30. Mr. President, I ask unanimous consent to have printed in the RECORD a quotation taken from his speech.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mississippi affords another example. Mississippi's schools are still 100-percent segregated, 10 years after the Brown case. Although half the pupils in that State are Negro, the biennial report of the State superintendent of public education shows that only 7 Negro high schools are accredited by the Southern Regional Association of Colleges and Secondary Schools—while 82 white high schools are accredited. Of Mississippi's 82 counties, fully 9 have no Negro high school at all—and in 2 of these counties (Noxubee and Tunica) there are 5 times as many Negro students as white students. And almost twice as much is spent on instruction of each white pupil as is spent on each Negro pupil statewide. In some counties, over 10 times is spent per white pupil as is spent per Negro pupil.

Mr. STENNIS. Mr. President, Noxubee County was also singled out by the Senator from Minnesota. Noxubee County has a splendid Negro elementary school in Macon, which has 28 teachers. It also has a splendid Negro high school in Macon, which has 19 teachers. The average daily attendance in that county, both elementary and high school, is 1,042 white students and 2,981 Negro students. I mention that because it was stated by the Senator from Minnesota that there were five times as many Negro students in that county as whites.

I also have information about Tunica County, Miss. Contrary to the statement of the Senator from Minnesota, Tunica County has a Negro high school. These figures were taken over the telephone today, directly from the office of the State Superintendent of Education of Mississippi, Mr. J. M. Tubb. The average daily attendance in Tunica County in the elementary schools is white students, 789; Negro students, 2,747. In the high schools, 243 white students, 384 Negro students.

In some counties, the high school might be in a municipality and not be listed as a county school; but they have high school students from all the county attending such municipal high schools on a transfer contract basis. There are instances of this both in the case of white students and Negro students.

I repeat, every county in Mississippi, with the single exception of Issaquena County, has within its boundaries both Negro and white high schools.

Something has been said about accreditation. The records shows a total of 294 white high schools accredited, 93 by the Southern Association and 202 by the Mississippi Accrediting Commission. This is not an official State agency. It is under the Mississippi Educational Association. A total of 119 Negro high schools in Mississippi are accredited, 103 accredited by the State Commission and 16 by the Southern Association.

Mr. DOUGLAS. I referred simply to accreditation by the Southern Association of Colleges and Secondary Schools which might have different and perhaps higher standards.

Mr. STENNIS. I suppose it does, but this presents the true picture. If it was just said that there were only 7 accredited high schools for Negroes in Mississippi and one stopped there, I respectfully submit that certainly does not give the entire picture.

Mr. DOUGLAS. Would my good friend state the number of Negro high schools not accredited by the Southern Association, and the number of white high schools not accredited by the Southern Association?

Mr. STENNIS. If I have it here, I shall be glad to furnish the figures, but I am not sure that I do. We can get them.

There are more fully accredited white schools, I am sure, than there are Negro schools, but the rapidity with which the colored schools are being enhanced and improved, both as to physical plants, teachers, curriculum, equipment, libraries, and everything else, is, I say with pride, outstanding.

I did not find anything in the Senator's speech, I am sorry to say, which gave Mississippi any credit for trying or making an effort, or even good faith in endeavoring to do something about these problems.

I have figures here to show the Senator from Illinois that, during a recent year, 4.6 percent of the income of the people of Mississippi was devoted to public education, which was far higher than the average for the Nation.

Mr. DOUGLAS. The Senator is correct.

Mr. STENNIS. For that year it was the highest in the South and it has the highest percentage now except for the State of Louisiana, let me say to my friend, the Senator from Louisiana [Mr. LONG], who is now sitting on my right.

We take pride in these facts. We believe that they should be presented to counterbalance the critical view the

Senator from Illinois, in good faith, has presented.

If he will indulge me a little more time, I will read further, in refutation of some of his points.

On March 30, the Senator from Minnesota stated that in some counties over 10 times as much money is spent per white pupil than is spent per Negro pupil.

According to Mr. Tubb of the State department of education, that is an incorrect statement. There is no basis for it in fact. I am sure that was an honest error in calculation, or it did not take into account the State funds spent on the schools in Mississippi.

State funds—now State appropriations, not county money—is distributed on the basis of average daily attendance. Based on average daily attendance white schools received State funds of $127.04 per student. Negro students received $118.32 during the 1962–63 school year. This is less than a $10 difference. That difference is explained largely by the lower certificates held by Negro teachers. I will cover that point in a moment.

Mr. President (Mr. DODD in the chair), the latest available figures covering State funds, county funds, and local school district funds show the following:

For white students, $227.41 per student; and $141.14 per Negro student. I bring that out, even though there is a difference, as part of the complete picture. One explanation for a part of the difference is that this is based on the average daily attendance.

We have a higher average daily attendance for white students than we do for colored students. Another reason is that the pay for teachers, even though it is on an absolute basis of equality under State law—I wish the Senator from Illinois to hear this—is based on a scale which takes into consideration degrees and length of service. Under those scales, the white teachers, because of generally higher qualifications, receive more salary.

Another thing that accounts for a part of that difference, although the difference in State funds is slight, is that the local counties which have the power of taxation to supplement these funds, and the amount varies considerably from county to county, depending on its budget and the level of local support. In some of the counties there are very, very few Negroes. The Senator from Illinois might be surprised to learn that in some of the counties in northeast Mississippi, only 2, 3, or 4 percent of the population are Negroes. So that results in a difference.

If they have high local support in these counties, it influences the statewide average, even though, on a per capita basis, the difference might not be great. So, those differences come about through the reasons I have given. There is no difference so far as State law, State policy, and distribution of State money is concerned.

That is not a matter that is within the discretion of the school superintendents. That is State law. That is a legislative act. The State funds cannot be spent on any other basis.

So I say again, as to teachers' salaries, irrespective of race, the salaries are on the same basis, and depend on the same types of certificates that the individual teacher holds irrespective of whether it is a white or Negro school. The salaries are the same if they hold the same certificate and have the same experience. If they hold the same certificate and have had the same experience, they get exactly the same salary. The certificates to which I refer take into consideration bachelor degrees, master degrees, and other education attainments.

In my home county the population is roughly 13 colored people for every 9 white people. We have excellent transportation for all colored children. We have a county high school. It is a modern building. It has a library, lunchroom facilities, a gymnasium, and playground equipment. It has competent teachers. I have visited there many times. I visited there when they were serving lunch. I know a great many of these parents. The parents are delighted with what they have. They are happy about it. The children are happy. They are making splendid progress. The teachers are happy. They are very loyal and very jealous of their prerogatives. I use "jealous" in its better sense. Everybody is happy and everybody is making progress.

However, now there are some who are coming in from the outside and they are saying, "You have all this, but you should have more." The school has 27 students per teacher. It is said, "That is all right, but white teachers have only 25 students. Therefore, you are being discriminated against. Your teachers are carrying a heavier load."

Under our State law, the money is distributed on the basis of 1 teacher for every 30 students, white or colored; it makes no difference.

Something has been said about an overload on the Negro teachers. The State funds are distributed on the basis of 1 teacher for every 30 students. At one time, this was considered the minimum in educational circles.

I wish to emphasize the fine progress that is being made.

The people are taking advantage of this. It is better than they have had; it is as good as most have had. But still there is this agitation: "It is all right what you have, but you ought to have much more."

What this country needs is more emphasis on doing one's best and trying to improve one's training, mind and body, in order to make a better living and to make something of one's self for his family and his country, rather than to have the agitation that a person is being mistreated and discriminated against.

I have had the privilege of looking at the Senator's figures. I know that he has given them in good faith, but many of them are erroneous not only in the way they have been expressed, but his memorandum is highly misleading also.

I thank the Senator.

Mr. DOUGLAS. I thank the Senator from Mississippi. The figures, of course, should be correct figures. The statistics which I originally gave were based on official reports for the years 1959 to 1961, and my initial statement was that the figure for the white pupils as compared with the Negro pupils showed that about four times as much was spent per white student as per Negro student. I qualified that statement to say that State funds have reduced this figure to show a ratio of 2 to 1.

I am delighted that Mississippi has made such an improvement in the 3 years since these figures were published. Possibly the discussion of the bill has facilitated this improvement. I have figures before me for 1961–62, which are contained in a brief of the Government, filed against the State of Mississippi in civil action No. 3312. These figures were obtained from the Southern School News of February 1962 at page 6. In turn, they were taken from a report of the State of Mississippi Department of Education. I ask unanimous consent that these figures may be printed in the RECORD at this point.

Mr. STENNIS. Mr. President, reserving the right to object—and I do not believe I shall object—will the Senator finish his request?

Mr. DOUGLAS. These figures show a comparison of expenditures above the State minimum program for instruction in Mississippi school districts, listed on a per-child basis.

In the case of Noxubee County, the average addition per white child was $113.29, and the average per Negro child was $1.21. Therefore, the ratio on the amount given above the minimum was 100 to 1. If there is anything wrong with these figures—and I shall submit them to my friend from Mississippi—they can be corrected.

Mr. STENNIS. There is nothing wrong with them, except that they are out of date; they are no longer true, as is shown by the figures we have.

There is no reason why they should not be included, even if they are out of date. I have no objection to their inclusion in the RECORD.

Mr. DOUGLAS. That is very generous on the part of the Senator from Mississippi.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

In 1961–62 most school districts in Mississippi spent far more for the instruction of each white child than for the instruction of each Negro child.[1]

Following are comparisons of expenditures above the State minimum program for in-

[1] E–0–77 Southern School News, February 1962, p. 6. The figures were taken from a report of the State of Mississippi Department of Education. This report was not officially published until after a newspaper report referred to it. The nonofficial source is used here because the United States does not have this report at the present time.

struction in Mississippi school districts, listed on a per-child basis:

District	White	Negro
Aberdeen separate	$54.78	$11.15
Alcorn County	19.39	-------
Amite County	70.46	2.24
Amory separate	70.65	28.22
Anguilla	130.85	21.15
Attala County	62.67	12.42
Baldwyn separate	32.45	10.04
Bay St. Louis separate	105.55	19.43
Benton County	59.42	15.63
Biloxi separate	128.92	86.25
Bolivar County 1	125.10	2.32
Bolivar County 2	117.63	3.16
Bolivar County 3	177.37	4.46
Bolivar County 4	101.55	23.86
Bolivar County 5	123.65	5.68
Bolivar County 6	-------	14.26
Brookhaven separate	58.56	20.79
Calhoun County	38.96	21.28
Canton separate	35.79	17.00
Carroll County	81.26	7.08
Chickasaw County	55.42	.62
Choctaw County	46.84	16.97
Claiborne County	142.64	19.88
Clarke County	56.82	16.11
Clarksdale separate	146.06	25.07
Clay County	64.07	15.31
Coahoma County	139.33	12.74
Coffeeville	68.95	6.55
Columbia separate	90.73	27.82
Columbus separate	106.74	$54.92
Copiah County	49.88	7.11
Corinth separate	79.94	41.32
Covington County	52.53	23.95
De Soto County	87.66	3.74
Drew separate	104.06	20.93
East Jasper	111.22	8.57
East Tallahatchie	69.15	6.61
Forrest County	67.76	34.19
Forrest separate	86.48	40.58
Franklin County	77.62	13.86
George County	66.53	34.65
Greene County	69.50	11.37
Greenville separate	134.43	34.25
Greenwood separate	116.78	46.45
Grenada County	91.51	13.31
Grenada separate	79.00	27.38
Gulfport separate	93.34	50.76
Hancock County	64.16	-------
Harrison County	58.91	14.24
Hattiesburg separate	115.96	61.69
Hazlehurst separate	90.95	9.76
Hinds County	80.24	10.41
Hollandale	117.81	18.00
Holly Bluff	191.17	1.26
Holly Springs separate	99.78	7.84
Holmes County	117.92	5.73
Houston separate	44.75	-------
Humphreys County	116.62	15.35
Indianola separate	72.26	15.17
Itawamba County	34.99	46.06
Iuka separate	29.73	25.32
Jackson County	76.51	68.99
Jackson separate	149.64	106.37
Jefferson County	96.29	2.60
Jefferson Davis County	59.44	10.24
Jones County	38.25	29.45
Kemper County	71.28	11.91
Kosciusko separate	74.64	21.16
Lafayette County	37.79	8.12
Lamar County	52.82	43.22
Lauderdale County	62.34	34.28
Laurel separate	79.63	36.33
Lawrence County	57.01	23.14
Leake County	48.85	17.37
Lee County	21.67	7.67
Leflore County	175.38	9.52
Leland	113.02	24.99
Lincoln County	68.51	26.06
Long Beach separate	138.38	-------
Louisville-Winston	47.82	7.64
Lowndes County	64.03	8.53
Lumberton consolidated	85.47	16.09
Madison County	171.24	4.35
Marion County	42.91	19.10
Marshall County	69.56	8.91
McComb separate	61.51	18.85
Meridian separate	116.58	63.11
Monroe County	44.11	6.20
Montgomery County	48.73	6.71
Moss Point separate	86.63	43.30
Natchez-Adams	131.84	49.38
Neshoba County	21.16	7.12
Nettleton Line	26.81	1.58
New Albany	55.93	13.42
Newton County	67.42	17.98
Newton separate	81.23	19.83
North Panola consolidated	104.28	1.76
North Pike	30.89	.76
North Tippah County	35.14	.00
Noxubee County	113.29	1.21
Oakland consolidated	104.03	6.15
Ocean Springs separate	78.26	84.08
Okolona separate	72.39	14.54
Oktibbeha County	103.87	8.91
Oxford separate	$69.42	30.67
Pascagoula separate	102.88	45.64
Pass Christian separate	127.98	78.50
Pearl River County	61.70	-------
Perry County	98.98	38.51
Philadelphia separate	85.05	30.33
Picayune separate	74.54	26.48
Pontotoc 'ounty	34.75	13.59
Pontotoc separate	78.91	-------
Poplarville separate	57.96	18.69
Prentiss County	33.88	19.88
Quitman consolidated	60.70	13.48
Quitman County	90.28	8.41
Rankin County	72.71	14.78
Richton separate	52.09	14.41
Scott County	31.55	10.95
Senatobia separate	65.08	10.74
Sharkey-Issaquena	18.75	25.74
Simpson County	41.42	8.97
Smith County	54.34	20.43
South Panola	59.55	1.35
South Pike	101.92	10.55
South Tippah	32.40	-------
Starkville separate	78.00	19.11
Stone County	60.27	13.03
Sunflower County	127.36	11.49
Tate County	67.08	5.84
Tishomingo County	41.06	2.70
Tunica County	172.80	5.99
Tupelo separate	96.87	31.41
Union County	26.68	7.86
Union separate	47.62	7.24
Vicksburg separate	124.33	24.17
Walthall County	48.08	10.55
Warren County	101.66	10.62
Water Valley	53.44	2.75
Wayne County	62.76	$8.69
Webster County	34.62	11.56
Western Line	198.74	52.27
West Jasper	55.71	9.87
West Point separate	51.26	11.91
West Tallahatchie	141.95	13.47
Wilkinson County	80.76	1.28
Winona separate	70.95	12.92
Yazoo County	245.55	2.92
Yazoo City separate	98.43	35.64

Mr. DOUGLAS. Initially I spoke about expenditures by local school boards, and then said that State funds had reduced the figures for the per pupil expenditures. We know that there has been an improvement in the South with the passage of years. I am glad this has occurred. However, we know that the Negro started from so far behind that even yet the Negro has not been brought to equality. I notice that the Senator produced one set of figures showing that in one county the total expenditure of State, county, and local funds per white child was $220, and per Negro child it was approximately $140. That is a difference of $80, or 55 percent. That is a very real difference.

Mr. STENNIS. Those figures took in all the local districts, as the Senator said, and they varied greatly from county to county. The figures depend on wealth and population by races, which vary greatly and numerically. We have a picture of the progress that is being made, which is most encouraging.

If the Senator will yield to me further, I should like to say that if the bill is passed unanimously, it will not add one dime for the use of these schools. No Federal money is involved in the figures; not one dime. The tax burden will continue to rest exactly where it is. If the Senator carried out his plan and the bill were passed, we would reach the point where it might be very difficult to obtain support for the plan; there might be a diversion to private schools, and all sorts of trouble might occur. This bill means trouble, and trouble compounded with respect to a situation about which the Senator is concerned and about which the Senator wants to do something.

Mr. DOUGLAS. I have always favored a system of Federal aid for education, with higher grants to States and localities where the taxable capacity per schoolchild is relatively low. I have said also that the South as a whole cannot be charged with unwillingness to support "education," because what the Senator says is true; namely, on the whole, the Southern States are spending a larger proportion of their income per child for education than the country does as a whole.

This is undoubtedly true. The South has two difficulties. One is that the taxable income is low. The Southern States are not wealthy; indeed, they are poor States. That is not their fault. Second, they maintain an uneconomic and costly dual school system, which directly increases the cost.

I do not wish the Senator to think that we of the North are blind to the economic problems which the Southern States face. We are aware of them, and we want to help. I believe that one of the features in the so-called war against poverty should be special grants to school districts, both rural and urban, where the needs are great, where families are disadvantaged, and even culturally deprived, and where tax resources are low.

This means school aid and service aid to the school districts of the Appalachians, to the school districts of States such as Mississippi, and to schools which are largely Negro inside the great metropolitan centers.

I hope very much that we can move in this direction when we try to put some flesh and blood on the bones of the war against poverty.

Mr. STENNIS. I fully appreciate the statements of the Senator. I know the Senator acts entirely in good faith. I know he has solicitude for everyone. The Senator is a great humanitarian. However, we are not asking for Federal money for the schools in Mississippi. We are doing fairly well. We are improving. We do not want our school system destroyed, which is what this bill would do. It would destroy the system which we have of supporting our schools and improving the educational and career opportunities for both white and colored. There is no doubt in my mind, as one of Mississippi's humble representatives, as to the fate of the schools, not only in Mississippi, but in other areas in the South if this bill should be enacted by the Congress and upheld by the courts.

I thank the Senator again.

Mr. DOUGLAS. Mr. President, are there any other questions on the subject matter of my address? If not, I yield the floor.

Mr. COOPER obtained the floor.

Mr. COOPER. Mr. President, I have promised to yield briefly to the Senator from Delaware [Mr. WILLIAMS], to the Senator from North Dakota [Mr. YOUNG], and to the Senator from South Dakota [Mr. MUNDT], if I can do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Before I yield, I would like to say that those of us who have heard the Senator from Illinois [Mr. DOUGLAS] speak today have been informed by his discussion of this section, title IV, of the bill. We have been moved by his eloquence. His statement has been so exhaustive, so informative, and so compelling in its argument that there is very little anyone can add to what the Senator from Illinois has already said.

I commend him. I have admired the Senator for many years for his consistency in seeking to obtain equal rights for all people. All of us owe the Senator a great debt for his masterful exposition.

Mr. DOUGLAS. I thank the Senator.

THE MONITORING OF MAIL

Mr. WILLIAMS of Delaware. Mr. President, the various agencies of the Government have been sending copies of their answers to my correspondence to the Senate Rules Committee for the past several months.

I do not know upon whose orders my correspondence with the agencies is being monitored. However, it must be that someone has more than a casual interest in whatever line of inquiry I may be pursuing.

This was an arbitrary decision by the respective agencies, and it was done without my consent.

While I resented this highly improper and most unusual procedure, nevertheless I attributed it to the great desire on the part of the administration and the Senate Rules Committee to determine all of the facts and to explore all the leads in the investigation of the Bobby Baker case. But last week the Senate Rules Committee decided to discontinue its investigation, and that excuse is no longer valid—yet my mail is still being monitored.

Not only is this monitoring of my mail with the agencies continuing, but this week I received a reply to a letter which was actually cleared with the Senate Rules Committee before it was finalized and sent to my office.

To my knowledge this procedure has never heretofore been adopted in relationship to the correspondence between a Government agency and a Member of the U.S. Senate.

I suggest to those who gave the orders for this monitoring of my mail and to those who are participating therein that it is remotely possible that they have overlooked one important point—I may already know some of the answers to the questions which I am asking, and in that event I would know when they were trying to cover up. And have they ever stopped to think how easy under such circumstances it would be to determine just who was a party to the coverup?

Nevertheless, since someone in high position thinks my correspondence is of such importance that it should be read by certain Members of the Senate, I am going to forget my modesty and assume that it is important enough to be read by all Members of the U.S. Senate.

Normally it would be considered improper to release a letter to any department of the Government prior to their receiving it, but it is equally improper to allow a third party to monitor the reply. Therefore, I am assuming that this is a New Frontier procedure, and I shall adjust accordingly.

Unless I receive a better explanation for this unusual procedure than that which has thus far been advanced, beginning next week I shall proceed to place in the CONGRESSIONAL RECORD all of that correspondence in which I think they would be interested.

NEED FOR WHEAT LEGISLATION

Mr. YOUNG of North Dakota. Mr. President, the wheat farmers of our Nation are in serious trouble. Defeat of the pending wheat bill will mean a drastic drop in prices to farmers of from 50 to 75 cents a bushel. This would mean cash prices for wheat of not more than $1.30 to $1.40 a bushel at best. This price collapse would not be confined to wheat only. It would soon spread to most other farm commodities.

Does anyone really believe that the present $1.25 a bushel price supports for corn could be maintained at this level if wheat price supports dropped to $1.25 a bushel? There would be little justification for continuing corn supports at the same level as wheat when the national average yields are more than double that of wheat. A collapse of wheat and feed grain prices would almost immediately have a disastrous effect on milk producers and producers of all meats such as beef, pork, and poultry.

Wheat prices in 1963 were at about the same level they were 15 or 20 years ago. On the other hand, while wheat prices have remained at approximately the same level over the last 20 years, due only to price support programs, the price of almost every manufactured commodity has risen sharply. The wheat farmers of America, faced as they are with constantly increasing costs of all production items including farm machinery, trucks, automobiles, petroleum products, rubber, fertilizer, insecticides, labor, and taxes just could not remain solvent with this drastic drop in wheat prices. No other segment of our economy could sustain such an income loss and survive.

The House of Representatives is scheduled to vote on the Senate-passed farm bill next week. Because the spring wheat and cotton planting seasons are upon us, together with civil rights and other legislation of high priority, it would be utterly impossible to consider any other wheat or cotton legislation this year.

Wheat faces problems which are vastly different than those involved in the production of almost any other farm commodity. Even with the production controls of recent years farmers have produced more than twice the amount of wheat needed for domestic consumption. Without controls they could easily produce three times as much as could be used in the United States. They must depend on huge export markets in order to survive.

Although wheat is one of the most important food commodities, it cannot be sold directly to the consuming public in any of the big wheat deficit nations of the world. In almost every instance, it must be sold to the governments of these countries at negotiated or world prices. All of these nations maintain a high price for their own producers but refuse to let our wheat farmers take advantage of this price. In each instance these governments buy our wheat at world prices, which are much lower than their own, and reap a big profit.

There is no such thing as a free world wheat market. It is rigged from beginning to end; always against the American wheat producer. Thus, it makes no sense to argue that our wheat producers can go it alone, so to speak, without any price protection whatsoever.

There is another serious obstacle which prevents the American wheat producer from receiving an adequate price for his wheat on the open market. Wheat, now as for years past, is considered one of our most important food sources in times of national emergency. In recent years it has been determined that for security reasons we must maintain an annual carryover of wheat stocks of at least 600 million bushels. If our stocks fall below this level, export licenses would not be issued. This was the case during and immediately after World War II, when wheat was in short supply.

I do not argue with the premise that we must maintain adequate stocks of this basic food source. The point I wish to make, Mr. President, is that the farmers can never expect an adequate price for their production on the free market as long as our carryover of wheat amounts to anything like 600 million bushels. Only short supplies will permit reasonably good prices on the free market.

The wheat bill passed by the Senate does have several shortcomings. I do not contend it is the perfect bill. It is the best that we could get passed by the Senate, however. In the many months that the House Agriculture Committee has been considering wheat legislation, it, too, has been unable to come up with a better wheat bill. Many of us had wheat legislation proposals we thought were better; but we lost our case, for the time being.

It is not a question now, Mr. President, of whether some other program is better than the pending wheat bill. Rather, the question is whether the wheat bill now before the House of Representatives is better than the situation which now exists if no legislation were enacted. Failure to enact this measure would mean that price supports, as a result of the last wheat referendum, would be $1.26 a bushel with another meaningless producer referendum to be held before June 15. In order for farmers to get even this low level price support protection of $1.26 a bushel, they would have to subject themselves to production controls under acreage allotments. Indeed, Mr. President, farm-

ers will be subjected to the same production controls, regardless of the outcome of the House vote on the pending wheat bill.

Failure to pass the measure simply means that farmers will lose an average of approximately 47 cents a bushel on their 1964 wheat crop. For most farmers, and particularly younger operators, this loss of income could well mean the difference between economic survival and progress or losing their farms and homes.

Mr. President, during my 19 years in the Senate, I have never witnessed such vicious and inaccurate propaganda attacks as those which have been leveled at the pending wheat bill. One of the charges being made is that it would mean an increase in the consumer price of bread of 2 to 3 cents a loaf. Nothing could be further from the truth. If the bill is enacted, the price of wheat to the bakers will be approximately the same as it is now. The cost of the wheat in a loaf of bread is presently only about 2½ cents. This means that the price of a bushel of wheat would have to increase 60 cents a bushel for each 1-cent increase in the cost of a loaf of bread. If the bill is enacted, the cost to the bakers will be approximately the same as it is now. Thus, there would be no justification for an increase in the price of a loaf of bread.

Opponents of the measure have charged that there is no difference between this program and the one disapproved by farmers in the last wheat referendum. Mr. President, there is as much difference between these two programs as there is between night and day. The one disapproved last spring involved tough production controls for every wheat producer. Under the Senate-passed bill, any farmer who does not want to participate in the program can produce all the wheat he wants to and can market it free of penalty.

Mr. DOMINICK. At this point, will the Senator from North Dakota yield?

Mr. YOUNG of North Dakota. I yield.

Mr. DOMINICK. Is it not true that if a farmer did not engage in the program, he would lose 70 cents a bushel?

Mr. YOUNG of North Dakota. He would lose an average of about 47 cents a bushel.

Mr. DOMINICK. So at least there is an economic penalty; I wish to make that point.

Mr. YOUNG of North Dakota. That is also true of the present corn program. If the farmer does not participate, he loses the 18-cent-a-bushel payment and price support benefits. This is true of all such programs.

Changes have been made that under this plan farmers' income from wheat will be lower than it was in 1963. It is true that if this program is adopted wheat income will be a little lower than it was during the last crop year. However, and this is the basic point, while income will not be maintained at quite the 1963 level it will be maintained at a much more satisfactory level than would be the case if nothing is done. The cost of this program to the Government of the United States will be far less than the cost of the programs of recent years.

Mr. President, these are only a few of the many inaccurate charges that have been made against this bill—charges that are so cleverly and cunningly presented that they tend to confuse a great many people. This is the intention of those spreading this propaganda. Unfortunately, they have succeeded to a considerable extent.

Mr. President, wheat farmers as well as all farmers and ranchers are willing to go it alone without any price protection or government programs if every other segment of our economy is willing to do the same. We have not yet come to that happy day. Wheat farmers need legislation to help them now, and they need it badly.

There is as much justification for the cotton section of the bill as there is for the wheat section. Cotton farmers are in deep trouble and need this legislation. This cotton legislation will go a long way toward maintaining a healthy cotton economy.

Mr President, I sincerely hope the House of Representatives will act favorably next week, when it considers the Senate-passed wheat-cotton bill.

Mr. BURDICK. Mr. President, will my colleague yield to me?

Mr. YOUNG of North Dakota. I yield.

Mr. COOPER. Mr. President, I ask unanimous consent that I may continue to yield, without losing my right to the floor.

The PRESIDING OFFICER (Mr. HART in the chair). Is there objection? Without objection, it is so ordered.

Mr. BURDICK. I commend my colleague for his contribution this afternoon. He has pointed out some very important facts, and also has referred to a position of the critics—namely, that the 70-cent certificate would be a bread tax and would result in higher prices to the consumer.

Is it not a fact that under this bill the miller would be buying wheat at the same price as that at the present time?

Mr. YOUNG of North Dakota. That is entirely correct; the price would be at approximately the same level.

Mr. BURDICK. And no increase whatever should result from any additional cost to the millers?

Mr. YOUNG of North Dakota. That is correct.

Mr. BURDICK. Any increase in the price to the consumer would have to be based on some other factor; would it not?

Mr. YOUNG of North Dakota. That is correct.

Mr. BURDICK. My colleague should also be commended for pointing out that today the farmer is in a very difficult economic squeeze and at a great disadvantage, for his costs are rising at the same time that his income is going down.

Let me refer briefly to the colloquy my colleague had with the Senator from Oklahoma: Is it not also a fact that the farmer who complies with this program must also contribute by reducing his acreage, in order to get the higher price?

Mr. YOUNG of North Dakota. That is correct, and that is an important point. To the extent that a farmer reduces his planted acreage, he helps those who do not reduce their acreage.

Mr. BURDICK. That is correct. In other words, in order to obtain the increased price, he must take action on his own part, voluntarily; is that correct?

Mr. YOUNG of North Dakota. That is correct.

Mr. HUMPHREY subsequently said: Mr. President, earlier today the senior Senator from North Dakota [Mr. YOUNG] spoke to the Senate in regard to the urgency of a favorable vote in the House of Representatives on the wheat-cotton bill. I wish to associate myself with the remarks of the Senator from North Dakota.

The vote which will be taken in the House next week on this bill could very well be called a $700 million vote because if the House fails to pass this legislation, farm income could drop as much as $700 million.

The loss to our wheat growers alone will be about $600 million if this bill is not approved. Such a heavy loss in farm income will affect not only our Nation's wheat farmers, not only our citizens of rural America, but virtually all areas of the country be they small or large, rural or urban. The effect of the tax bill passed by the Congress earlier this year would for all practical purposes be dissipated if such a substantial drop in agricultural income occurs. We cannot on the one hand pump money back into the economy by a tax reduction, and on the other hand lose the same money through a drop in agriculture income and have nothing but trouble in the American economy.

I hope every Member of the House will study this bill and its meaning prior to casting his vote next week. We in the Senate debated the wheat-cotton bill for a week prior to passing it earlier this year. The RECORD contains every good argument for passage of this bill. I know of no valid reason for rejecting it.

I personally would have preferred a different type of legislation for both wheat and cotton. I made that statement at the time we passed the bill in the Senate. I had urged approval of bills for these commodities which would provide direct Treasury payments to farmers who would cooperate with a voluntary program. While the committee and the Senate would not entirely accept my recommendations, we were able to vote on legislation which will through different means achieve the same end; that is, a stabilization of farm income.

Mr. President, we owe it to our Nation's family farmers to present them legislation which will enable them to at least maintain their income. I think this income is far too low and that ways and means should be found to substantially increase it. Perhaps one day our farmers who make it possible for us to enjoy the highest quality and greatest quantity of food in the world at the lowest price will share in the wealth of this great Nation. For the present, however,

we have a bill which will at least stabilize agricultural income. This is the bill which will be considered in the House next week. I strongly urge each and every Member of the House to very carefully consider the present agricultural situation and the provisions of this bill in light of that situation prior to casting his vote on the wheat-cotton bill.

NEED FOR BEET SUGAR QUOTA INCREASE

Mr. DOMINICK. Mr. President, will the Senator from North Dakota yield to me?

Mr. YOUNG of North Dakota. I yield.

Mr. COOPER. Let me ask how long the Senator from Colorado wishes to speak?

Mr. DOMINICK. For about 4 minutes.

Mr. COOPER. Mr. President, I ask unanimous consent that I may yield for that length of time to the Senator from Colorado, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COOPER. Very well; I yield.

Mr. DOMINICK. Mr. President, I thank the Senator from Kentucky for yielding, and I appreciate the opportunity to speak while the Senator from North Dakota is in the Chamber, for I wish to make some comments in connection with the same matter.

Although the Senator from North Dakota and I may not agree on the wheat bill, we do agree on the sugar bill.

Sometime ago the distinguished Senator introduced a bill to increase the domestic beet sugar quota for this year by 750,000 tons. I was very happy to join in sponsoring that bill. At that time I did not have an opportunity to comment on the need for enactment of the bill; so I thought I would take this opportunity to set forth, briefly, my reasons, because we shall have to take action again this year in regard to sugar. I say "this year" because the provisions of the bill which pertain to the foreign quotas on sugar to come into this country will expire this year; and if we are to do anything about this matter, we shall have to act in any event.

So it seems to me that this is a good time and a good point to make a change in such a way that our domestic industry can have a larger share of the overall market.

I was particularly concerned because some time ago President Johnson asked that acreage controls on domestic beet sugar be removed. As a result, the acreage of beet sugar has been vastly expanded, in order to take up the slack which occurred when we were unable to obtain adequate supplies of sugar from other countries.

The situation became quite curious, as a matter of fact. The other countries, which were given specific quotas under the bill, were having grave difficulty meeting their quotas; and the world market, in like manner, was having great difficulty taking up its share of the overall production, because the world market as a whole was higher than the U.S. domestic market—which is one of the things which those of us who believe in the sugar legislation had tried to point out time and time again to the opponents, although we never seemed to be able to explain the matter adequately to them; namely, that the consumers would not be hurt by the quota system we proposed, but, instead, would be benefited, because under the quota system they are prevented from loss of an adequate supply if the world market goes too low, and they are also protected from a high market price when the world market goes up.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. YOUNG of North Dakota. The Senator is making a very important point. Consumers now realize that sugar legislation has helped them greatly. If it were not for the sugar program, sugar prices would have skyrocketed to even higher levels. The legislation affords the consumers of America their best assurance of ample sugar supplies at reasonable prices. That is one of the reasons why there are now 22 cosponsors of this bill in addition to the Senator from Colorado. For the first time, Senators from some of our major consuming areas are supporting legislation of this type.

Mr. DOMINICK. I am certainly delighted to hear that. It is another indication of the importance of the overall subject. Unless the bill is passed, a cutback of about 40 percent of the existing acreage of beet sugar now under cultivation would be required. If the bill is passed, it will be held about even.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. DOMINICK. I am glad to yield.

Mr. BURDICK. I find that this afternoon we are all in agreement on sugar. My colleague from North Dakota [Mr. YOUNG], the Senator from Colorado [Mr. DOMINICK], and I are cosponsors of the proposed sugar legislation. Perhaps some time my colleague and I can convince the Senator from Colorado of the merits of the proposed wheat bill.

Mr. DOMINICK. I shall be delighted at all times to discuss those problems with the Senators, because I think they are of vast importance to my State as well as to theirs.

Mr. President, I do not intend to take up too much time. I appreciate the time which has been given to me by the distinguished Senator from Kentucky. At this point I ask unanimous consent to have printed in the RECORD a series of comments on why a beet sugar quota increase of 750,000 tons is necessary.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

WHY A BEET SUGAR QUOTA INCREASE OF 750,000 TONS IS NECESSARY

1. PRESENT BEET SUGAR QUOTA IS GROSSLY INADEQUATE

The basic beet sugar quota (sec. 202(a)(1) of the Sugar Act) should be increased by 750,000 tons—from the present 2,650,000 tons to 3,400,000. The higher levels of production requested by the Government for 1963, 1964, and 1965 make an increase of this amount necessary. This increase is in the interest of U.S. sugar consumers, and is vital to American farmers who need sugarbeets as a cash crop and as an alternate or replacement for crops now in surplus production. Also, it is important to the welfare of factory and field labor in the 25 States in which the beet sugar industry is now located.

2. WHY BEET SUGAR PRODUCTION IS ABOVE EXISTING QUOTA

To encourage growth and expansion of the beet sugar industry in new areas (sec. 302(b)(3)), the Congress, in 1962, provided for erection of six new beet sugar processing plants in the 1963–66 period. And early in 1963, when the critical foreign sugar supply situation became alarming, the executive branch of Government turned to the domestic beet sugar industry as the quickest dependable source of greater production in the period ahead, and announced that there would be no acreage restrictions on sugarbeet planting in 1964 and 1965 as well as in 1963. The industry responded with immediate and substantial increases in production far above existing quota levels.

3. DRASTIC ACREAGE CUTS INEVITABLE UNLESS BEET SUGAR QUOTA INCREASED

Unless the basic beet sugar quota is increased, established sugarbeet growers will be faced with a 4-percent cut in acreage. Moreover, authorization of additional new beet sugar factories would be out of the question. It would be grossly unfair thus to penalize present growers who have contributed so importantly to the national sugar supply, and to prohibit sugarbeet production in new areas where the crop is so urgently needed.

4. BEET SUGAR INDUSTRY SAVED MILLIONS OF DOLLARS FOR CONSUMERS IN 1963

Consumers are benefiting materially from the beet sugar industry's response to the congressional intent and executive requests. The industry produced a half million tons more sugar in 1963 than in 1962, and is in the process of producing a quarter million tons more sugar this year than last—thus contributing substantially to relieving the supply problem. Moreover, the beet sugar industry has significantly recognized its obligations to consumers under the Sugar Act. In 1963, beet sugar sold from $1 to $3 a hundred pounds less than cane sugar in the same markets. Both the volume and price of beet sugar helped keep U.S. prices of imported raw cane sugar lower than many other countries had to pay for the same sugar.

By saving millions of dollars for U.S. consumers in 1963, the beet sugar industry was continuing its tradition of serving consumers. Beet sugar never sells for more than cane sugar, and usually sells for less. It is significant that in the one section of the country where only cane sugar is normally available—the Northeast States—the basic price for sugar has been the highest in the United States for many years.

Recognition of the importance of domestic sugar production for American consumers was given by President Johnson on January 31, 1964, when he urged Congress to authorize unlimited 1964 marketing of domestically produced sugar.

5. INCREASE IN BEET SUGAR QUOTA WOULD COME FROM UNALLOCATED "GLOBAL" QUOTA

The 750,000-ton increase in the basic beet sugar quota could be made without disturbing any of the present individual country quotas. The increase would come from the so-called global quota. Under changed world sugar supply-demand conditions it would appear undesirable to continue a system wherein a large quantity of U.S. supplies is not specifically allocated.

6. OTHER DOMESTIC PRODUCER QUOTAS NOT AFFECTED BY INCREASED BEET QUOTA

The transfer of 750,000 tons from the global quota to the beet area quota would not adversely affect the quotas of the other domestic producing areas—mainland cane, Hawaii, Puerto Rico, and the Virgin Islands.

7. SUGAR ACT BENEFITS TO CANE SUGAR REFINERS

Cane sugar refiners had their position materially improved by 1962 amendments to the Sugar Act. These added 450,000 tons to the cane refiners' volume by prohibiting future importation of that amount of foreign refined sugar authorized by the previous law. This brought total volume of cane refiners to nearly 7 million tons, and left only 75,000 tons of foreign sugar which may be imported as refined sugar. The slight increase in the beet quota in 1962 was offset, in the cane refiners' favor, by the transfer of Hawaiian and Puerto Rican deficits from domestic areas to foreign countries, which were required to ship the sugar in raw form.

It should be noted that 100,000 tons of protected beet sugar expansion have already been awarded to cane sugar refiners and that cane refiners' interests have applied for another 100,000 tons of the reserve. Thus cane sugar refiners are prime recipients of the benefits of the beet sugar expansion authorized by Congress.

8. WORLD SUGAR SITUATION CONTINUES TO BE UNCERTAIN

Many changes have taken place in the sugar world since Congress wrote the 2,650,000-ton basic beet sugar quota into the law in 1962. No longer is there a world surplus. World reserve stocks of sugar, large in mid-1962, are now almost nonexistent. Even if talked-of increases in foreign production are eventually realized it will take time and a vastly improved investment climate.

Nearly a third of world sugar production is under Communist control. Instability and political turmoil plague many of the other sugar-producing nations of the world. Therefore, in this uncertain atmosphere, it is in the public interest to rely on the domestic beet sugar industry for an additional 7½ to 8 percent of our total sugar supplies—which a 750,000-ton increase in the basic beet sugar quota, to 3,400,000 tons, would achieve. Even after adding 750,000 tons to the beet area quota, foreign countries would still be guaranteed a third of the total U.S. market of about 10 million tons.

WHY A BEET SUGAR QUOTA INCREASE OF 750,000 TONS IS NECESSARY

This statement is supported by the present sugarbeet growers and beet sugar processors of the United States as well as organized groups of farmers and many others seeking allocation of "sugarbeet acreage reserves" for expansion of the sugarbeet industry into new areas, as follows:

Arizona

Arizona Sugarbeet Committee.

California

California Beet Growers Association, Ltd.
Spreckles Sugar Co.
Union Sugar Division, Conoslidated Foods Corp.
Holly Sugar Corp.
American Crystal Sugar Co.

Colorado

The Mountain States Beet Growers Marketing Association of Colorado.
Southern Colorado Beet Growers Association.
The Western Colorado Beet Growers Association.
The Great Western Sugar Co.
American Crystal Sugar Co.
Holly Sugar Corp.
The National Sugar Manufacturing Co.

Delaware

Delaware Sugar Corp.

Idaho

Idaho Sugarbeet Growers Association.
Lower Snake River Sugar Beet Growers Association.
Nyssa-Nampa Beet Growers Association.
Amalgamated Sugar Co.
Utah-Idaho Sugar Co.

Illinois

Wabash Valley Beet Growers Association.
Joint Industrial Development Commission of Adams County.

Indiana

Wabash Valley Beet Growers Association.
Paulding Sugar Beet Growers Association.

Iowa

Mason City District Beet Growers Association.
American Crystal Sugar Co.

Kansas

Ash Valley Beet Growers Association.
The High Plains Beet Growers Association.
Southwest Kansas Sugar Beet Growers Council.
Tri-County Beet Growers Association.

Maine

Maine Sugar Beet Growers Association.

Michigan

Alma Sugar Beet Growers Association.
Blissfield Sugar Beet Growers Association.
Caro Sugar Beet Growers, Inc.
Croswell Sugar Beet Growers Association.
Monitor Sugar Beet Growers, Inc.
Saginaw Sugar Beet Growers, Inc.
Sebewaing Sugar Beet Growers Association.
Michigan Sugar Co.
Monitor Sugar Division of Robert Gage Coal Co.

Minnesota

Red River Valley Beet Growers Association.
Southern Minnesota Beet Growers Association.
Tri-County Beet Development Association of Minnesota.
Mid-Valley Beet Development Association.
Minnesota-Dakota Beet Development Association.
Mason City District Beet Growers Association.
American Crystal Sugar Co.

Missouri

Western Missouri Beet Growers Association.
Pemiscot-Dunklin-New Madrid Sugar Beet Growers Association.

Montana

Montana-Wyoming Beet Growers Association.
The Mountain States Beet Growers Marketing Association of Montana.
Western Montana Beet Growers Association.
Great Western Sugar Co.
Holly Sugar Corp.
American Crystal Sugar Co.

Nebraska

Central Nebraska Beet Growers Association.
Nebraska Non-Stock Beet Growers Association.
Northwest Nebraska Beet Growers Association.
Great Western Sugar Co.
American Crystal Sugar Co.

New Mexico

Texas-New Mexico Sugar Beet Growers Association.

New York

Finger Lakes Beet Growers Association, Inc.

North Dakota

Red River Valley Beet Growers Association.
Lake Agassiz Sugar Corp.
Minnesota-Dakota Beet Development Association.
Mid-Valley Beet Development Association.
American Crystal Sugar Co.

Ohio

Buckeye Beet Growers Association.
Findlay Beet Growers Association.
Fremont Beet Growers Association.
Paulding Sugar Beet Growers Association.
Northern Ohio Sugar Co.
Buckeye Sugars, Inc.

Oklahoma

Southwest Oklahoma Beet Growers Association.

Oregon

Nyssa-Nampa Beet Growers Association.
Amalgamated Sugar Co.

South Dakota

Black Hills Beet Growers Association, Inc.
Utah-Idaho Sugar Co.

Tennessee

Northwest Tennessee Sugar Beet Growers Association.

Texas

Texas & New Mexico Sugar Beet Growers Association.
Dimmit Beet Growers, Inc.
North Plains Sugar Beet Growers Association.
The High Plains Sugar Beet Growers Association.
Trans-Pecos Sugar Beet Growers of Texas.
Holly Sugar Corp.

Utah

Utah Beet Growers Association.
Utah-Idaho Sugar Co.
Amalgamated Sugar Co.

Washington

Washington Sugar Beet Growers Association.
Columbia Basin Beet Growers Association.
Utah-Idaho Sugar Co.
Washington State Sugar Co., Inc.

Wyoming

Montana-Wyoming Beet Growers Association.
Big Horn Basin Beet Growers Association.
Goshen County Beet Growers Association.
Holly Sugar Corp.
Great Western Sugar Co.

Regional and national organizations

California Beet Growers Association, Ltd.
Farmers and Manufacturers Beet Sugar Association.
National Beet Growers Federation.
Western Sugar Beet Growers Association.
United States Beet Sugar Association.

Mr. DOMINICK. The reason I have submitted the comments is that they have been endorsed by the sugarbeet associations of States which I shall name. They indicate the degree of importance the subject is to the country. The States are as follows:

Arizona, California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming.

The following regional and national organizations have also endorsed the comments: The California Beet Growers Association, Ltd.; Farmers & Manufacturers Beet Sugar Association; the National Beet Growers Federation; Western Sugar Beet Growers Association; United States Beet Sugar Association.

It is shown in considerable detail exactly why the proposed quota increase is necessary.

In the few remaining minutes, I wish to make the following point: As a lawyer, almost from the beginning of my practice in Colorado, I was interested in sugar legislation. I came to Washington, D.C., to attend many meetings with representatives of the Department of Agriculture in the Sugar Division in an effort to arrive at a reasonable apportionment of acreage or a reasonable system of industry marketing rules. I do not know how many times I have been back and have gone into the question of sugar legislation. I believe I have some background of knowledge in it.

The one point that constantly bothers me is the continued and constant efforts that are made to try to divide sugar factions into separate groups and treat them as conflicting interests. The beet sugar processors and growers as a whole have been almost continuously working together to try to get an effective beet sugar measure passed.

In addition, the cane sugar growers in domestic States—I am speaking about Louisiana, Florida, and Tennessee—have been kind enough in most instances to work very closely with the beet sugar people. For the benefit of those who may read the RECORD, the production and marketing of beet sugar is far higher than that of cane sugar domestically grown.

The only people with whom we really have a problem are the cane sugar refiners. They are the ones who provide the least number of jobs. They merely bring in raw sugar—because we have said, "We shall not let refined sugar come in"—and refine it in eastern refineries. And that is where the highest price for sugar still is. It would seem to me that by giving domestic beet sugar, and perhaps domestic cane sugar, a higher quota—we might be able to do something about the price in the Northeast and assure a more stable sugar supply and a more stable sugar condition.

Again I extend my thanks to the distinguished Senator from Kentucky.

NON-WESTERN CULTURES SHOULD BE STUDIED

Mr. MUNDT. Mr. President, the March 1964 issue of the South Dakota Education Association Journal contains an article entitled "Why It Is Time To Teach More About Non-Western Culture," by Thomas Karwaki, an assistant professor of history at Northern State College in Aberdeen, S. Dak. Mr. Karwaki makes observations in his article which I think should be given wide attention. He points out that the school curriculum in both elementary schools and high schools should include more emphasis on non-Western cultures.

When the National Defense Education Act placed greater emphasis on world languages, more and more colleges instituted languages in Japanese, Chinese, and Hindi, and many other world languages. This set the stage for expanding the language program in our high schools across the country. In 1961–62 about 75 U.S. high schools offered courses in Chinese, and 10 in Japanese. Five years before, such courses were virtually nonexistent in high schools in this country.

Since World War II, the United States has been called to defend farflung outposts of freedom around the world. If America is to continue sending its men into these areas, our people must be educated to meet these international emergencies, and it behooves us to keep our educational needs abreast with the demands of world leadership. It was for this reason that I cosponsored the Smith-Mundt exchange program a decade and a half ago. Now Mr. Karwaki spotlights the need for expanding our school curriculums to further the international understanding so vital to America's leadership of the free world.

I ask unanimous consent that Mr. Karwaki's article be printed in the body of the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY IT'S TIME TO TEACH MORE ABOUT NON-WESTERN CULTURE

(NOTE.—The school curriculum in both elementary schools and high schools should include more emphasis on non-Western cultures, according to this article. In a few places, the first small advances are being made. In Illinois, Evanston and New Trier Township high schools have undertaken to jointly offer Chinese and Japanese language instruction this summer. They also plan courses in East Asian history. Washington University in St. Louis, Mo., will continue its summer and academic year courses for both high school students and training of teachers. One school in St. Louis now teaches a course in Mandarin Chinese and the Carnegie Corp. has provided funds for summer institutes in both Chinese and Japanese language study. Attention to non-Western culture is increasing. In 1961–62, about 75 U.S. high schools offered courses in Chinese, and 10 in Japanese. Five years ago, only five U.S. high schools taught Chinese and even less taught Japanese. An important fact—more persons speak Chinese than any other language in the world.)

(By Thomas Karwaki)[1]

The modern student, be he a second-grader or a college freshman, lives in a crisis of the oriental world bombarded by the specter of eruptions in Vietnam, war on the Sino-Indian frontier, or Nasserism sweeping the Arab world. The media of communications has made even the hitherto isolated students anxious about developments in the non-Western World.

Yet, the basic curriculum of the American school is focused on a monocultural exposure of the student to the American and European historical pattern. Just a few short decades ago, this was sufficient to develop an understanding of the world, for Europe was the center of world power.

But we live in a dynamic world. The axis of power seemingly is shifting from Europe to the non-Western World. Scores of countries have attained independence since World War II and are engaged in a struggle to improve their economic conditions, to raise their people's standards of living, and to achieve viable forms of government. This struggle, complicated by ever-increasing population pressure, involves necessarily the development of new industry and the destruction of some traditional values that lead inevitably to the generation of social tension and concurrent political instability.

The history of the past few years has been made in the non-Western World. The rise of Arabic Nationalism, the religious massacre in India/Pakistan during the Partition, the tribal conflict of the Congo—all are now part of the heritage of the modern world and are likely to increase in intensity in the near future.

TODAY'S REALITY

Is the American student prepared to face the world as it exists in reality today? Or, is our system of education so slanted toward a monoculture exposure that the average American cannot even begin to comprehend developments in the non-Western World.

While the teaching of history and the social sciences could undoubtedly be improved, we have succeeded in instilling the basic facts of American and European history into the students, but we appear to have failed totally in orienting them to the other half of the world. The average high school student can identify Napoleon, Tennyson, and Thucydides, but can he identify Babur, Tagore, or Ibn Khaldan. He can define nationalism as it existed in France or Germany; one language, one tradition, one nation, but how do we explain the development of multinational states based on scores of radically differing and mutually incomprehensible languages, differing even in historical development.

RECOMMENDED ADJUSTMENTS

If the axis of power is changing, what can we do to improve the teaching of non-Western area studies in the various levels of the school system?

First and foremost, the task resolves on the universities and colleges to introduce more courses dealing with the non-Western World. These must cover the fields of history, economics, underdeveloped nations, and the influence of their rapid industrialization on world trade patterns. In sociology, the new nations offer challenges in studying dynamic social tension and adjustments. In political science, they present new opportunities for study of the development of new political loyalities and attempts to gain a concern of nationalism among people of diverse languages, histories, and backgrounds.

ADOPTING THE HIGH SCHOOL CURRICULUM

World history courses must be constructed to include more materials and time devoted to the non-Western areas. Instead of sporadically touching upon these areas, it will be necessary to show that India, China, and the Arabic world had a long and proud historic tradition of their own before the impact of Western influence. More attention should be paid to the period of colonialism, pointing out the accomplishments of the colonial powers, their social legislation aborting certain practices, child exposure, etc. More attention should also be given the economic advantages resulting from certain economic policies. The struggle for independence must also be adequately portrayed.

[1] Thomas Karwaki is an assistant professor of history at NSTC, Aberdeen. He held the National Defense Education Act fellowship in Bengali and South Asian Area Studies at the University of Chicago.

Before his staff membership at NSTC, he held a teaching position at the University of Wyoming. Karwaki is a graduate of the State University of New York and earned his M.A. from Western Reserve University.

The task is not simple. Specialists must be found or be trained at the university and college level to teach these courses, and adequate texts must be developed. Most important and frustrating of all, adequate library facilities must be secured.

On the high school level, the same problems occur. While we wait for the colleges to prepare adequately trained teachers and materials, an effort must be made to broaden the European-centered historical and social studies curriculum. There must be more of an attempt to introduce the student to non-Western literature; both classical and modern in translation.

On all levels, art classes should be exposed to non-Western art and an attempt should be made to develop an appreciation for the similarities and the differences from our more customary art forms. In music classes, music of the non-Western culture—both instrumental and vocal—can be used to give relief from the regular music program and to develop in the student the appreciation of atonal systems other than our own.

ELEMENTARY SCHOOL

The elementary school can aid in orienting the student by more deeply studying the problems of the non-West, the population pressure, the inadequate resources—mineral and agriculture—and the consequent problems these nations face. More time could profitably be devoted to the mutual exchange of ideas and products from West to non-West and also from non-West to the West.

It may, in the very near future, be necessary to reexamine the traditional foreign language program of the schools. As countries become nationalistic, they prefer their own language even though it may be incapable of scientific expression. Perhaps in the decade to come, Arabic, Chinese and Hindi may replace or supplement the traditional French and Spanish.

THE FUTURE

The future may offer a bold promise, a glittering challenge, but also it contains many black crises and grave problems. One certainly is that the future will be different from the past. If the function of education is to fit the student into society and to make him a contributing member of the world's population, it will be necessary to adjust the curriculum, to develop in the students of today a more adequate knowledge of the non-Western areas and a greater appreciation of the historic traditions and present problems of these areas.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. COOPER. Mr. President, we have had the opportunity today to listen to one of the great speeches that have been made in the Senate during the debate on the pending bill. I refer to the speech made by the distinguished Senator from Illinois, in which he exhaustively and eloquently argued in support of title IV of the bill.

I rise also in support of that title. I shall direct my comments chiefly to section 407 of title IV of the bill. That section would give to the Attorney General of the United States authority to initiate legal proceedings on behalf of children whose parents claim that they have been discriminated against by reason of their color, race, or religion, and denied their right to attend a desegregated public school. It would also give to the Attorney General power to intervene, and to initiate or maintain legal proceedings when an individual is not admitted, or maintained in admittance, at a public college.

At the outset, let me say that I do not believe there is any section of the civil rights bill now before the Senate which should enjoy greater support than title IV. For it would provide a procedure for implementing and hastening school desegregation, and to assure equal educational opportunities to all those who attend public schools and colleges.

I make that statement for several reasons: First, the necessity of achieving school desegregation in this country rests upon very practical grounds. I doubt if there is a parent in the United States, or a person who thinks very deeply on the subject, who would not consider education next only to our national security, as our most basic problem, and the greatest resource which our country has for maintaining its present position of strength in the world today. From a practical viewpoint it has been proved that Negro education is inferior to that accorded white children, because of segregation and its attendant differences in facilities, the training of teachers, equipment, and the curriculums offered. I believe it has been established beyond question that Negro education has been less effective because of segregation.

In the society in which we live today the growth of our economy depends upon educated men and women. Our security and our ability to provide effective instruments for peace, and the proper defense against wars depend at last upon educated men and women. So it might be said that our preservation depends upon our educational system. In the fullest sense, it requires the equal opportunity of education for all the children of our country.

It can be said also that this section ought to have the support of all our people on humane and moral grounds. If children in their early, formative years have the opportunity to study together and work together they may not acquire the bias and prejudice that later in life move many of us, and perhaps affect all of us to some degree. To segregate children at such early ages and say to Negro children that they must be educated as a minority race, is to say to them that they have been considered inferior. Unequal educational opportunities deprive children of the full development of mind and spirit, which I believe we want every child in this country to have.

The section should command the support of the Senate, and of the people of the United States, for another strong reason, and that is that it rests upon strong constitutional ground. The discussion of constitutional questions does not excite great emotion. Yet there should be greater discussion of the constitutional grounds upon which this section rests, and certainly by those who support the legislation.

With all deference to Senators who have indicated opposition to this section, I believe they are arguing the same grounds which were presented to the Supreme Court before the Brown decision. Having lived in a border State all my life, though one which admittedly does not have the problems of the Deep South, I am familiar with those arguments.

I will agree that many of the Southern States, with less revenues, are spending more upon public education, proportionately, than are the richer States of the North. I agree also that Southern States may be spending a larger proportion of their yearly revenues upon education for their Negro citizens. And yet I say that such efforts are based on the old argument of separate-but-equal facilities. Deep as that argument may be imbedded in the thinking of many people in the South, it actually has no application to the question now before the Senate.

I wish to review briefly the finding of the Court in the case of Brown against the Board of Education of Topeka, Kans.—the court decision in which the Supreme Court declared that the right of individuals of all races to attend a public school free from discrimination on grounds of race is a right protected under the equal-protection clause of the 14th amendment.

It may be remembered that four cases were consolidated in Brown, for consideration by the Supreme Court—one involved a school district from Kansas, one from Delaware, one from Virginia, and one from South Carolina. All those cases came before the court originally upon the question of whether separate but equal facilities in public schools were unconstitutional.

After more than a year of argument in the Supreme Court of the United States, the Court, by unanimous decision, held that it is the law of the land that States, or their subdivisions, cannot enforce or permit segregation in public schools.

The arguments of some of those who have continued their opposition to desegregating public schools have convinced many people in this country that the Supreme Court, as a part of its responsibilities, may not interpret the Constitution. That attack on the Court's power of judicial review may sound very simple, but it is a misunderstanding which many people have. I make this statement because I have received much correspondence in which this very question of the Court's power to review the constitutionality of State and municipal laws is raised.

Every Senator—and of course anyone who has the slightest grasp of constitutional law—knows that the Supreme Court of the United States has exercised its proper authority to interpret the Constitution and the constitutionality of the existing laws of the United States.

This authority was made explicit in the case of Marbury against Madison in 1803, in which Chief Justice Marshall wrote the Court decision.

This is an old case, but it is an important one. It would be well to read part of this case into the RECORD. In Marbury against Madison, Chief Justice Marshall said:

> The authority, therefore, given to the Supreme Court by the act establishing the judicial courts of the United States, to issue writs of mandamus to public officers, appears not to be warranted by the Constitution; and it becomes necessary to inquire whether a jurisdiction so conferred can be exercised.
>
> The question, whether an act, repugnant to the Constitution, can become the law of the land, is a question deeply interesting to the United States.

Then the Court states:

> It is, emphatically, the province and duty of the judicial department, to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each.

This famous case specifically holds that the Supreme Court is charged with the responsibility of interpreting the Constitution of the United States, as questions involving individual constitutional rights arise. And, of course, many cases in the years that have followed have exercised this authority.

Great lawyers and students of the Constitution have stated that if it were not possible for the Supreme Court to interpret the Constitution of the United States, and review the constitutionality of laws passed by the Congress, that we would not be able to maintain intact the basic structure of our system of government in constantly changing times.

My next proposition is that the case of Brown against Board of Education of the City of Topeka, Kans., is the law of the land, and not merely the law of the case, as is often suggested by critics of this case, throughout the country, and even on the floor of the Senate.

As lawyers, we know there is a "law of the case." If there are peculiar circumstances and principles involved in a particular case, the holding of a court applies only to the specific facts of that case and to the parties involved in that case. But when the Supreme Court of the United States rules upon a qeustion which is as all-pervading as the question of segregation or desegregation, in all the public schools of the county, I say, in all due respect, that I believe it is sophistry to state it is only the law of the case and not the law of the land—I do not care how many cases may come before the Supreme Court as part of the effort to implement desegregation among the public schools of our land. The name of the State may differ. The name of the board of education may differ. The names of the parties may differ, but fundamentally, in every case, the same issue is to be decided: whether there is discrimination because of race or color. If that is proved, the particular case comes within the principle of Brown against Board of Education. The cases since the Brown decision have followed its holdings again and again.

Because I believe title IV is needed to assist in removing the inferior education provided the Negro children of the country, and because I believe it is needed to remove the notion of inferiority which must attach when children of one race are segregated and thereby denied equal opportunity for an education and development, and because I believe it is clear that title IV rests upon absolutely strong constitutional grounds, it would be heartening if this part of the bill, and indeed the principle upon which it rests, namely, the Brown decision, could be accepted by all the people of the United States.

I repeat, with deep feeling and affection for the people of the South—in which I include the people of my own State of Kentucky—acceptance of desegregation in public schools was intended when the decision of the Court was made in 1954. The Supreme Court laid out a procedure which would enable the States and school districts to gradually accept the principle of desegregation. The Supreme Court remanded the cases to the local district courts, which were to formulate the decrees and instruct the local school boards to make their own plans within the guidelines of the Brown case.

The Court, in the decision handed down by Chief Justice Warren, pointed out that time would be given, according to the necessities of local conditions, to make their plans, but he also pointed out—and the Court has pointed out again and again—that the time was permitted only to enable the school boards to come within the controlling principles of the Brown case; in no case was hostility to the law, or failure to obey the law, or defiance of the law, to be a justification for giving a school board or a State the right to claim that the full effect of the decision was to go unheeded.

Mr. President, it is disheartening that, after 10 years, such slow progress has been made in many States in the South in desegregating public schools. Today, I heard from the distinguished Senator from Mississippi [Mr. STENNIS], whom I hold in the highest respect as a friend, and as one of the most honest and just men I have ever known, that the figures which had been given by the Senator from Illinois on desegregation were not up to date.

I would accept wholeheartedly anything the Senator from Mississippi [Mr. STENNIS] might say; but with this correction. I believe the latest figures do show that only 1 percent of the 3 million Negro children of school age in the South have been accepted in desegregated schools. In some States of the South the percentage of desegregated schools is less than 1 percent. I believe that the average is 1.6 percent. It is probably greater now than it was when the survey was taken. I remember that last year, when I was speaking on this subject, there were approximately 60 schools which had some form of integration in the South. Today, I believe the number is over 100. So it must be stated that progress has been made. Yet it is so slow that, as the Senator from Illinois stated today, if in some way it cannot be expedited, if the law of the land cannot be enforced, that schoolchildren who are today in segregated schools will never have the opportunity to attend a desegregated elementary or secondary school.

Is there anything wrong with the provision to give authority to the Attorney General to enable him to initiate suits on behalf of children, or the parents of children, who claim they are being deprived of the opportunity to attend desegregated public schools? I believe not.

In 1957, when Congress enacted Public Law 85–315, the law to secure the civil rights of persons within the jurisdiction of the United States, and in particular voting rights, part 4, section 131(C) of that act provided:

> Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

In substance, it is the same provision which we are now seeking, under title IV, to enact into law. There are several protections in the provisions of section 407. It has been said that the Attorney General might exercise his power unwisely. That is always a possibility. I am not assuming that he would exercise his power improperly. But this section has several limitations upon his power. He could institute and maintain an appropriate and legal proceeding when he decided that it would "materially further the public policy of the United States favoring the orderly achievement of desegregation in public education."

There are other restrictions upon his power. There is the restriction that those who seek aid are unable to initiate and maintain appropriate legal proceedings, or are unable to secure representation or bear the expense of litigation, or that the institution of litigation by them would jeopardize the employment or economic standing of the persons involved or might result in injury or economic damage to such persons, their families, or their property.

My judgment about the use of this section by the Attorney General of the United States, particularly as it provides that he would institute a suit only when he certified, among other things, that it would materially further the public policy of the United States favoring orderly achievement of desegregation in public schools, is that he would probably file a representative number of suits throughout the States which are not accepting desegregation, in an effort to convince the officials of those States and, we would hope, influence the people of those States, to accept the remedies and procedures laid down in the Brown case, and take voluntary action to follow the

Brown case. Of course if they did not, he would be authorized to file additional actions.

The burden would still be upon the Attorney General, in behalf of students and their parents, to prove discrimination and denial of constitutional rights. The courts would still pass upon the question of whether there was such discrimination, and the right of appeal would still exist. There is nothing else in the provision. It would give the Attorney General authority to institute actions to compel school boards to do what they know they are required to do now under the law.

Mr. KEATING. Mr. President, will the Senator yield, before he passes from section 407, regarding the powers of the Attorney General?

Mr. COOPER. I yield.

Mr. KEATING. First, I commend the distinguished Senator from Kentucky for the excellent analysis which he has made of title IV, in his affirmative presentation to the Senate. Many misleading charges have appeared regarding the education section. It has been said that the bill would give to the Attorney General inordinate control over the operation of public schools. I do not believe that any of us wants to give the Attorney General authority to operate our public schools. It is said that if this bill is enacted he could establish and enforce a racial quota system in the schools. Would the Senator comment on that point, and tell us whether there is anything in the section which would give any such power to the Attorney General?

Mr. COOPER. I do not believe there is any provision, or language, in the bill which would give the Attorney General any such authority. The only authority he would have would be to initiate a suit and attempt to achieve the desegregation of schools which school boards had refused to do. I do not see how he can reach into the operation of the schools or have anything to do with its facilities, or its teachers, or the courses it offers or anything else.

Mr. KEATING. It has been charged that the boards of trustees of schools would be denied the right to handle students and teaching staffs in any way they saw fit. Is there anything in the bill which would lend justification to a charge of that kind?

Mr. COOPER. I have been unable to find anything to that effect. I have given this kind of legislation some thought for several years. In 1960, I offered an amendment to the civil rights bill. It was substantially the same as the section now under consideration. In 1961, 1962, and 1963, I offered the same amendment, and at times I have been joined by the distinguished Senator from New York [Mr. KEATING], the distinguished Senator from New York [Mr. JAVITS], and last year, with the Senator from Connecticut [Mr. DODD] as chief cosponsor. We were joined by 15 other Members of the Senate as cosponsors. It contained substantially the same language as the section we are considering. For 4 years I have been offering the section now under consideration, as either an amendment or a bill. I have spoken on the need for this kind of legislation every year. I have studied section 407 as it is now presented. I have never been able to find anything in it except what the language provides. It would give the Attorney General the right to initiate an action to secure desegregation of schools.

Mr. KEATING. Is this section not very much less comprehensive than the so-called part III, which was actually adopted in the House bill in 1957 and eliminated in the Senate?

Mr. COOPER. There is no comparison at all between the two. We are considering a specific case; namely, a right which has already been declared by the Supreme Court of the United States to exist. It is known. It is the right of an individual not to be discriminated against in admittance to a public school because of race or color. Title III embraced any number of known rights. It was even said that it included some unknown claimed rights. This section deals with a right that has been established and has been known and recognized throughout the country, except in some 11 States.

Mr. KEATING. Finally, a number of letters have come to me from the city of New York, as I presume they have come to other Senators who represent large metropolitan centers, concerning specifically the proposal of the New York City Board of Education, that students be moved from one area of the city to another to overcome an alleged racial imbalance. Would the bill in any way authorize the Attorney General to force or to finance such a program; or would it give the Federal Government any authority or power whatever in that direction?

Mr. COOPER. No. Title IV, section 401(b) contains a definition of desegregation with this condition:

> "Desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Mr. KEATING. In other words, there is a definite prohibition against the use of any Federal funds or any injunction by the Federal Government which would move children from one area to another for that purpose?

Mr. COOPER. I am sure the Senator is correct. I am sure the language which I have just read would apply to the first sections of this title, sections 401 to 406, which deal with technical assistance, grants, training, and so forth. Training, grants, and assistance could not be withheld in an effort to achieve desegregation based upon the racial imbalance in schools under this bill.

The language of section 401(b) would also apply to section 407. The Attorney General would have no authority to institute action for the purpose of trying to correct racial imbalance but to secure the right against discrimination. The language speaks for itself.

Mr. KEATING. Except with regard to the provisions prohibiting discrimination in employment generally, which are dealt with in another title, would private schools in any way be affected by the passage of the bill so far as the education section is concerned?

Mr. COOPER. It is my judgment that they would not be affected.

Mr. KEATING. In other words, the Senator feels that except for the provision relating to employment, which provides that an employer cannot discriminate with regard to race generally in any activity, there would be nothing in this section which would deal with private schools in any way?

Mr. COOPER. That is my understanding.

Mr. KEATING. In this title?

Mr. COOPER. That is correct. The section gives a definition of the schools to be covered. The bill in section 401(c) defines "public schools" and public colleges.

Mr. KEATING. I have asked these questions of the Senator because of his comprehensive study of this problem. I agree with the answers which he has given. It might seem to the Senator that the Senator from New York is rather obtuse in this matter. However, all these questions are raised by information contained in the pamphlet called, "Unmasking the Civil Rights Act." This pamphlet has been widely circulated all over the Nation and in the State of New York by people who are completely misinformed regarding the contents of the bill. All of the allegations to which I have referred are contained in mail which I have received on this subject.

I agree with the Senator on the answers which he has given. My purpose in asking the questions is to place in the RECORD the views of one who is charged with the responsibility of having detailed knowledge on this title, and one who is widely respected by Senators on both sides of the aisle for his deep study and clear understanding of the issue to which he devotes himself.

Mr. COOPER. I thank the Senator. I realize that the Senator knows the answers to the questions which he has asked me. The questions and answers might seem simple. However, I think it is necessary for the Senator and all of us to keep asking these questions because they are being asked throughout the country. That is the reason I speak today at some length on what are accepted principles; namely, the power of the Supreme Court to interpret the Constitution; and the fact that the Brown case is the law of the land, and not merely the law of the case. I speak on those matters because this kind of talk is heard throughout the country.

Mr. KEATING. If the Senator would permit one more interruption, it is my intention soon to unmask the pamphlet entitled, "Unmasking the Civil Rights Act," and put into the RECORD a memorandum prepared at my request by the Department of Justice, which answers many of the statements made in this pamphlet put out by the so-called Coordinating Committee for Fundamental American Freedoms.

Mr. COOPER. I look forward to hearing the Senator.

It is disheartening that the opponents of the bill would oppose this section pertaining to the desegregation of public schools. In doing so they deny an opportunity for the Negro citizens of the community to obtain an equal educational opportunity. There are some

people who claim that Negroes, because of their lack of educational opportunities, are not yet ready for other equal rights, such as the right to vote and the right to have access to public accommodations. Such objections only indicate the extent of the deprivations involved; deprivations which in part would be overcome by desegregating the schools.

It is also disheartening that a procedure for desegregation of the schools has not been adopted by certain States. As I said a few moments ago, it was the purpose of the Supreme Court in the second Brown against Board of Education, May 31, 1955, to prescribe a procedure which would engender and develop consent throughout those areas which have nurtured segregated schools through the years.

I have said many times in speeches on civil rights that enforcement of law is primary. If there is law, it must be enforced. Otherwise, the truism is correct, that we have a government of men and not of law. "Consent" is also a necessary element of our law.

No one spoke of "consent" more eloquently than Justice Frankfurter did in his supporting opinion in the case of Cooper against Aaron—the case in which the State of Arkansas had resisted the holding of the Supreme Court in the case of Brown against Board of Education by not allowing desegregation of the schools in Little Rock.

Justice Frankfurter pointed out in his opinion that every effort should be made to obtain consent of the people to law. Justice Frankfurter said:

> Local customs, however hardened by time, are not decreed in heaven. Habits and the feelings they engender may be counteracted and moderated. Experience attests that such local habits and feelings will yield, gradually though this be, to law and education. And educational influences are exerted not only by explicit teaching. They vigorously flow from the fruitful exercise of the responsibility of those charged with political official power, and from the almost unconsciously transforming actualities of living under law.

In that same case of Cooper against Aaron, the Little Rock case, the entire Court joined in the decision. They stated that the Governors of States, the legislatures of States, and the public officials of States were under obligation to support the law of the land.

In that decision the Court made clear that its intention was that State officials and State school boards would take deliberate, but effective action to bring their school admission policy within the principles set forth in the Brown decision.

Mr. President, in closing and in summary, I repeat my previous statement that there is no question about the constitutional authority of this section. I think there is no question, either, about the need for it, because in the 10 years since the decision was handed down, very little progress toward desegregation has been made. If the decision had been followed in good spirit, and fully, it is possible that some of the violence which has occurred since 1954, and particularly in recent months might have been avoided.

These are difficult questions. I know they are more difficult for those who live in the Deep South than they are for the people of my State, although they are also not easy for the people of my State. Nevertheless, we face realities, and we must come to grips with them.

I believe that title IV of the bill is the simplest title in the entire bill, other than title I on voting rights, and this section should deserve full support. I hope very much it will be approved by an overwhelming vote.

Many years ago, Abraham Lincoln said every governmental system must have a central purpose of eternal reality; and he said that, in his opinion, the central purpose of our system of government is to give equal opportunity to all the people.

However, that has not been done; and the pending bill is another effort by Congress, under its powers under the 14th amendment, to give substance to the Constitution and to the central idea of our system of government.

Mr. STENNIS. Mr. President, will the Senator from Kentucky yield for a few questions?

Mr. COOPER. I yield.

Mr. STENNIS. I appreciate the sincerity of the Senator from Kentucky when he said he is genuinely interested in improving the educational opportunities, as well as the other opportunities, of all the people. I emphasize that I am sure he meant exactly what he said. I also know that he has considerable understanding of the existing situation.

However, I can assure him that the school system we have is more up to date than even the corrected figures would indicate, and the progress being made by the colored people is about as great and rapid as is possible.

Of course everything cannot be done in 1 day, 1 month, 1 year, or even in 1 decade. However, great progress between the races has been made and continues to be made at a very rapid rate.

It is said by some that equal opportunities do not exist. According to my observations, the opportunities of the colored people are just as great as their capacity to use them. At one time our State employed more colored schoolteachers than any other State. Although today our State does not employ quite as many colored schoolteachers as some other States do, the colored schoolteachers in Mississippi take a tremendous amount of pride in their work. They use the very latest and best methods, and do a very effective job. They know the needs of the colored children. They know their problems, their strong points, and their deficiencies, and make far better teachers for those children than would white teachers.

So I assure the Senator from Kentucky that the picture is not all one-sided. Certainly it is not possible to read a few figures and then understand the real picture.

Mr. COOPER. Let me point out that at a time when the Senator from Mississippi was not in the Chamber, I said I accepted without question the correction he made. He knows the respect I have for him and the confidence I have in him.

I also referred to both his State and my State; and I said they are spending more for education, in proportion to their population, than many of the rich States of the North are spending. I also said that the Senator's State spends more year by year, proportionately, for the operation of Negro schools.

On the other hand, I said that although I know those problems are close to the heart of the Senator from Mississippi and have great meaning to all the people of Mississippi, the progress being made really does not answer the question which now confronts us. For now we are confronted with a question of law which, in my opinion, has been determined by the decision in the Brown case and by the decisions in subsequent cases, which have again and again confirmed the decision in the Brown case. In that case and in many other cases, the holding has been to the effect that no other consideration—not even that of the threat against peace and order—should stand in the way of assuring to all schoolchildren their constitutional rights. The courts have continued to make a magnificent record in confronting the problems which arise in finding procedures for good faith desegregation of the public schools. But it is now time that these efforts receive the support of the Congress. The courts have stood alone and under attack for long enough. While court decisions are respected, it is to Congress that our people look for laws passed by representatives elected by the people. The last 10 years have revealed the difficulties involved when Congress avoids its responsibility in the field of desegregation of public schools and leaves for the courts the tedious and expensive task of implementing constitutional rights through an inadequate case-by-case approach. There is time for the Congress to take as its own responsibility the difficult task which we have avoided for so long but which should have been accepted as our own many years ago. I have confidence that these powers will not be abused. I have confidence that the authority given has its clear restraints. If our Nation is to endure and survive, honest in its convictions and responsible to its constitutional foundations, we must implement desegregation in a rational, consistent, and uniform manner so that, instead of judicial pockets of protection, we may have a uniform guarantee to our future generations of children that they will not suffer abuse or be deprived of what is rightfully theirs.

Mr. STENNIS. I thank the Senator from Kentucky.

Let me ask him to refer to page 17 of the bill, beginning in line 8, where the bill refers to suits by the Attorney General. That part of the bill empowers the Attorney General to take certain action in regard to filing suits when signed complaints are presented to him by the parents of a child or by a group of parents, when in the complaints it is alleged that the school board has failed to achieve desegregation.

What is the Senator's personal knowledge of the meaning of the word "desegregation," as it is used at that point

in the bill? Should it include the idea of a racially balanced school?

Mr. COOPER. No.

Mr. STENNIS. Should it meet the problem of racially imbalanced schools? If so, why? It not, why?

Mr. COOPER. I shall answer from two viewpoints, although essentially they are the same.

First of all, in section 401, on page 13, beginning in line 23, we find the following definition:

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools to overcome racial imbalance.

So "desegregation" is definitely defined; and the term "desegregation," as defined in section 401, is used with the same meaning throughout the bill. It is clear that desegregation could not be used to achieve what is called "racial balance"; that problem is one for the States, and by local school board authorities.

Mr. STENNIS. Will "desegregation" include the idea of racially balanced schools or racial balance in schools?

Mr. COOPER. In my judgment, those are to be decided at the local level, by the local school board. In my opinion, jurisdiction over these problems will be there.

When the Senator from Mississippi asks me my opinion, I do not hesitate to tell him. I also wish to refer him to two more points in connection with the decision in the Brown case—points which I think have hardly been mentioned during this debate. When the first decision in the Brown case was rendered, as the Senator from Mississippi knows, the Court continued the case, and asked for advice on several points, and invited advice, not only from the parties to the case and from their lawyers, but also from the attorneys general of all the States which had segregated schools—including all the Southern States.

One of the questions which was argued and on which they tried to get a ruling was the question of the organization of school districts. Certain questions were left to be determined. One of those questions was the assignment of students to organized school districts.

In the decision rendered by Chief Justice Warren in the Brown case he spoke of the organization of school districts. I am sure that the Senator will find that the implication was that school districts are considered as school districts based on reasonable geographic areas; they could not be gerrymandered in order to avoid desegregation of public schools. The school districts would have to be organized faithfully and properly according to population, territory, and other reasonable considerations. When so properly organized, there would not be any segregation. That is my view.

Mr. STENNIS. I thank the Senator.

Mr. COOPER. Have I made myself clear?

Mr. STENNIS. I think the Senator has.

Mr. COOPER. I can extend my remarks a little further.

Mr. STENNIS. I should be glad to have the Senator do so.

Mr. COOPER. I have given my judgment concerning the court decision in the Brown case. I do not believe that the Brown case covered or attempted to cover any procedure for the transfer of pupils in order to relieve racial imbalance. My judgment is that the Brown decision means what it states. When school districts are organized properly, without gerrymandering, and with due regard for all the children and schools in those districts, there will not be segregation.

I do not believe the decision meets a problem which has been recognized since that time. That problem is what is called de facto segregation. In my judgment, problems of de facto segregation were not considered in the Brown case. Such problems are for the States and local districts to decide.

Mr. STENNIS. I thank the Senator.

Mr. JOHNSTON. Mr. President, will the Senator yield for a few questions?

Mr. COOPER. I yield.

Mr. JOHNSTON. The Senator has mentioned the Brown case, which happened to come to the Supreme Court from my State.

As the Senator knows, there is no gerrymandering of school districts in my State. The colored school districts are located in the districts in which colored people reside. That procedure is always followed as far as possible. The white school districts are located in areas which are more densely populated by the white people.

I believe the Senator knows that in South Carolina all pupils, white and colored, are transported by buses from their homes to their schools.

Mr. COOPER. The Senator has made that statement.

Mr. JOHNSTON. I suppose the Senator also knows that in South Carolina we pay teachers, both white and colored, in accordance with the same standards. Their salaries are contained in the same appropriation in a lump sum together. The teachers are then paid in accordance with their qualifications. In South Carolina there is a Certification Act.

As the Senator knows, I happen to be chairman of the Committee on Post Office and Civil Service. The Senator is a distinguished member of that committee. That committee has established certain rules. Likewise in South Carolina there are also schedules, and all teachers are paid in accordance with those schedules.

The Senator has not heard of any complaint from South Carolina to the effect that a Negro teacher has not been treated the same as a white teacher?

Mr. COOPER. No, but that is irrelevant to our present considerations since the Brown case stands for the proposition that separate schools for different races could not be supported by State law, even where teachers' salaries or physical plants were equal.

Mr. JOHNSTON. Has the Senator heard any complaints emanating from South Carolina that the schoolhouses or the equipment available for Negroes are not as good as the schoolhouses and equipment for the whites?

Mr. COOPER. I have not. My family left South Carolina 108 years ago. But again, even if this had been a relevant consideration at that time, the effect of the Brown case, is to render such questions no longer relevant.

Mr. JOHNSTON. No doubt the Senator has kept up with what has happened. About 1949 or 1950 a $100 million bond issue was floated in South Carolina. At that time new schoolhouses were built. Up until that time the colored schoolhouses were inferior to the white schoolhouses, but today, if the Senator were to go through the State of South Carolina, he would find that the colored schools are really better than the white schools, because the colored schools are more modern. Although the Negro population of the State is about one-third of the total population, the Senator would find that more than 50 percent of the $100 million was used to build colored schools in South Carolina. We are trying to do in that field what is right.

The Senator also knows that we have integrated schools in South Carolina. We have integrated colleges in South Carolina.

The Senator from Kentucky knows human psychology. He knows that if one tries to move too fast, sometimes he does more harm than good. Is that not true?

Mr. COOPER. That happens in many fields and in many cases, but the problem is that the courts have said that 10 years to integrate is too long, especially where no effort to comply with the Court decision has been the result, in more than 2,000 school districts in different parts of the country.

Mr. JOHNSTON. I find that the colored people in my State are not howling to be mixed.

Would the Senator offer an amendment to the bill which would permit the colored people to vote on the question whether they want integration in their school districts?

Mr. COOPER. I do not believe that such a proposal would have any effect, in view of the Supreme Court holding. We have no power to set aside a ruling of the Supreme Court.

Mr. JOHNSTON. But the colored people have a right to say where they wish to go; does the Senator not agree?

Mr. COOPER. Yes, but only within the scope of the Brown decision.

Mr. JOHNSTON. Both white and colored have rights in certain fields. That is my position at the present time. For that reason I wish the Senator would consider offering an amendment to the bill which would give the right to the colored people to say whether they want integration in their school districts. If they want their school districts integrated, they could say so and we could let it go that way. Not the whites, but only the colored people would vote on the question.

Mr. COOPER. I do not think there is any procedure for that.

Mr. JOHNSTON. The bill could be amended by the insertion of suitable language to that effect, could it not?

Mr. COOPER. No. We could not set aside a Supreme Court holding by legislative enactment.

Mr. JOHNSTON. That procedure would not be contrary to the ruling of the Supreme Court.

Mr. COOPER. I believe it would be.

Mr. JOHNSTON. The amendment would permit them to state where they want to go. As I interpret the Supreme Court ruling, it does not declare that a person must be in an integrated school, does it?

Mr. COOPER. Yes; if one student in a school district desires to go to a particular school, and he is told that he cannot go to that school because of his race, the practice of the school district must be changed.

Mr. JOHNSTON. It would not make any difference whether there were 100 people who might say that they do not want him to go to that school.

Mr. COOPER. That is correct.

Mr. JOHNSTON. That is the difficulty we are encountering at the present time, is it not?

Mr. COOPER. That may be, but that does not deal with the rights of an individual, or the legal question involved. In a deeper sense the Senator's question does not reach the basic issue which is involved, and that issue is the equality of the rights of all of our people.

Mr. JOHNSTON. A few moments ago the Senator quoted Abraham Lincoln.

Mr. COOPER. Yes, that is right. Nearly everyone quotes him.

Mr. JOHNSTON. The Senator has quoted him. On the issue before the Senate, both sides can quote him a little. Is that not correct?

In some fields he goes a little further than the Southerners do at the present time.

Mr. COOPER. When some of his statements are considered out of the context of his total philosophy, that may seem to be true. At different times in his development Abraham Lincoln adopted different positions, no matter what he may have said at different times. But his earlier views developed in the course of time. Lincoln always knew there was one democratic ideal which was being compromised throughout the Nation, and even supported by different leaders in certain parts of the country. The question of slavery had been compromised for 40 years with all kinds of legislative enactments. But Lincoln knew that this basic moral question could not be compromised if the Nation was to endure as a democracy.

In a way we have reached another time in our history similar to the crisis of the 1860's. After 100 years there is the desire and the determination of people who became free in 1863 that they shall now have the rights which are theirs under the Constitution. I do not think these rights can be compromised any longer.

Mr. JOHNSTON. What particular feature cannot be compromised?

Mr. COOPER. Rights which are provided by law to these people and which are declared by the court to be their constitutional rights.

Mr. JOHNSTON. So the Senator from Kentucky is not going as far as some persons have proposed—to move the students out in order to have a desegregated school?

Mr. COOPER. We have been discussing that subject, and I believe it is a matter for the local school boards to decide. I do not think that the Brown case considered the question of racial imbalance. It did not go that far.

I would not favor any unreasonable efforts in that direction. When that is done, the rights of other persons begin to be infringed. I do believe that problems which arise in the area of racial imbalance can be worked out by local officials.

Mr. JOHNSTON. A few moments ago the Senator from Kentucky said there ought to be a right of the majority, referring to the colored vote. In my State there are different rules in the various counties. Some of the counties have a rule that if a pupil wants to be transferred from one school district to another, he is supposed to file his application before a certain date and appear before the board of education to pass on the question whether he should be transferred, whether it would be best for the individual and for the community.

What does the Senator think of a law of that kind in a State?

Mr. COOPER. I am not familiar with all the laws of South Carolina. All I can do at this point is state a general principle. The courts have held that if there is any law passed by a State or any ordinance passed by a city or town the purpose of which is to defeat a constitutional right that such law or ordinance will have no effect.

Mr. JOHNSTON. How can there be a determination as to whether there is discrimination on account of race, color, or creed when there may be perhaps 50 applications, and 45 of them may be from white people, whose applications will be refused, and only 5 of them will be applications from Negroes, whose applications for transfer may be refused?

Mr. COOPER. I cannot be the judge to decide every one of those cases, but I appreciate the confidence the Senator is placing in me.

Mr. JOHNSTON. The Senator from Kentucky acknowledges, then, that it should be left up to the school boards to work out these problems?

Mr. COOPER. Yes, within the scope of the Brown case and decisions which follow its holding. Since that time there has been another Supreme Court decision, involving the school desegregation plans of the school boards of Knoxville, Tenn., and Nashville, Tenn. In that case, Goss against Board of Education, the school boards had provided that a student could request a transfer from one school district to another where "good cause" was shown. The regulations regarding transfer were questioned because the apparent purpose of the transfer program was to enable the white children to transfer out of district schools after Negro children started to attend previously all-white schools.

Some of the crucial provisions of the Knoxville transfer plan which the court considered were as follows: and I quote from page 3 of the opinion:

> 6. The following will be regarded as some of the valid conditions to support requests for transfer:
>
> (a) When a white student would otherwise be required to attend a school previously serving colored students only;
>
> (b) When a colored student would otherwise be required to attend a school previously serving white students only;
>
> (c) When a student would otherwise be required to attend a school where the majority of students of that school or in his or her grade are of a different race.

These provisions were considered by the court to be efforts to thwart, rather than aid, the implementation of the Brown decision. The court said, at page 6:

> The transfer provisions here cannot be deemed to be reasonably designed to meet legitimate local problems, and therefore do not meet the requirements of Brown.

The case went to the Supreme Court in 1963. The Court held that the program of transfer was unconstitutional within the meaning of the "equal protection" clause of the 14th amendment.

I cannot answer in detail every question the Senator has asked me. I can only say what I think is the law—that if any system of assignment or transfer of pupils to a particular school comes within the general scope of the Brown case as later interpreted in Goss against Board of Education on the basis of standards set down in these cases it will be sustained. If it is an effort or attempt to vitiate or nullify the holdings of these cases, such programs will be stricken down, as it was in the last case, the Goss case.

Mr. JOHNSTON. In my State there are not only white and colored, and also a few schools that are integrated, but there are also a few schools attended by people in the part of the State close to where the people of the Senator from Kentucky came from. They are called "brass ankles." They do not want to go to mixed schools. They look a little like Indians.

Mr. COOPER. Did the Senator say they came from the part of the country where my family came from?

Mr. JOHNSTON. Not far from where some of the Senator's people came from.

They are good people and hard workers and good farmers, but they do not want to go to the white schools or to the colored schools. What are we going to do about them?

Mr. COOPER. That is a matter of local school law. Is there compulsory education in the State of the Senator from South Carolina?

Mr. JOHNSTON. We are asking for local control. That is all we are asking for.

Mr. COOPER. What the Senator has referred to deals with a different problem. It deals with a compulsory school attendance law.

Mr. JOHNSTON. If one is forced into a school where there are 100 others, would not those 100 be forced to go along with that one, against their will?

Mr. COOPER. It may be against their personal will, but, on the other hand, their so-called rights cannot be preserved by denying the right of another individual.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. LONG of Louisiana. Regardless of the constitutional right of colored children to go to school with white children, where is their right if the white children move out, as they have done in the District of Columbia, so they are no longer available?

Mr. COOPER. We have discussed that question. I am stating my opinion. I do not know whether others agree with me. I do not believe the Brown case covers that kind of situation. The Brown case applies to a properly organized school district, without gerrymandering, and it means that pupils within such a properly organized school district cannot be discriminated against.

Mr. LONG of Louisiana. Does the Senator feel that colored residents or students in those districts have been discriminated against if the white parents choose to send their children to private schools or to schools outside the area?

Mr. COOPER. They could certainly send them to private schools. I do not think they could send them to public schools outside the district, unless they moved out.

Mr. LONG of Louisiana. It seems to me the Supreme Court held that the colored children have the constitutional right to go to school with the white children. I fail to see whether there is any right in view of the fact that the white children are not obliged to go to that school. They are privileged to go to a private school or move away to a place where there are only white children.

Mr. COOPER. Anyone can go to a private school. I have made my point, and I believe it has been understood. I believe we discussed this very point a little while ago. It is within the jurisdiction of a school board to organize its own school district. Probably, under State law, there are certain factors which demand that it be organized properly so that equal treatment is given to students in the school district area. There are involved many factors, including population, availability of schools, and other considerations.

Once a school district is organized properly, or improperly, then the imperative of the constitutional holding applies to the school admission policy within that school district.

Mr. LONG of Louisiana. Perhaps the Senator might agree with me—although I assume he would not, from the position he is taking—but it seems to me apparently in many situations, when a great number of colored students in a school, in an integrated situation such as exists in Washington, D.C., for example, that many white parents would leave the neighborhood and move somewhere else, which might result in white parents taking their children out of public schools and placing them in private schools, thereby withdrawing much of the support they had been giving to the public school system.

I should like to inquire of the Senator if that would not result in colored children being even more deprived, in the latter instance, than if they had never been given the Brown decision requiring integration of the schools?

Mr. COOPER. Some of those consequences are possible. But even so, I believe that not only the holdings of the court, but the opinions of the great mass of our people, are against possible inequities of that kind. One cannot balance equally the inequity of depriving citizens of rights and immunities given them under the Constitution, with the possible temporary disturbances which may result. That is my position.

Mr. STENNIS. Mr. President, before the Senator yields, may I detain him for one moment to give some figures, if the Senator from Kentucky will yield to me?

Mr. COOPER. I am glad to yield to the Senator from Mississippi.

Mr. STENNIS. With reference to the school building construction program in Mississippi in the past few years, the Senator from South Carolina mentioned such a program in his State and he asked the Senator from Kentucky if he had received any communications from colored people in South Carolina requesting this legislation. I thought that was a pertinent question. I should like to inquire of the Senator from Kentucky if he has received any complaints from any colored people in Mississippi, or heard of any communications about its present school system.

Mr. COOPER. No, I have received no personal complaints.

Mr. STENNIS. The Senator probably has had no opportunity yet to have heard from any of them.

Mr. COOPER. I have received no personal mail from citizens of Mississippi or South Carolina that I remember. I am sure I have received letters from various organizations on both sides of the question from both States. But I have stated all along that I do not believe that is pertinent to the question we are discussing. The Senator's argument is for separate but equal facilities; is it not?

Mr. STENNIS. We have that system now, and it is working. I have made that point before. I believe that the bill, in some of its major features, at least, is politically inspired. It does not, as a practical matter, meet the need or the situation, but it is sought to be imposed on people who are not in favor of it, and thereby it will do more harm than good.

I am impressed with the idea that this is a bill designed to serve a different section of the country from that from which its sponsors come. I am further impressed by the fact that on the question of school imbalance, when the bill was first presented, it mentioned school imbalance among the races as many as six times, I believe. That principle ran all the way through the bill, but when it was challenged by people in areas outside the South, the sponsors of the bill readily agreed to write in an amendment which would exclude the imbalance pupils from the definition of desegregation.

The Senator from Kentucky will remember that the gentleman who handled the bill in the House, Representative CELLER—an honorable man from the State of New York, from which a great deal of opposition came from the people—readily accepted an amendment on the floor and did not even put it to the formal contest of a vote. As the Representative in charge of the bill, he accepted the amendment. I believe it clearly confirms my idea that the bill was written to apply to where some people live, but not to where others live.

Mr. COOPER. That is the value of the debate in which we are engaging. The Senator may remember that I was one of those who voted to send the bill to committee.

Mr. STENNIS. The Senator is correct.

Mr. COOPER. Even if the committee had been given 30 days to consider the bill, I would still favor that procedure. I favor civil rights legislation; but I felt that by sending the bill to the Judiciary Committee, we would have been given a better opportunity for study of the bill. I am not one of those who believe the bill should not or cannot be amended. If it needs to be amended, it should be amended.

Mr. STENNIS. If the Senator will allow me to read these figures: During the period July 1, 1954, to December 30, 1963, 3,154 classrooms were constructed for white students, and 5,057 classrooms were constructed for Negro students. The cost of those facilities was $39,440,160 and $66,575,304, respectively. These construction figures clearly show the great strides the State of Mississippi is making in an effort to improve its educational facilities for all students, and that Negro students are properly receiving more than their so-called pro rata share of that fund. Their facilities were not completely up to par when construction was started, but now in many counties their facilities are far superior to those of white students.

I thank the Senator for yielding to me.

IMPACT OF SEGREGATION ON THE U.S. ARMED FORCES

Mr. SALTONSTALL. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I am glad to yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, discrimination against American citizens because of their race or color directly affects one of the most important segments of our society—the men and women serving in the U.S. Armed Forces and their families who are stationed at military installations throughout this country. Our military forces are made up of people who come from all parts of our country—from Massachusetts to California, from Florida to Texas. They come from many different backgrounds, are of different races and hold different religious

beliefs. But they all have one thing in common. They are serving their country to maintain security and freedom for all American citizens.

As a member of the Senate Armed Services Committee, I have watched the progress which our military services have made since World War II in providing equality of treatment and opportunity for all members of our Armed Forces. It is reported that some vestiges of racial discrimination still exist within the Military Establishment. However, I am proud of the accomplishments to date and expect that efforts to eliminate any type of discrimination against any serviceman will continue until such conditions are completely eradicated.

There are almost 250,000 Negro Americans in the Armed Forces of the United States. With their dependents they form a group of over half a million men, women, and children who, because of their constant movement about the country pursuant to orders of the Government, repeatedly face, and must repeatedly make a new adjustment to civilian discrimination based on color. Some of these people come from Massachusetts. I know from letters and phone calls which I have received from some of my Massachusetts constituents of the problems which they have encountered and the situations which they have faced as they have been transferred around the country into areas where discrimination based on color is practiced in communities surrounding military installations.

In the fall of 1963 the Defense Department surveyed the extent of community racial discrimination near every base with 500 or more men assigned. The survey produced detailed information about the off-base conditions affecting 85 percent of the men stationed in the United States. The most critical problems for military personnel and their dependents were found to exist in the areas of off-base public schools, public facilities, and public accommodations.

The public schools throughout this country are the very backbone of our educational system. Here is where our young citizens learn not only their ABC's but are taught the history of our American founding, development and objectives. They learn the meaning of freedom, of the responsibilities of citizenship, and of the problems which confront us as a nation and each of us as individuals. This is the basic preparation which we try to give our young people for their entire lives.

The Defense Department survey showed that there are 10 Defense installations where the only public schooling available to service children is segregated schooling. At 15 more there is an on-base elementary school, but all the children living off-base, and all on-base children beyond the elementary grades, must attend segregated schools.

At another 19 installations there has been a beginning of public school desegregation, but its extent is so small that all of the service children at those installations are still in segregated schools. At five other installations there is an on-base elementary school, token desegregation off base, and all children—other than those in the base school—in segregated public schools.

Altogether there are 90,763 school-age military dependents at the 49 installations mentioned above, 14,390 are attending on-base integrated schools, while 76,373 are sent to segregated schools. Of the latter, 6,177 are Negro children.

The defense survey also showed that in several school districts contiguous to military bases, transportation to and from the off-base schools is segregated. In some cases separate buses are provided; in others the seating is segregated.

The imposition of unconstitutionally segregated schooling on their children is particularly upsetting for servicemen and their families. These people are comparative transients and have been instructed in their training to avoid controversy with civilian authorities. Yet they see their children, fresh from the integrated environment which is the rule on military installations forced to attend schools which are sometimes two, even three grades behind the integrated schools those same children had attended on-base or at their father's previous duty station. Consider the impact on a young child coming say from Massachusetts who is forced to sit in the back of a school bus, to wait until other children have gotten off first, and to go into a completely segregated schoolhouse.

There is no available solution to the segregated school problem confronting service parents except in the desegregation of the public schools their children must attend. It is incompatible with military requirements to assign Negro fathers only to areas free of school segregation, and it is impractical to establish a well-rounded accredited 12-grade school system on every military post in the country.

Military personnel and their families also face discrimination in the use of off-base public facilities and public accommodations. The Defense Department survey showed that 40 installations in 9 different States reported that publicly owned or controlled recreational facilities were segregated. The degree of discrimination against Negro servicemen and their families ranged from a complete absence of parks, playgrounds, libraries, and the like—despite the availability of such facilities to whites—to the provision of separate but equal facilities, or in some cases a sharing of the same facilities but on different days or during different hours.

Another unfortunate factor, not present in the case of school segregation, is that the man in uniform frequently cannot tell what parks, what playgrounds, and what libraries are open to him and to his children. Consequently, fearing humiliation or violence, he patronizes none of them.

One hundred and forty-five installations spread across 20 States listed discrimination in a variety of nongovernment public accommodations; that is, hotels, motels, theaters, restaurants, bowling alleys, and so forth. Some installations reported that there were literally no nearby transient accommodations for Negro servicemen and their families.

Members of the Armed Forces are constant travelers from one duty station to the next, on pass and on leave, on temporary duty assignments, on honor guards and escort details, or simply—and mainly—from the base into the nearest town to go to the movies, to eat out and to spend their off-duty time in ordinary recreation.

As the fall 1963 survey disclosed, for Negro servicemen at many installations there is an ever-present problem in finding decent off-base public accommodations open to them and their dependents. While on the highway they cannot buy a meal, or secure lodgings for the night, and in some parts of the United States while purchasing gasoline for their automobiles, they are confronted and affronted by segregated restrooms.

Quite frequently drive-in movie theaters spring up near the larger military posts. At some of those drive-ins automobiles carrying Negro servicemen in uniform are turned away. Drive-in restaurants frequently refuse to serve Negro soldiers, sailors, marines, and airmen except at separate windows, or in some cases, not at all.

The effect of such practices is not only to lower the morale of the immediate victims of discrimination; the effect is also devisive within the military community.

In this connection, I think of a problem brought to me by a Massachusetts Negro serviceman and his wife. The serviceman was a Marine Corps officer assigned to flight training at Pensacola. His wife was then working in a responsible job at Walter Reed Hospital. She wished to join him during his assignment and made a trip to the base area to see if this would be possible. Since on-base housing was not available for them, she attempted to find a place to live in the nearby area and to locate employment for herself. The experiences she had and the conditions she encountered brought her back to Washington and into my office almost in tears. To illustrate further, I ask unanimous consent to have printed at the conclusion of my remarks excerpts from letters received by the Defense Department from servicemen and their dependents which describe some of these problems.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SALTONSTALL. Mr. President, such conditions confronting military personnel are resented not only by the Negroes but by many white servicemen as well. Of course, we recognize that in any group there will be those who bring with them the prejudices that they have always known, but by and large our military people are working together as a team toward a common goal for all citizens and they cannot condone discrimi-

nation against any of that team by those very people for whom they are working. When a man can be asked to fight and to die for his country, he can expect—and indeed he has the right—to be able to enjoy the freedom and equality of opportunities of that country.

As a member of the Senate Armed Services Committee, I have been concerned for many years with the effectiveness of our military forces. One of the most important ingredients in an effective force is high morale. Civilian racial discrimination against men in uniform and their families unquestionably affects morale both on and off the job and thereby reduces the military effectiveness of our troops. These problems, of course, are not confined to the military, but this particular group of people, in whom we have entrusted the defense of our country, is directly and adversely affected where racial discrimination is practiced in communities located near military installations.

I hope that by carefully considering the civil rights bill which is pending before us, we will be able to enact legislation which will prove realistic and helpful in solving some of the problems to which I have just referred—for our military personnel and for all of our citizens.

Mr. President, I speak especially as a member of the Armed Services Committee, where we have been watching this problem. We can be proud of the integration that has been accomplished in our military forces during World War II and since that time. The problem of the use by our military personnel of off-base facilities near military installations is one which our military officials have much in mind. I hope we can help solve it by the enactment of a carefully drafted law, but also by a better understanding and appreciation of our service people as to what their duties are, and how important they are for the safety and security of our country.

EXHIBIT 1

From a serviceman, February 4, 1963: "En route here, myself and other Negroes were refused meals that were entitled us by U.S. Government meal tickets. Thus, I went 17 hours without eating * * * I have tried every feasible and conceivable means available to me to rid myself of this 'monkey on my back.' "

From a serviceman's wife, February 12, 1964: "Since arriving here we have found as a Negro service family we are being forced to subject ourselves to housing, schooling and other conditions that are inferior and degrading.

"My sons thus far have been able to obtain the best possible schooling in the area where we have been stationed. For them to have to accept less than the best provided now because of race seems to me to be intolerable.

"In this area a Negro soldier cannot find housing of any sort closer than about 12 miles. There is plenty available housing in this 12-mile radius but it is restricted to whites only. In the case of trailer parks there are many mostly occupied by military personnel, but Negroes are not accepted.

"I would like to know from you as Secretary of Defense if there is not something that our Government can do to help us overcome some of these measures that rid us of our self-esteem. * * * I am asking you to help us where we cannot help ourselves. * * * I had to make the plea because I do have faith in my Government."

From 41 Negro servicemen, July 19, 1963: "Since we are part of the aerospace team we find it hard to understand why some of our teammates can go right outside the gate of the base for recreation and we have to go 19 miles. We find it hard to understand why we have to pay $1.50 and more to go over 5 miles to enjoy a hot plate of shrimp, we find it hard to understand why we cannot swim in the ocean without traveling so far which God created, and most of all we find it hard to understand why we can go to some foreign countries and have more freedom than we do.

"Nevertheless, as U.S. citizens, proud Negroes, and members of the Armed Forces, we will always stand tall for our country. * * * All we ask is that you see what can be done to help us enjoy our tour of duty here, the same as other airmen on this base."

From a serviceman's wife, December 14, 1963: "* * * Upon arriving here we encountered segregation in every form. Because we are colored our 14-year-old daughter was not accepted in any of the nearby schools. We were told she had to attend the school to which colored children are assigned.

"This we found difficult to accept as she had never in her school years attended a segregated school * * *. She attended the colored school as a seventh grader until the close for summer vacation at which time we found out she was most unhappy there and was glad she had graduated to high school.

"My husband has served his country faithfully for 12 years, and this is the first time he has asked to be transferred from a duty station, yet we are refused. Since the reopening of school in September our daughter has not been in school * * * we have refused to send her to the colored high school."

From a WAC, January 21, 1964: "We entered a restaurant 12 miles from the post, sat down and requested to be served, only to be informed that we could order anything to carry out, but could not be served and remain there.

"I have been a member of the Women's Army Corps for 17 months, and I have not complained outwardly before now [but] I am a woman and a human being, and I don't feel that I should have to suffer this kind of humiliation in my own country, the country I would give my life for."

Mr. STENNIS. Mr. President, will the Senator yield for one or two questions?

Mr. SALTONSTALL. I yield.

Mr. STENNIS. Could not the problem the Senator mentions be easily and readily met by the military services themselves having schools on the military bases for their children when there was objection to going to public schools? Is it not true that the Federal Government is already paying a part of the cost that has been indicated, by reason of payments to impacted areas?

Mr. SALTONSTALL. It is true that the Government now pays part of the cost of the off-base schools. However, it is not feasible, as I understand, for the Government to provide all children of military personnel with on-base schooling. The Senator and I have listened to the discussion on this matter as it relates to all of our military establishments.

The problem is of concern in several States. I particularly left out reference to any particular State. I think that the overall problem concerns us all through the country.

Mr. STENNIS. What concerns me is not the Senator's effort to reach that problem. But it disturbs me that he would recommend the enactment of this huge program that would upset all the schools in a large area, merely to meet this problem which, by comparison, would be small. Perhaps we could meet it by means of funds, as I have said. Instead of going into the impacted areas, we could go into the schools.

Mr. SALTONSTALL. The problem is gradually being solved. I think it can be solved by all the base area schools to a greater degree. However, above all it is beginning to be solved by greater understanding among all the people of our States. I hope it will be. I am sure we all want it to be so.

Mr. STENNIS. I appreciate the Senator's attitude and his sentiments. I thank him for yielding.

S O S MONTANA RESOURCES

Mr. METCALF. Mr. President, that prompt administrative action apparently has put an end to the use of vast public resources to damage or destroy other vast public resources is a matter of record.

In the CONGRESSIONAL RECORD, volume 109, part 10, pages 12847 and 12848, I included with my remarks the text of an instruction memorandum issued by the Bureau of Public Roads last June 12. It set as its goal suitable coordination between State highway departments and conservation agencies to the end that fish and wildlife resources be considered in planning our huge federally aided highway program.

Many times in the past few years, I have called the attention of my colleagues to the fact that the public investment in the highway program was damaging valuable public fish, wildlife, recreation, and other resources in a majority of our States. Conservation officials in 36 of our States have written me that important fishing waters were adversely affected by highway construction.

An example is my own State of Montana.

Mr. John C. Peters and Mr. William Alvord, of the Montana Fish and Game Department, presented a paper entitled "Manmade Channel Alterations in 13 Montana Streams and Rivers," at the recent North American Wildlife and Natural Resources Conference in Las Vegas, Nev.

Samples of research findings include the loss of 68 miles of length in 13 streams, when 137 miles of natural stream was rerouted into 69 miles of "inferior, manmade channel."

Researchers also found 5½ times as many trout and nearly 10 times as many whitefish in the natural channels as in the altered channels. Six of the thirteen streams, that had trout 6 inches or

larger in their natural channels, had no trout 6 inches or larger in their altered channels.

A comparison of the total weight of fish in the natural channels to that of altered channels disclosed: the total weight of all fish was 5½ times greater in the natural channels and the total weight of trout and whitefish was more than nine times greater in the natural channels.

As the report points out, economically a trout stream is a self-sustaining, long-term capital investment. A 1960 report shows that fishermen in Montana spent $36.3 million on their sport in 1960. This is interest income on the capital investment in the fishing waters in one State.

We can speculate on the dollar value of the trout fishery in the year 2000.

Mr. President, I ask unanimous consent that the paper entitled "Man-Made Channel Alterations in 13 Montana Streams and Rivers" be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD as follows:

MANMADE CHANNEL ALTERATIONS IN 13 MONTANA STREAMS AND RIVERS

(By John C. Peters and William Alvord, Montana Fish and Game Department, Helena, Mont.)

The carrying capacity for trout in streams is greatly reduced when channels or streambanks are altered by man's activities. In a study describing the relationships between trout populations and cover, Boussu (1954) reduced the number and the weight of trout in sections of Trout Creek by removing streambank vegetation and undercut banks. In developing flood plain land, man often removes streambank vegetation, reconstructs streambanks with riprap or a dike, or reroutes the stream into a new, shortened channel. Most of these developments reduce the amount of cover available for trout.

Whitney and Bailey (1959) recorded that the number of catchable sized trout (6 inches or larger) in a section of Flint Creek dropped from 69 the year before rechanneling by highway construction to 6 the following year. Boulders have been added to the altered section to try to replace the shelter areas that were destroyed. In 1962, 5 years after rechanneling, Whitney,[1] Nelson, and Hill[2] found a 75-percent decrease in the trout population in a section of Rock Creek after it was rechanneled for flood control. They measured 17 miles of stream channel altered as a result of the flood control project. Snags and fallen logs were removed from the channel and streambed gravel bulldozed into dikes that replaced the natural streambank.

In 1961, Nelson and Bianchi[3] surveyed the Little Big Horn River to measure the amount of manmade channel alterations. They found that over half of this river had its channels altered by man's activities. Twelve trout streams or rivers located throughout the State were surveyed for manmade channel alterations in 1962. The results of the 1961 survey and the 1962 survey on 12 streams are included in this report.

The purpose of the stream channel alteration inventory was to measure the amount of stream channel changed by man, the type of channel alteration, and the party responsible for the alteration. For comparative purposes, standing crop estimates of the fish populations were censused in both natural and altered channels in the streams surveyed.

METHODS

Aerial photographs (1 inch equals 660 feet) were used to measure the original length of the stream channel. Channel alterations visible on the photographs were inspected in the field, measured from the photographs with a map measure, and recorded on the photos. Channel alterations not visible on the aerial photos, or made after the photograph flight date, were measured in the field with a steel tape and recorded on the photos. In addition, all channel alterations were recorded on a field note form

Blueprints of construction projects adjacent to rivers and streams were obtained from the Montana Highway Department and from railroad companies. The prints were examined carefully and compared with the aerial photos to verify manmade stream channel alterations. The blueprints were useful in determining if a cutoff meander was natural or man made and the party responsible for the alteration. Personal contacts with residents further verified man made alterations.

Old issue U.S. Geological Survey quadrangle maps and U.S. Forest Service maps were used also to verify manmade alterations. Only stream channel alterations that were positively assessed as manmade were enumerated in this survey.

The four types of manmade alterations measured were defined as follows:

1. Channel relocation is replacement of the natural meandering with a length of manmade channel. The relocated channel has a flume-like appearance, without pools, deep holes, or undercut banks. It is shorter and lacks the well-defined areas of erosion and deposition associated with a meandering stream.

2. Riprapping is placing materials other than streambed rubble adjacent to the natural streambank to prevent lateral erosion. Some of the more common materials observed were car bodies, stumps or logs, large angular rocks, and brush. These materials may or may not be anchored.

3. Channel clearance is removal of materials occurring naturally within the stream channel such as fallen logs, stumps, or gravel, and rubble.

4. Diking is using natural material from the streambed to construct an artificial streambank.

Stream channel alterations were grouped on the basis of activities: railroad construction, road construction, urban and industrial development, and agricultural activities. No attempt was made in this survey to evaluate whether or not the alterations were preventing lateral channel erosion.

Standing crop estimates of the fish populations in the streams surveyed were made by electrofishing 4,000 square feet areas of stream. Blocknets were placed at the upstream and downstream boundaries delineating the areas of stream censused. Two sections of equal area were censused for fish in each stream surveyed: (1) A natural meandering stream channel and (2) a stream channel altered by man's activities.

RESULTS

The amount of channel altered: The greatest loss of fishing water in the 13 streams inventoried resulted from man's apparent unwillingness to allow the streams to meander throughout their natural courses. Their total length was shortened by 68 miles when 137 miles of natural stream was rerouted into 69 miles of inferior, manmade channel (table 1). The manmade relocated channels were typicaly flume-like in appearance, without undercut banks or a well-defined pool-riffle complex found in a natural meandering stream.

One-third of the total length of the streams inventoried (250 of 768 miles) had been altered from their natural condition (table 2). Four of the streams had more than one-half of their length altered. All but one of the streams had more than 20 percent of their length altered by man's activities.

[1] Personal communication from Arthur N. Whitney, Highway 93, South, Missoula, Mont. reported there were only one-third as many trout in the study section.

[2] Nelson, Perry H., and Cliff W. Hill (1960), "Fishery History of Rock Creek," Montana Fish and Game report, Helena, Mont., 14 pp. (multilith).

[3] Nelson, Perry H., and Donald R. Bianchi (1962), "Stream Channel Alteration Inventory," job completion report, Montana, D–J project F–20–R–7, job IV, 4 pp. (multilith).

TABLE 1.—*The length of natural meandering stream channel lost, the length of relocated stream channel replacing the natural meandering stream channel, and the resulting reduction in length of stream channel measured in 13 Montana streams and rivers*

	Miles of—		Reduction in stream length (miles)		Miles of—		Reduction in stream length (miles)
	Natural meandering stream channel lost	Relocating stream channel replacing natural meandering stream channel			Natural meandering stream channel lost	Relocating stream channel replacing natural meandering stream channel	
Little Big Horn River	52.9	16.5	36.4	Rocky Creek	9.3	5.3	4.0
St. Regis River	6.3	5.4	.9	Big Hole River	17.3	4.4	12.9
Ninemile	.9	.7	.2	Boulder River	2.1	1.5	.6
Sheep Creek	3.6	2.0	1.6	Prickley Pear Creek	19.2	16.0	3.2
Otter Creek	6.7	2.9	3.8	Ashley Creek	2.8	1.4	1.4
Belt Creek	8.6	7.2	1.4				
Beaver Creek	3.5	2.0	1.5	Total	137.6	69.4	68.2
West Gallatin River	4.4	4.1	.3				

TABLE 2.—*The length of stream channel altered and the number of alterations by type in 13 Montana streams or rivers*

River or stream	Channel relocation			Riprapping		Channel clearance		Diking		Total			
	Miles altered	Miles lost [1]	Number of alterations	Miles altered	Number of alterations	Miles altered	Number of alterations	Miles altered	Number of alterations	Miles altered	Number of alterations	Number of stream miles	Percent altered
Little Big Horn River	16.5	36.4	68	6.2	95	1.4	13	3.4	15	63.9	191	120.0	53
St. Regis River	5.4	.9	23	17.9	88	0	0	1.2	10	25.4	121	37.1	68
Ninemile Creek	.7	.2	6	1.7	53	0	0	2.4	22	5.0	81	23.9	21
Sheep Creek	2.0	1.6	15	.1	9	.1	1	.0	0	3.8	25	12.4	31
Otter Creek	2.9	3.8	23	.7	18	.5	9	.1	3	8.0	53	34.5	23
Belt Creek	7.2	1.4	36	3.4	55	.3	2	8.8	66	21.1	159	81.0	26
Beaver Creek	2.0	1.5	6	1.2	30	.2	7	.5	23	5.4	66	49.5	11
West Gallatin River	4.1	.3	20	9.5	143	.7	13	5.6	88	20.2	264	85.9	23
Rocky Creek	5.3	4.0	31	1.3	62	.2	3	.8	12	11.6	108	18.4	63
Big Hole River	4.4	12.9	56	11.0	107	.8	13	17.0	219	46.1	395	147.6	31
Boulder River	1.5	.6	14	7.9	246	1.0	21	1.4	27	12.4	308	86.3	14
Prickley Pear Creek	16.0	3.2	21	1.0	72	.9	31	.1	7	21.2	131	41.0	51
Ashley Creek	1.4	1.4	8	1.9	73	2.1	3	.1	1	6.9	85	30.2	23
Total	69.4	68.2	327	63.8	1,051	8.2	116	41.4	493	251.0	1,987	767.8	33

[1] Miles of stream channel lost as a result of the channel relocations.

Channel relocations accounted for 55 percent of the alterations in the streams surveyed. The remaining alterations consisted of riprapping (26 percent); diking (16 percent); and channel clearance (3 percent). There were 1,987 individual alterations recorded in 768 miles of stream channel inventoried, nearly three alterations per stream mile. The average length of a channel alteration was 664 feet.

The parties responsible: The party responsible for the channel alteration was also determined and enumerated (table 3). More than one-half of the alterations were attributed to road and railroad construction. The majority of railroad work was done prior to 1920 while State, county, and Federal road construction projects were mostly of a more recent occurrence.

Agricultural activities accounted for over one-third of the channel alterations. The largest number of individual alterations were enumerated in this category. Urban and industrial development accounted for the remaining channel changes.

Fish statistics: Table 4 lists the comparisons between the fish population standing crop statistics in the censused areas of natural and altered channels. In the natural meandering channels, the total number of trout and whitefish made up nearly two-thirds (62 percent) of the standing crop. In the altered channels, trout and whitefish made up only one-third (32 percent) of the standing crop. There were over 5½ times as many trout and nearly 10 times as many whitefish censused in the natural channels as in the altered channels. Six of the thirteen streams that had trout 6 inches or larger in their natural channels had no trout 6 inches or larger in their altered channels.

Comparing the total weight of all fish in the natural channels to that of the altered channels disclosed: (1) the total weight of all fish species was over 5½ times greater in the natural channels; (2) the total weight of the trout and whitefish combined was over 9 times greater in the natural channels; and (3) in each stream, there was a greater total weight of fish in the natural channels.

TABLE 3.—*The length of stream channel altered, the number of alterations, and the party responsible for the alterations in 13 Montana streams or rivers*

River of stream	Railroad construction		Road construction		Urban and industrial development		Agricultural activities		Total			
	Miles [1] altered	Number of alterations	Miles [1] altered	Number of alterations	Miles [1] altered	Number of alterations	Miles [1] altered	Number of alterations	Miles [1] altered	Number of alterations	Number of stream miles	Percent altered
Little Big Horn River	39.8	48	2.9	22	2.0	7	19.2	114	63.9	191	120.0	53
St. Regis River	13.0	54	10.7	60	1.6	6	.1	1	25.4	121	37.1	68
Ninemile Creek	.1	5	.6	24	1.9	4	2.4	48	5.0	81	23.9	21
Sheep Creek	0	0	3.8	25	0	0	0	0	3.8	25	12.4	31
Otter Creek	0	0	4.6	41	.1	1	3.3	11	8.0	53	34.5	23
Belt Creek	1.2	10	9.3	74	4.4	28	6.2	47	21.1	159	81.0	26
Beaver Creek	1.5	3	2.7	25	.2	10	1.0	28	5.4	66	49.5	11
West Gallatin River	.8	6	11.8	98	.7	26	6.9	134	20.2	264	85.9	23
Rocky Creek	3.6	7	1.6	22	1.0	26	5.4	53	11.6	108	18.4	63
Big Hole River	3.8	21	6.1	50	1.3	12	34.9	312	46.1	395	147.6	31
Boulder River	2.5	26	3.1	49	1.9	18	4.9	215	12.4	308	86.3	14
Prickley Pear Creek	3.6	26	.4	7	14.6	24	2.6	74	21.2	131	41.0	51
Ashley Creek	.8	9	.7	35	1.3	3	4.1	38	6.9	85	30.2	23
Total	70.7	215	58.3	532	31.0	165	91.0	1,075	251.0	1,987	767.8	33

[1] Includes miles of stream channel lost as a result of the channel relocations.

TABLE 4.—*The number of fish, the number of fish 6 inches or larger, and the weight of fish censused in equal areas of altered and natural stream channels in 13 Montana streams and rivers*

River or stream	Channel type	Number				Number of fish 6 inches or greater				Weight			
		Trout	Whitefish	Others	Total	Trout	Whitefish	Others	Total	Trout	Whitefish	Others	Total
Little Big Horn River	Natural	76	5	0	81	26	5	0	31	13.7	3.0	0	16.7
	Altered	37	1	9	47	1	1	1	3	1.6	0	.4	2.0
St. Regis River	Natural	22	35	19	76	9	35	0	44	4.1	19.8	.6	24.5
	Altered	6	5	39	50	5	5	1	11	.8	1.5	1.7	4.0
Ninemile Creek	Natural	65	0	11	76	17	0	0	17	4.3	0	0	4.3
	Altered	13	0	14	27	0	0	0	0	.6	0	0	.6
Sheep Creek	Natural	35	40	0	75	9	33	0	42	2.4	4.7	0	7.1
	Altered	1	0	4	5	0	0	0	0	.1	0	.1	.2
Otter Creek	Natural	16	0	75	91	14	0	60	74	8.5	0	22.0	30.5
	Altered	1	0	16	17	1	0	11	12	.4	0	4.2	4.6
Belt Creek	Natural	2	3	6	11	1	3	5	9	.2	2.4	1.8	4.4
	Altered	0	0	16	16	0	0	2	2	0	0	.9	.9
Beaver Creek	Natural	88	0	12	100	17	0	12	29	5.6	0	1.7	7.3
	Altered	3	0	5	8	0	0	0	0	.1	0	.6	.7
West Gallatin River	Natural	6	16	10	32	6	15	10	31	4.4	14.6	20.9	39.9
	Altered	1	11	0	12	1	11	0	12	.1	7.2	0	7.3

TABLE 4.—*The number of fish, the number of fish 6 inches or larger, and the weight of fish censused in equal areas of altered and natural stream channels in 13 Montana streams and rivers*—Continued

River or stream	Channel type	Number				Number of fish 6 inches or greater				Weight			
		Trout	Whitefish	Others	Total	Trout	Whitefish	Others	Total	Trout	Whitefish	Others	Total
Rocky Creek	Natural	63	13	59	135	62	13	54	129	29.3	12.9	50.7	92.9
	Altered	55	0	28	83	24	0	24	48	5.0	0	4.9	9.9
Big Hole River	Natural	17	68	46	131	14	63	45	122	9.0	26.3	13.8	49.1
	Altered	1	0	2	3	0	0	1	1	.1	0	.1	.2
Boulder River	Natural	41	1	0	42	22	1	0	23	4.2	1.3	0	5.5
	Altered	0	0	0	0	0	0	0	0	0	0	0	0
Prickley Pear Creek	Natural	19	0	45	64	11	0	38	49	5.5	0	23.5	29.0
	Altered	13	0	52	65	5	0	48	53	1.7	0	23.7	25.4
Ashley Creek	Natural	0	0	86	86	0	0	26	26	0	0	5.8	5.8
	Altered	0	0	54	54	0	0	0	0	0	0	.4	.4
Total	Natural	450	181	369	1,000	208	168	250	626	91.2	85.0	140.8	317.0
	Altered	131	17	239	387	37	17	88	142	10.5	8.7	37.0	56.2

DISCUSSION

Economically, a trout stream can be considered as a self-sustaining, long-term capital investment. McConnen [4] reported that fishermen in Montana in 1960 spent $36,300,000 pursuing their sport. This money can be thought of as the interest from the capital investment, the fishing waters in the State. Bishop [5] reported that two-thirds of Montana fishermen prefer to fish in streams or rivers. We can only speculate on the dollar value of the stream trout fishery in the year 2000 (U.S. Department of Interior, 1962). The loss of the fishing dollar to the economy, now or in the future, would affect everyone in the State, including people who do not fish.

The statewide stream channel alteration inventory pointed out that channel alterations in trout streams and rivers are abundant throughout the State, and altered channels do not support nearly as many game fish as do natural meandering channels. Our capital investment principal decreases every time another section of stream channel is altered.

Recently, channel alterations by road construction projects have received criticism by resource managers. However, this inventory points out that railroad construction, urban and industrial development, and agricultural activities, in addition to road construction projects, have altered many miles of streams. The implications of the effects of channel alterations for resource use have been summarized in Berryman et al. (1962).

Part of the money spent by man on flood plain development is from tax money. For example, all the money spent on road construction comes from the Federal, State, or county tax dollar. The agricultural conservation program of the Department of Agriculture partly subsidizes channel alteration programs for flood control. These programs are legal instruments, an integral part of the law of the land.

Legislation is needed to protect our trout streams from further channel disturbances. The growing demand for outdoor recreation is a nationwide cause for immediate concern. The economic benefits of sport fishing to a community or State are large and justify the need for protective legislation. Unfortunately, a dollar value cannot be placed on the enjoyment derived from fishing.

SUMMARY

There were 1,987 individual alterations in the 768 miles of stream channel inventoried. As a result of the manmade alterations, the length of the channels were shortened by 68 miles. Agricultural activities accounted for the greatest length of channel altered followed in order by railroad construction, road construction, and urban and industrial development. Relocated channels accounted for the greatest length of channel altered followed in order by riprapping, diking, and channel clearance. Standing crops of game fish were several times more abundant in natural, meandering channels than in altered channels.

ACKNOWLEDGMENTS

In each fisheries management district, at least one stream was surveyed for stream channel alterations by fisheries biologists and their summer crews. The interest and enthusiasm generated by these biologists stimulated this written summary of the statewide inventory. Perry H. Nelson and Lloyd Casagranda, Montana Fish and Game Department information and education officers, contributed in many ways toward implementing and coordinating this project.

The investigation was conducted under the Dingell-Johnson program in Montana.

LITERATURE CITED

Berryman, J. D., et al., 1962, "Road Construction and Resource Use," extension circular 297, Utah State University, Logan Utah, 15 pages.

Boussu, M. F., 1954, "Relationship Between Trout Populations and Cover on a Small Stream," Journal of Wildlife Management, 18(2): 229–239.

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Whitney, A. N., and J. E. Bailey, 1959, "Detrimental Effects of Highway Construction on a Montana Stream," Trans. American Fisheries Society, 88(1): 72–73.

[4] McConnen, Richard J. (1961), "Economic Importance of Hunting and Fishing in Montana," Montana Fish and Game Report, Helena, Mont., 13 pages (multilith).

[5] Bishop, Clinton G. (1959), statewide creel census, job completion report, Montana, D–J project F–4–R–3, job III, 9 pages (multilith).

IOU NO. 20: MILLIONS IN UNIDENTIFIED DONATIONS

Mr. METCALF. Mr. President, the management of at least one rural electric cooperative in Montana is being petitioned to stop all promotion and advertising, except of meeting notices, to stop paying for meals for businessmen or members, stop donating prizes, report all attorney and traveling expenses, and limit business travel.

I do not say that these proposals are unreasonable, although a case could be made that a business which ceases to advertise and promote its services might succumb to an aggressive competitor.

I do say that what has been asked of a rural electric cooperative provides interesting, sharp contrast with the practice of the IOU's—investor owned utilities.

According to the Public Utilities Advertising Association, during 1962 more than one-third of the IOU's spent more more than 75 cents per customer on newspaper, radio, television and outdoor advertising, exclusive of ad production costs. Advertising expenditures in these four media went up 20 percent from 1960 to 1962.

Last year's $2 million expenditure on the Electric Co. Advertising Campaign—ECAP—is to be doubled, to $4 million, this year.

One power company, Northern States Power, Minnesota, spent $51,671 on social club dues alone for some of its employees during 1962.

As I reported on February 10 in IOU No. 5, Federal Power Commission regulations have been relaxed during the past 16 years in regard to reporting of company payments of retainers for legal and certain other services. Thus many companies need not report such expenditures to FPC unless the annual retainer is in excess of $25,000.

Each year IOU's donate millions of dollars to various causes and organizations. These donations in some instances include large sums for hospitals, colleges and organized charity. In other instances companies donate with regularity to those organizations which work closely with the John Birch Society, advocate abolition of the income tax and the United Nations, fight civil rights legislation and the rural electrification program. I discussed some of these organizations on March 23, in IOU No. 18.

The Federal Power Commission recently requested electric and gas utilities to report more fully their nonoperating expenditures, including donations, and expanded the list of electric utility systems that are classified as public utilities. It remains to be seen how responsive the companies will be to the FPC requests, in reports on 1963 operations which are due this spring.

A review of a portion of the 1962 annual reports by electric companies to the FPC shows that 122 companies listed but did not break down substantial sums reportedly spent on "donations," "contributions," "eleemosynary institutions," "patriotic and civic organizations," and so forth. Of the 122 companies, 65 were not classified as jurisdictional companies by FPC. Therefore the Commission did not ask them to itemize these expenditures.

In some instances these contributions were listed in account 426 as "Other in-

come deductions." In other instances the contributions were listed in account 930 as "Miscellaneous general expenses." Expenses listed in the latter category would likely be considered an operating expense.

Mr. President, I ask unanimous consent to have printed in the RECORD, as exhibit 1, the list of the 122 companies, the amounts listed by the companies as contributions, donations, or other similar category, and the account in which the company placed the item.

There being no objection, the list was ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. METCALF. Mr. President, I now ask unanimous consent to insert in the RECORD, as exhibit 2, the petition which is being circulated in northern Montana among members of the Hill County Electric Cooperative.

There being no objection, the petition was ordered to be printed in the RECORD.

(See exhibit 2.)

EXHIBIT 1

Alabama Power Co., Birmingham, Ala. (426), donations, $145,515.31.

Appalachian Power Co., Roanoke, Va. (426), 56 donations to local charity and civic organizations, $28,109; (930), educational, civic and charitable organizations, $57,350.

Arizona Public Service, Phoenix, Ariz. (426), miscellaneous other income deductions, $7,336; (930), contributions, $71,392.

Arkansas Power & Light, Pine Bluff, Ark. (426), donations, $68,008.16; (930), organizations for community development, $57,602.

Atlantic City Electric, Atlantic City, N.J. (426), 37 charitable organizations, $16,266.75.

Baltimore Gas & Electric, Baltimore, Md. (426), charitable, civic or community welfare projects, $201,293.

Blackstone Valley Gas & Electric, Pawtucket, R.I. (426), donations, $38,678.50.

Boston Edison, Boston, Mass. (426), contributions, $168,447.21.

Brockton Edison, Brockton, Mass. (426), donations, $8,348.

California Electric Power, San Bernardino, Calif. (426), donations, $17,321.15.

Carolina Power & Light, Raleigh, N.C. (426), 50 donations, $75,689.47; (930), other, $30,725.46.

Central Illinois Public Service, Springfield, Ill. (930), donations for charitable, social, and community welfare purposes, $39,491.71.

Central Hudson Gas & Electric Corp., Poughkeepsie, N.Y. (426), 127 charitable contributions, $86,298; (930), miscellaneous and minor, $40,692.

Central Illinois Electric & Gas, Rockford, Ill. (930), donations, $51,377.

Central Louisiana Electric, Lafayette, La. (426), charitable, $6,165.

Central Maine Power, Augusta, Maine (426), donations, $48,061.59.

Central Power & Light, Corpus Christi, Tex. (426), donations, $104,433; (930), dues to area development associations, civic clubs, country clubs, chambers of commerce, etc., $63,847; (930), other miscellaneous, $50,081.

Cincinnati Gas & Electric, Cincinnati, Ohio (426), miscellaneous donations to civic, fraternal, charitable, and educational organizations, $222,308.

Cleveland Electric Illuminating, Cleveland, Ohio (930), dues and donations, $504,876.

Columbus & Southern Ohio Electric, Columbus, Ohio (930), contributions, charitable, $84,025; (930), contributions, civic, $21,804; (930), contributions, industry, $19,063; (930), miscellaneous, $17,620.

Commonwealth Edison, Chicago, Ill. (426), other (110 items under $5,000), $119,608; (930), sundry, $67,617.11.

Commonwealth Edison of Indiana, State Line Station, Hammond, Ind. (426), donations, $2,075.

Community Public Service, Fort Worth, Tex. (930), other, $60,605.35.

Connecticut Light & Power, Berlin, Conn. (426), miscellaneous contributions and donations, $49,865.79.

Consolidated Edison, New York, N.Y. (426), societies and associations for betterment of social and economic conditions, $3,780.42; (930), other $199,705.05.

Consumers Power, Jackson, Miss. (426), donations, Community Chest (68), $111,760; (426), miscellaneous (71), $105,458.32; (930), miscellaneous minor items, $102,996.64.

Dallas Power & Light, Dallas, Tex. (930), donations, $270,515.59; (930), miscellaneous, $79,873.30.

Dayton Power & Light, Dayton, Ohio (930), contributions, $194,163.

Delaware Power & Light, Wilmington, Del. (426), miscellaneous, $4,368.73.

Detroit Edison, Detroit, Mich. (930), donations to community funds, educational institutions, civil and religious organizations, $608,282.48, in this instance—also detail of following account 930 entries in 1961 for—donations to community funds, educational institutions, civil and religious organizations, $492,584.56; other expenses, $295,622.18.

Duke Power, Charlotte, N.C. (426), miscellaneous donations and subscriptions (2), $5,135; (930), miscellaneous, $302,846.

Duquesne Light, Pittsburgh, Pa. (426), 20 donations, $2,810; (930), 15 miscellaneous items, $18,555.

Eastern Shore Public Service, Salisbury, Md. (426), nine donations, $6,448.68.

El Paso Electric, El Paso, Tex. (426), contributions, $19,526.60; (930), donations, various civic organizations and events, $7,098.

Empire District Electric, Joplin, Mo. (426), 52 miscellaneous civic organizations, $18,391.75.

Florida Power & Light, Miami, Fla. (930), other, $768,314.74.

Florida Power Corp., St. Petersburg, Fla. (426), schools, scholarships, youth, sports, recreational programs, $5,486, (426), miscellaneous contributions, $5,405.

Georgia Power, Atlanta, Ga. (426), donations, $165,793.51; (930), donations and contributions (other), $31,151; (miscellaneous), $111,347.

Gulf Power, Pensacola, Fla. (930), 32 other, $4,190.

Gulf States Utilities, Beaumont, Tex. (426), donations, $115,744.56; (930), miscellaneous, $72,292.54.

Hartford Electric Light, Wethersfield, Conn. (930), minor contributions, $17,904.39.

Houston Lighting & Power, Houston, Tex. (930), other, $304,121.32.

Idaho Power Co., Boise, Idaho (426), patriotic and civic organizations, $946; (930), contributions to other organizations, $1,344.

Illinois Power, Decatur, Ill. (930), donations, $35,255.

Indiana & Michigan Electric, Fort Wayne, Ind. (426), 22 local charity and civic organizations, $29,812; (930), other miscellaneous, $120,233.

Indianapolis Power & Light, Indianapolis, Ind. (426), miscellaneous donations, $13,261; (930), contributions, $16,330.

Interstate Power, Dubuque, Iowa (426), donations, $94,564; (930), other, $51,894.

Iowa Electric Light & Power, Cedar Rapids, Iowa (930), other, $119,428.

Iowa-Illinois Gas & Electric, Davenport, Iowa (426), contributions to Community Chest, ARC, Cancer Control Societies, hospitals, colleges, etc., $177,379; (930), other, $90,017.

Iowa Power & Light, Des Moines, Iowa (426), 20 miscellaneous donations, welfare and civic, $1,375; (930), other, $77,385.62.

Iowa Public Service, Sioux City, Iowa, (426), donations, $76,725.12; (930), various, $100,039.

Iowa Southern Utilities, Centerville, Iowa (930), religious and charitable, $13,431; (930), educational and institutional, $11,528; (930), industrial development, $7,955; (930), other, $11,785.

Jersey Central Power & Light, Morristown, N.J. (426), donations, $29,144.

Kansas City Power & Light, Kansas City, Mo. (426), contributions, miscellaneous, $18,722.26; (930), other, $42,757.49.

Kansas Gas & Electric, Wichita, Kans. (426), donations (21), $1,390; (930), other, $44,611.

Kansas Power & Light, Topeka, Kans. (426), donations, $24,777.75; (930), miscellaneous, $105,397.19.

Kentucky Power, Ashland, Ky. (930), seven contributions, $4,750.

Kentucky Utilities, Lexington, Ky. (426), donations, $11,507.23; (930), assistance to colleges, $30,484.06; (930), all other, $44,492.16.

Long Island Lighting, Mineloa, N.Y. (426), contributions, $116,727.80; (930), other, $114,760.

Louisiana Power & Light, New Orleans, La. (426), donations, $57,082.22.

Louisvillea Gas & Electric, Louisville, Ky., (426), 22 donations, $91,060.

Massachusetts Electric, Worcester, Mass. (426), donations for charitable, social, and community welfare purposes, $60,763.89.

Merrimack-Essex Electric, Salem, Mass. (426), other, less than $1,000 each, $1,895.

Metropolitan Edison, Muhlenberg Township, Pa. (426), 33 donations, $135,840; (930), donations, good will promotion, $11,592.

Minnesota Power & Light, Duluth, Minn. (426), donations, $24,731; (930), miscellaneous, $9,041.

Mississippi Power, Gulfport, Miss. (426), charitable and nonprofit organizations, $13,594; (930), other, $229,088.78.

Mississippi Power & Light, Jackson, Miss. (426), donations, $94,643.09; (930), other, $82,514.

Missouri Power & Light, Jefferson City, Mo. (930), other, $30,184.

Monongahela Power, Fairmont, W. Va. (426), education and schools, $5,900; (426), other, $6,938.

Montana-Dakota Utilities, Minneapolis, Minn. (930), other, $42,431.

Montana Power Co., Butte, Mont., (930), other expenses, $46,536.57.

Nevada Power, Las Vegas, Nev. (426), 13 charitable donations, $5,339.51; (930), other, $26,773.

New Jersey Power & Light, Morristown, N.J. (426), donations, $22,713.

New Orleans Public Service, New Orleans, La. (426), charitable organizations, $9,388.38.

New York State Electric & Gas Corp., Ithaca, N.Y. (426), donations, $41,726.

Niagara Mohawk Power Corp., Syracuse, N.Y. (930), contributions, $60,286.

Northern Indiana Public Service, Hammond, Ind. (426), donations for charitable, social, and community welfare purposes, $73,627.

Northern States (Wisconsin), Eau Claire, Wis. (426), donations, $21,797.82.

Ohio Edison, Akron, Ohio (426), community funds, $47,655; (426), miscellaneous, $5,713.94; (930), miscellaneous, $85,495.

Ohio Power, Canton, Ohio (426), donations to ARC, Boy Scouts, community funds, civic and local organizations, $25,103.

Oklahoma Gas & Electric, Oklahoma City, Okla. (426), various organized charities, civic institutions, universities and public welfare causes, $16,806; (930), other, $241,490.

Otter Tail Power, Fergus Falls, Minn. (426), donations and dues to charitable organizations, civic clubs, and associations and advertising in papers of various organizations, $46,013.59; (930), other, $21,818.

Pacific Gas & Electric, San Francisco, Calif. (930), contributions and donations, $556,866.

Pacific Power & Light, Portland, Oreg. (426), social, welfare, and charitable, $73,-20).50; (426), educational institutions and organizations, $16,484.85; (426), civic organizations and charities, $22,793.05; (426), other organizations, $12,668.78; (930), contributions to and membership in other organizations, $13,094.73.

Pennsylvania Electric, Johnstown, Pa. (426), community welfare funds, $41,460; (426), miscellaneous, $18,465; (930), miscellaneous, $30,402.

Pennsylvania Power & Light, Allentown, Pa., (426), donations to Red Cross, United Funds, hospitals, scholarships and other charities, $120,996.32; (426), contributions to building and development funds, colleges, hospitals, etc., $129,150; (426), educational aid program (45 schools), $5,603.96; (930), contributions, $20,179.

Philadelphia Electric, Philadelphia, Pa., (426), donations, $341,156.42; (426), additional compensation, $6,250; (426), three minor items, $9,250.56; (930), miscellaneous, $17,597.31.

Portland General Electric, Portland, Oreg., (930), library expenses, $12,382.71.

Potomac Electric Power, Washington, D.C., (426), 24 contributions, $16,638.51; (930), 5 miscellaneous, $14,408.

Public Service of Colorado, Denver, Colo., (930), charitable, social or community welfare, $123,561.

Public Service of Indiana, Plainfield, Ind., (426), educational institutions, $37,888; (426), medical associations, $2,870.

Public Service of New Hampshire, Manchester, N.H., (426), donations to charitable organizations, $25,990; (930), miscellaneous, $102,852.

Public Service of New Mexico, Albuquerque, N. Mex., (426), donations, $31,242.24; (930), contributions, $1,000.

Public Service of Oklahoma, Tulsa, Okla., (426), local and national welfare organizations, $1,171; (426), miscellaneous items, $24,804; (930), miscellaneous, $49,859.

Public Service Electric & Gas, Newark, N.J., (426), charitable organizations, funds and other eleemosynary institutions, $197,-723.75; (930), miscellaneous, $62,145.72.

Puget Sound Power & Light, Seattle, Wash., (426), dues and contributions, $69,044; (930), other, $22,055.

Rochester Gas & Electric Corp., Rochester, N.Y., (426), miscellaneous, $5,890; (930), various, $290,000.

San Diego Gas & Electric, San Diego Calif., (426), miscellaneous, $5,137; (930), contributions, $5,760.

Savannah Electric & Power, Savannah, Ga., (426), donations, $23,054.97; (930), miscellaneous, $25,539.

Sierra Pacific Power, Reno, Nev., (426), donations, $12,971.

South Carolina Electric & Gas, Columbia, S.C., (426), donations, $38,075.38; (930), other, $72,207.62.

Southern California Edison, Los Angeles, Calif., (426), contributions for charitable organizations and community welfare, $81,-539.27; (930), tours, scholarships, grants, etc., $136,060.30.

Southwestern Electric Power, Shreveport, La., (426), contributions, $25,734; (930), donations, $14,644.

Southwestern Public Service, Dallas, Tex., (426), charitable, social and community welfare, $36,787.09; (930), miscellaneous donations, $64,883.93.

Tampa, Electric, Tampa, Fla., (930), other, $109,643.22.

Texas Electric Service, Fort Worth, Tex., (426), donations, $183,031.19; (930), general business and civic activities, $248,356.17.

Texas Power & Light, Dallas, Tex., (26), donations to organized institutions, $138,-747.13; (930), other $432,008.

Toledo Edison, Toledo, Ohio, (930), contributions, $106,092.

Tucson Gas, Electric Light & Power, Tucson, Ariz., (930), charitable contributions, $23,683; (930), memberships, dues, and contributions to civic, business, educational, and cultural organizations, $12,709.

Union Electric, St. Louis, Mo., (426), minor, $3,919; (930), other, $95,509.

Union Light, Heat & Power, Covington, Ky., (426), miscellaneous, $17,475.

United Illuminating, New Haven, Conn., (426), charitable contributions, $58,655; (930), miscellaneous, $66,809.

Utah Power & Light, Salt Lake City, Utah, (426), 70 miscellaneous donations, $40,463.88; (426), 6 minor miscellaneous, $2,709.06; (930), minor miscellaneous, $38,202.

Virginia Electric & Power, Richmond, Va., (426), donations, $193,819; (426), 13 minor items, $3,084; (930) other, $45,168.

West Penn Power, Greensburg, Pa., (426), donations, $68,252; (930), minor, $28,133.

West Texas Utilities, Abilene, Tex., (426), donations, $41,476.25; (930), miscellaneous, $49,968.90.

Western Light & Telephone, Dodge City, Kans., (930), donations (along with stationery, printing, and miscellaneous, $58,696.13.

Western Massachusetts Electric, West Springfield, Mass., (426), miscellaneous, $2,150; (930), miscellaneous, $84,824.76.

Wisconsin Electric Power, Milwaukee, Wis., (426), donations, $250,937.80; (930), miscellaneous, $53,944.26.

Wisconsin Michigan Power, Appleton, Wis., (426), donations, $16,550; (930), miscellaneous, $14,024.12.

Wisconsin Power & Light, Madison, Wis., (426), donations, $23,095; (930) miscellaneous, $22,155.

Wisconsin Public Service Corp., Milwaukee, Wis., (426), donations for charitable, religious, and educational purposes, $42,530.20; (930), other items less than $25,000, $35,619.

EXHIBIT 2

PETITION

We, the undersigned owners of the Hill County Electric Cooperative, Inc., wish to have the following information itemized and included in the annual financial report, May 19, 1964:

1. All traveling expenses of our manager, including meals, tickets, liquor, lodging, rented transportation, public relations expenses, and annual wages.

2. All individual traveling expenses of each board member.

3. Attorneys' wages, legal advice, and other attorney expenses.

4. Interest on all money loaned out to savings and loan company.

We also want the following carried out by the Hill County Electric Cooperative, Inc., and the Triangle Telephone Cooperative:

1. All new vehicles put up for bid.

2. Insurance put up for bid.

3. No advertising of Hill County Electric or Triangle Telephone Cooperatives.

4. No promoting of Federal, State, or local programs.

5. No more breakfasts for businessmen paid for by the Hill County Electric or Triangle Telephone Cooperatives.

6. No prizes donated by the Hill County Electric or Triangle Telephone Cooperatives to any organizations or individuals or at the annual meetings.

7. Instead of furnishing dinners at annual meetings, we recommend a substantial amount be deducted on the following month's bill for each family represented.

8. Get rid of private plane. Limit rental of planes for use by manager except as OK'd by directors.

9. We recommend the convention expenses be limited to not more than two directors and the manager, and the directors to be alternated.

10. All regular or special board meetings shall be advertised in the local paper.

11. We recommend that all meetings be opened with a pledge of allegiance to the American flag.

INCREASED DOMESTIC SUGARBEET QUOTAS—ADDITIONAL COSPONSOR

Mr. MANSFIELD. Mr. President, some days ago, the distinguished Senator from North Dakota [Mr. YOUNG] introduced a bill to increase the production of domestic sugarbeets.

At that time, he asked permission to have the bill lay on the desk for a week, I believe, for the purpose of securing additional cosponsors among his colleagues, if they so desired.

When he did so, I went to the desk. I asked that my name be listed as a cosponsor. I found out today that my name is not on that bill.

Mr. President, I ask unanimous consent that my name be added on S. 2657, a bill to increase the production of domestic sugarbeets, which bill was introduced by the distinguished senior Senator from North Dakota [Mr. YOUNG].

The PRESIDING OFFICER. Without objection, it is so ordered.

SETTLEMENT OF THE PANAMA CANAL CRISIS

The PRESIDING OFFICER (Mr. WALTERS in the chair). The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I commend and congratulate the President of the United States for the great performance of statesmanship that he has rendered in connection with the settlement of the Panama crisis, at least settlement to the point that an agreement has been reached for a procedure that will lead to the necessary diplomatic relations and that will make possible a free and a sound settlement of the differences that have developed between Panama and the United States.

I am sure, since representatives of the press were in the Cabinet room at the time, that I violate no matter of privilege when I say that I never expected as a country lawyer from faraway Oregon, to sit in the Cabinet Room of the White House and hear a President of the United States call on the long distance telephone and talk with the President of another country.

It is something that a man will talk to his grandchildren about. I sat there this afternoon and listened to our great President represent the people of this country in a manner so magnificent that thrills went up and down my spine which are experienced only on those rare occasions when a person knows that he is observing or witnessing something that is of thrilling importance to him and to others.

I tarried afterward with the majority leader and other Senators and listened to the President read his statement announcing to the country and to the world that successful arrangements had been made through the intervention of the Ambassadors of the Organization of American States leading to a

resolution of the procedural problems that have confronted us in respect to getting on with the Panamanian problem.

As chairman of the Subcommittee on Latin American Affairs, I wish to state that the President's final position on the matter was not only his original position, but obviously was the position of President Kennedy. As I think and have always said when I discussed it in the Senate, it was made crystal clear in that great release of June 13, 1962, when the communique was released from the White House signed by President Kennedy and President Chiari of Panama. The communique stated in effect that when two friendly nations such as the United States and Panama find themselves in disagreement over issues, they have a clear obligation to resolve the disagreement. These two Presidents then pledged themselves to carry out that obligation to proceed without delay to enter into the necessary diplomatic conversations leading to a peaceful settlement of those differences. That is exactly the position President Johnson has taken. The President of Panama and his officials and his ambassadors are deserving of the same compliment, tribute, and congratulations that I am paying to President Johnson.

With the appointment of the Special Ambassador, as announced by President Johnson in that long-distance telephone conversation to the President of Panama—I refer to Mr. Robert Anderson—to be our Special Ambassador to carry on our negotiations in regard to the problems involved in these discussions, I am sure we shall be represented by an exceedingly able man who is very familiar with the problems of Panama. I also congratulate the President of the United States on that appointment.

Mr. President, I think it is good to see this ray of international sunshine among the rather heavy clouds of these days. I believe that ray of sunshine will brighten the skies, and the clouds will more and more disappear, as a result of the great statesmanship which President Johnson has displayed in connection with the Panama crisis.

In my opinion, two others deserve our compliments, too. One is Ambassador Bunker, the U.S. Ambassador to the Organization of American States. He has done a magnificent job for many, many weeks, as, to my knowledge, he has worked unbelievable long hours with Ambassador Moreno, the Special Ambassador of Panama, in connection with this matter.

In fact, I have been of the opinion that the position our Ambassador has taken for many weeks has been a sound one.

It is interesting, Mr. President, to find, when we come to study the language set forth in today's announcement—which we shall read in the newspapers published tomorrow, that, in my judgment, its meaning is identical with that of the language which Ambassador Bunker and Ambassador Moreno suggested some weeks ago; but it was necessary to clarify that language by the discussions which have ensued. President Johnson's calm, mild, but determined position—that we are going to proceed on the basis of equality with the Panamanians, that we are going to proceed on the basis of first a restoration of diplomatic relationships, and that we are going to proceed without any commitments in advance—has prevailed. Thus, President Johnson has made a great record. I congratulate him, and I also congratulate Ambassador Bunker.

In my opinion, the third man who deserves great credit in connection with this specific item is the Assistant Secretary of State for Latin American Affairs, Thomas Mann. He, too, deserves our expression of gratitude for the careful and thorough work he has done in connection with the Panamanian issue.

The same also goes for the Secretary of State, Mr. Rusk. He and I disagree on many matters, but we do not disagree on this one. Whenever I agree with a man on one matter—no matter how much I may disagree with him on others—I am always glad to have the privilege and the opportunity to express my point of agreement with him. So I think Secretary Rusk deserves the thanks of all the people of the United States for his excellent service as Secretary of State, in connection with the Panamanian matter.

THE NEW PRESIDENT OF BRAZIL

Mr. MORSE. Mr. President, I wish to express my high compliments to the President of the United States, in connection with the statement which appears in today's newspapers in connection with the developments in Brazil. The article which I wish to have printed in the RECORD is an Associated Press dispatch by Lewis Gulick. The headline is: "L.B.J. Sends Warm Note to Mazzilli."

I ask unanimous consent that the entire article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

L.B.J. SENDS WARM NOTE TO MAZZILLI

(By Lewis Gulick)

President Johnson last night sent his warmest "good wishes" to Ranieri Mazzilli, newly installed as President of Brazil after a military coup ousted Joao Goulart.

Accepting without question the legitimacy of Mazzilli's ascent from the Presidency of the Brazilian Chamber of Deputies, Mr. Johnson told him:

"The American people have watched with anxiety the political and economic difficulties through which your great nation has been passing, and have admired the resolute will of the Brazilian community to resolve these difficulties within the framework of constitutional democracy and without civil strife."

The presidential message made no mention of Goulart, deposed by the military because of his leftist leanings. The message concluded:

"The relations of friendship and cooperation between our two governments and peoples are a great historical legacy for us both and a precious asset in the interest of peace and prosperity and liberty in this hemisphere and in the whole world. I look forward to the continued strengthening of those relations and to our intensified cooperation in the interests of economic progress and social justice for all and of hemispheric and world peace."

The White House release of Mr. Johnson's message was in line with earlier, unofficial word that the U.S. Government is pleased by the removal of Goulart, in whose government the Communists had been playing an increasingly important role. The State Department said normal United States-Brazilian relations were continuing.

Press Officer Robert J. McCloskey declined to answer most inquiries about the revolt that deposed Goulart. But he did say:

"I know of no change in our relations" with the country.

The $30-million-a-year U.S. aid program to Brazil will be continued.

U.S. authorities had become increasingly displeased with what was regarded as growing Goulart involvement with the Reds. It also has been felt in Washington that Goulart failed to put through effective reforms needed to curb Brazil's runaway inflation, promote development and raise living standards for dissatisfied masses.

Mr. MORSE. Mr. President, here, again, President Johnson has acted with the same great care, calmness, and deliberation that have characterized his other actions; and he deserves our thanks for the note he sent to the new President of Brazil.

I wish to make very clear that I can testify, on the basis of such knowledge as I have—and I think the members of the Senate Foreign Relations Committee were kept thoroughly briefed on all details of the developments in Brazil—that the United States in no way intervened or was responsible in any way for the action which occurred in Brazil. I am convinced that the developments there were completely Brazilian; and they were long in the making.

In the Senate's Foreign Relations Committee we have discussed this matter many, many times, and have expressed our concern over the developing thunderheads in the foreign-policy skies over Brazil. We have known for some time that Communists or, certainly, those who were advocating Communist policies were infiltrating themselves into the administration of Goulart. That was of great concern to constitutionalists in Brazil.

Mr. President, the developments in Brazil did not result from action by a military junta or from a coup by a military junta. Instead, the overthrow of the presidency of Brazil resulted from development in which the Congress of Brazil, acting under the Constitution of Brazil, was the guiding force, and was reinforced by a military group which backed up the preservation of the Brazilian constitutional system. Under that constitutional system, Goulart could have remained in Brazil and could have stood trial, so to speak, in connection with charges which would have been placed against him, as provided for under the Brazilian constitutional system. But certainly the Congress of Brazil and the governors and the people of Brazil could not be expected to stand idly by and see their government and its forces gradually, step by step, turned over to a Communist apparatus.

The important point for us to note is that the new President of Brazil—and, under the Brazilian system, he will occupy only temporarily the office of President—is the one next in line under

the Brazilian Constitution to occupy the office of the Chief Executive of Brazil. Furthermore, it is also interesting to note that this is not the first time he has occupied that office under somewhat similar circumstances. It is both interesting and, I believe, also somewhat ironic that the new President of Brazil was the temporary President of that country when Quadros resigned and found it convenient to leave Brazil, and Goulart then was next in line, under the constitution. However, there was some opposition to allowing Goulart to assume that office; and at that time Mr. Mazzilli, the new President of Brazil, insisted that the Brazilian constitutional procedures be followed. In my opinion, that is about all we need to know in regard to Mr. Mazzilli's faith and conviction in regard to the importance of the maintenance of a system of government by law, in keeping with the framework of the constitutional system that is binding upon his country.

In my opinion, President Johnson very appropriately waited until the legal and constitutional system of Brazil had worked its course. When we were notified that the new President of Brazil had taken office, then the warm message of the President of the United States was sent to the new President of Brazil.

It is a beautiful statement, as Senators will see, if they have not already read it. I commend and congratulate my President for that act of statesmanship.

THE WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President, I turn now to the next of three additional items on which I intend to comment briefly before I finish. I owe it to myself, and I certainly owe it to many Americans who share my point of view and the point of view of the Senator from Alaska [Mr. GRUENING] and others who have expressed themselves in opposition to McNamara's war in South Vietnam in recent weeks, to come to the floor of the Senate immediately after being in the White House and announce again that I stand on every word that I have said on the South Vietnam issue in recent weeks.

I repeat that, in my judgment, there is not the slightest justification for American unilateral action in South Vietnam.

I do not intend to reveal any matter of privilege that occurred at the briefing that we received at the White House in respect to South Vietnam. I learned nothing new from that briefing in regard to McNamara's position in defense of the McNamara war in South Vietnam. I found him as unconvincing today as I have found him from the beginning in regard to the American program in South Vietnam.

I heard not the slightest justification for American unilateral action in South Vietnam, in light of our clear treaty commitments that bear down upon us in connection with the SEATO treaty and in connection with the United Nations. I am not at all impressed with any argument that SEATO is a paper tiger. The signature of the United States is on the SEATO treaty, and the United States has not sought to get the SEATO signatories to join in trying to reach some accommodation in regard to South Vietnam that could bring to an end what I consider to be an unnecessary killing of American boys—yes, the unnecessary killing of human beings, both South Vietnamese and Vietcong.

As a nation pledged to try to settle situations that threaten the peace by peaceful procedures, we at least first ought to have made our record of trying to resort to the procedures of international law that are made available to us.

With De Gaulle taking the position that he thinks some kind of neutralization—I do not know what he means by it, and we ought to put him on the spot and find out—ought to be substituted in Vietnam for war, we at least ought to be taking the leadership through SEATO, because the signature of France is on that treaty, to find out how he would try to settle it by peaceful procedures.

I repeat, as I shall do from day to day, that the signatories to SEATO are Australia, New Zealand, Pakistan, Thailand, Philippines, Great Britain, France, and the United States.

Is it not interesting and significant that the only country taking action in South Vietnam is the United States? By what right do we set ourselves up and say that we have the right to use unilateral action in South Vietnam?

"Oh," say the apologists for this unjustifiable U.S. action in South Vietnam, "the South Vietnam Government asked us to come in."

East Germany asked Russia to come in. There is as much logic for our being in South Vietnam as there is for the Russians to be in East Germany. There is no logic in either case. Neither country can justify its course of action.

What a glorious opportunity we are muffing to demonstrate to the world that we mean it when we say that we seek to use peaceful means for settling international disputes. How can we possibly justify the unilateral action in South Vietnam with the action we took in regard to Cyprus?

I admit that we had to be pushed into it. I am sorry that we had to be pushed into it. But at least we finally came to realize that since Cyprus was not a member of NATO, we ought to join in a proposal to take the Cyprus issue to the United Nations. And there it is. That is where it ought to have been in the first place.

Mr. President, I wish to make clear again, as I did earlier today, that Senators will never find me standing on the floor of the Senate criticizing American foreign policy without offering what I consider to be constructive affirmative proposals to take the place of a policy that I believe is wrong. We ought to try SEATO first. If we cannot arrive at an accommodation in SEATO that will bring an end to the blood letting in South Vietnam—if our allies to the SEATO treaty do not wish to work out some proposal along lines similar to what De Gaulle has been talking about in general terms—we have the clear duty to take the leadership in urging that the United Nations take up the question of South Vietnam quickly.

What is wrong with that procedure? My ears are open. I have been listening. I have had my hand cupped to my ears for weeks waiting for someone to whisper in my ear. What is wrong with it? We shall never know whether it will work or not until we try.

We owe it to American boys in South Vietnam to try it. We cannot possibly give those American boys in South Vietnam the protection to which they are entitled in conducting the McNamara war in South Vietnam the way it is being conducted.

I have talked with Army officers. I have talked with Marine officers. I have talked with Air Force officers. They tell me, "Senator, we are not giving those boys the protection that they ought to have if we are going to send them into an area of combat."

I say to the Senate that we must get the idea out of our heads if we think those boys are military advisers. They are soldiers. They are dying.

Already more than 200 of them have died. I am trying to find out if there are any more. That is why I asked the chairman of the Committee on Armed Services the other day to notify the Defense Department that we want a daily report on fatalities. We want a daily report on those who are wounded.

Mr. President, I do not care what angle of the South Vietnam war we examine; we cannot justify it.

The American people, by the rising of tens of thousands of opposing voices every day, are beginning to make their views known to the administration and to the Congress. As the months go by and the unjustifiable killings in South Vietnam continue, we shall hear a repercussion from the American people that will create a din in American public opinion.

I wish to see us take the lead in trying to see if we cannot reach an accommodation. If the result is a United Nations trusteeship, I ask, What is wrong with that?

What is wrong in the United States, with all of our pratings about how we stand for the settling of international disputes by the application of the rule of law? It sounds so good. We have made it sound so good in so many international councils of the world that they have caught up with us. Now they are telling us that they doubt our sincerity about wanting to settle disputes by the application of the rule of law.

Mr. President, we cannot square unilateral American action in South Vietnam with our claim that we want to settle disputes by the adoption of peaceful procedures.

Let us keep in mind that the war in South Vietnam is a civil war. I am still waiting for the Secretary of Defense to give us a scintilla of evidence that there are in South Vietnam any armed soldiers of Red China or North Vietnam or Russia. Equipment, yes. The Vietcong have been buying equipment in North Vietnam, and possibly from China. Equipment manufactured there has been found. But we are in no position to throw stones, for all of the equipment

of the South Vietnamese is American equipment.

We become a little excited—and of course I do not condone it—when we find that Castro obtains equipment from Communist enemies of ours. But the fact remains that the foreign soldiers in South Vietnam are Americans—not North Vietnamese, not Red Chinese, not Russian.

I am at a loss to understand why the United States is conducting unilateral military action in southeast Asia. We have poured $5½ billion into that area, including $1½ billion that we granted to France, before France was whipped in Indochina and the French people pulled down a government because they had had enough of the killing of the flower of French manhood.

If there ever was a place, if there ever was an opportunity, for us to try to practice an ideal of the United States, to keep faith with the tenets of an international system of justice through the rule of law, for the settlement of international disputes, this is the place.

Mr. President, I heard not one syllable at the White House this afternoon that causes me to change a single word of the already many speeches I have made on the floor of the Senate on South Vietnam. Senators have just begun to hear them. I have just started to discuss South Vietnam on the floor of the Senate. I shall continue to discuss it and discuss it and discuss it until someone shows me where I am mistaken in my position that we ought to stop our unilateral action in South Vietnam, which is leading to the unjustifiable killing of American boys, and try to work out, within the spirit, the purpose, the objectives—and, yes, the language—of the United Nations Charter a peaceful settlement of a dispute that threatens the peace in southeast Asia.

AID TO INDIA

Mr. MORSE. Mr. President, I turn to another matter.

My good friend Chester Bowles delivered himself of a speech yesterday at the Press Club. I ask unanimous consent that the article in today's Washington Post by Murrey Marder, entitled "Bowles Cites Gap in Aid Knowledge," be inserted in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOWLES CITES GAP IN AID KNOWLEDGE

(By Murrey Marder)

A great communications gap has left much of Congress and the public unaware of the impact of American foreign aid, Ambassador to India, Chester Bowles said yesterday.

While there has been grumbling about the foreign aid increases, Bowles said, the United States has shown an "extraordinary, growing ability" to make its overseas spending effective.

Bowles, outspoken liberal Democrat who was eased out of a post as Under Secretary of State and is now serving a second tour of duty in India after a 10-year gap, is in Washington for consultation. Still unquenchably enthusiastic in presenting his viewpoint, Bowles vigorously argued the case for foreign aid before a National Press Club luncheon audience.

India's 450 million people comprise about one-half of all the recipients of American foreign aid, he noted. Yet in 27 months, he said, only 9 Members of Congress have visited India to grasp the contribution the United States has made to its growth and stability.

FAT-CAT WARNING

Bowles warned against the danger of the United States becoming "a kind of international fat cat that can't understand poor people" when "the world is filled with poor people."

But it is foolish, he cautioned, to make foreign aid a quest for "trophies" or "gratitude," even though U.S. prestige in India is very high. Instead, said Bowles, foreign aid serves mutual self-interest in creating "areas of stability" in the world.

Red China's and other Communist nations' failures in agriculture have left deep marks on the Indian outlook, Bowles said.

WOULD BET ON INDIA

"I would certainly bet on India against China" when it comes to building an effective society, Bowles said, even though India's problems are "tremendous."

In India, he said, the "private sector" of development "has to be given a better chance." With a smile, he added, "There are many things that government can't do—the more I stay in government the more I am conscious of it." But in dealing with nations receiving aid, Bowles said, the United States must recognize that "we can't play God."

Mr. MORSE. Mr. President, our Ambassador to India is a good ambassador. Chester Bowles is one of the greatest diplomats we have. I considered him to be a great Under Secretary of State when he had that position. I am a great supporter of Chester Bowles. But sometimes one can show his friendship best by disagreeing when he thinks a friend has gone wrong. Chester Bowles does great good as our Ambassador to India, but obviously blanket approval of Chester Bowles in regard to foreign aid to India cannot be justified.

Referring to his speech, the article reads:

In India, he said, the "private sector" of development "has to be given a better chance." With a smile, he added, "There are many things that government can't do—the more I stay in government the more I am conscious of it."

To that I say, "Amen." I have been urging that we step up the tempo of using the private segment of our economy to carry out our aid program. When we start doing it, the giveaway feature of the program will be diminished and reduced.

The article continues, in reference to what Ambassador Bowles said:

But in dealing with nations receiving aid, Bowles said, the United States must recognize that "we can't play God."

Catching, is it not? I say to Mr. Bowles that the United States had better recognize that we cannot play Santa Claus. The Santa Claus concept ought to come within the classification of the myths that the Senator from Arkansas [Mr. FULBRIGHT] discussed the other day.

To my good friend, Mr. Bowles, I say that the recommendations he has been making for some of the aid—not all of it, but some of the aid—to India is a Santa Claus recommendation.

It is interesting that in the Bowles speech of yesterday he did not even mention several problems with respect to India. He did not mention that the Indians now want a great increase in military aid. The administration plans to go along, if Congress will approve. But this is one vote the administration does not have.

Mr. President, why should I sit in the Senate of the United States and vote for an increase in aid to India?

Mr. Bowles, do you not know they want that aid, not to fight Russia or Red China, but to fight Pakistan? I say to Mr. Bowles that I see no reason why we should build up the military program of India, to put India in a position where she might try to settle her differences with Pakistan through the jungle law of force by way of war, rather than by applying the peaceful procedures of international law and the rule of law and reason in regard to Kashmir.

Basic in the whole problem of military aid to India, Kashmir looms on the horizon. Our Ambassador had better face that fact. If our Ambassador wants to know why there have been some difficulties with certain Senators—and I have already sent him a letter with respect thereto—in regard to military aid to India, it is because of the unsettled Kashmir issue.

I am against military aid to Pakistan because I have no intention of building up the Pakistanian forces for a war against India. We shall have quite a debate about it as the foreign aid bill reaches the floor of the Senate some months from now.

I wish that our Ambassador, in his speech yesterday at the Press Club, had talked a little about why India wants military aid.

I ask my good Ambassador, "Does anyone believe that if a war breaks out with Russia the military aid we are being asked to give to India will amount to a tinker's worth?" We all know that if such a war breaks out, we shall be in it. We know that it will be a nuclear war, and it will be over quickly. There will not be much left of the participants, but it will be over.

It is not military aid that India needs, but she does need to have us do a better job. That is why I wish to bring in the private segment of the economy, to prepare the seed beds of economic freedom in India so that the economic plight and the standard of living of her people can be raised.

That is the approach we should be making to the problem of foreign aid. Some grant money should be given in India in regard to certain items such as control of malaria, typhus, and cholera; and some help, on a grant basis, should be given in connection with food. We can help to strengthen India, not by a Santa Claus program, but by developing project after project which will strengthen the economy of India for the benefit of the mass of its people.

I wish to make one further point. I can well understand why the Ambassador would not discuss it, but we in the Senate do not have to be diplomats. Let us face it, India has a most serious religious problem, centuries old—older than

the United States—which cannot be settled by sending them billions of dollars in aid. Religious strife in India is holding back her progress. I believe the American taxpayers have a right to better protection than they are getting by being asked to play Santa Claus to India, and pouring hundreds of millions of dollars into the country without raising her horizons and her sights to the recognition that certainly in this era, she should proceed internally to solve a civil rights problem of her own. The civil rights problem in India takes the form of religious discrimination against the untouchables. Bad as ours is, theirs is worse.

When I was in India a few years ago, I had lunch with the editors of the two most powerful newspapers there. They thought they were going to give me a bad time about civil rights. There was not much that I could do to defend our failure in the field of civil rights to deliver the Constitution of the United States to the Negroes of America, but I did not intend to sit there and take it from those two editors when I realized that they had a civil rights problem in their own country which made our own problem pale into insignificance.

They went after me in regard to lack of integration in our schools. Of course, I believe it is shocking not to have integrated schools in the United States. But I said, "How do you handle the children of the untouchables?"

One said, "They do not go to school."

What an answer. They do not go to school. They do not seek to offer them any educational opportunity.

Goodnaturedly and respectfully, because I was a guest in their country, I tried to point out that they were not in a very good position to be talking about the race problem in the United States.

I said to my Ambassador, "Face up to it. Our taxpayers have a right to ask us to what use this Santa Claus money will be put that you want to give by way of an increased program of aid to India."

I believe that if we are to protect the legitimate interests of our taxpayers, we must take a long hard look at aid to India.

Mine is one vote to substantially reduce it.

Here is one vote for no military aid whatever to India.

Here is one vote for a reduction in economic aid to India, and insistence that that aid be on a loan basis and on the basis of cost of the use of the money—with an interest rate—on the basis of the projects that will bring economic benefit to the people of India who will be living within the economic shadows of each project.

That is my reply to my good friend Chester Bowles, the Ambassador to India, in connection with the speech that he made to the Press Club yesterday which, *judging* from the press reports, and judging from what a couple of newsmen told me yesterday, is in line with what he has been writing to some Senators about in his letters, that we should be "upping the ante."

I say: "Mr. Ambassador, you did not sell your bill of goods to me."

Mr. LONG of Louisiana. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. I believe the Senator from Oregon knows that in India certain animals are regarded as being sacred, so instead of those animals being an economic asset to them, they have become a burden on India's economic problem, because someone has to constantly feed and maintain them, and they cannot be used as meat.

Mr. MORSE. I was over there and learned that their monkey population, in some sections of India, destroyed their banana crop, because monkeys are sacred.

Of course, India can hold all the religious beliefs that they wish, because I believe in religious freedom; but I also believe that I have a duty to the American taxpayer to see to it that the American taxpayer's aid money is invested in such a way as to justify the expenditure. That is the point I wish to make.

RESTRICTION OF IMPORTS OF BEEF, VEAL, LAMB, AND MUTTON INTO THE UNITED STATES

Mr. MORSE. Mr. President, I ask unanimous consent that a statement which I have prepared for delivery on amendment No. 465 to H.R. 1839, to restrict imports of beef, veal, lamb, and mutton into the United States, may be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WAYNE MORSE BEFORE SENATE FINANCE COMMITTEE ON AMENDMENT NO. 465 TO H.R. 1839 TO RESTRICT IMPORTS OF BEEF, VEAL, LAMB, AND MUTTON INTO THE UNITED STATES, APRIL 2, 1964

Mr. Chairman and members of the committee, the opportunity to appear before you to testify in support of amendment No. 465 to H.R. 1839 is greatly appreciated.

Senator MANSFIELD'S amendment No. 465 to H.R. 1839 is excellent so far as it goes, but in my opinion it does not go sufficiently far to meet the needs of the cattle and sheep raisers of this country. I am a cosponsor of Senator HRUSKA'S amendment No. 467 and I urge the adoption of his amendment because I feel that it will do what has long been needed; namely, make provisions for fair treatment of our American stock raisers by rolling back imports to reasonable and acceptable levels.

In the past I have said, and I repeat today, that I am deeply concerned over the action taken by the Department of State in the area of meat imports. If the State Department had set out deliberately to sell American agriculture down the river in its international conferences on trade and in its international agreements, it could not have done a more effective job. The State Department would deny, of course, that it intends to harm our American agriculture, but many of its actions have been of little help, and in some cases have been downright harmful, in my judgment.

Based upon the past performance of the State Department, I have no great confidence in the ability of the Department to bargain as effectively as I would like in its international trade negotiations on agricultural commodities. The Department, in the opinion of many Oregon pear and apple people, has sold out the fruit growers of the United States. Our Oregon fruit growers would be happy to supply convincing evidence to you on this point. The Department, according to our cattlemen, is now engaged in selling out the beef and other segments of the meat industries of the United States, and it has been doing this for a number of years.

It is regrettable, of course, that it has become necessary to legislate in this area, but I feel I must do something to assist the agriculture of my State. I will not stand silently by while our American cattlemen and fruit growers are subjected to unfair and discriminatory practices, either through the action of our own officials or foreign governments.

Mr. Chairman, two leading officials of the Oregon Cattlemen's Association have been very helpful to me in supplying information concerning the serious economic situation confronting our cattlemen. I refer to Mr. Walter B. Schrock, of Bend, Oreg., president of the Oregon Cattlemen's Association and Mr. George W. Johnson, of Prineville, Oreg., executive secretary of the association. In fact, Mr. Johnson was scheduled to appear before this committee to plead the case of the Oregon cattle raisers. Because of the legislative situation in the Senate, we agreed that I should present the facts that would have been made available to the committee by Messrs. Schrock and Johnson had Mr. Johnson testified before you in person. The facts to which I allude are these:

According to a survey made by Dr. Burton Wood, an expert agricultural economist of Oregon State University, the average price of cattle in Oregon, because of imports, has decreased, per hundred pounds, as follows:

1957	$1.28
1958	3.92
1959	2.49
1960	2.58
1961	2.58
1962	3.39

Mr. Chairman, I am sure you will find these facts to be as disturbing as I did. They reflect an economic squeeze that is resulting in great harm to an important American industry—one which, if permitted to continue, will bankrupt many western cattle raisers. These prices tell, in graphic fashion, the unfortunate plight in which the Oregon cattleman now finds himself.

In order to correct this situation, I urge the committee to support amendment No. 467, which, according to its author, Senator HRUSKA, should result in a rollback from the Australian-New Zealand agreements amounting to 510 million pounds per year. The amount of the rollback under amendment No. 465 would amount to considerably less—250 million pounds per year.

It seems to me that the plight of the domestic livestock producer is such that much more effective action is called for than is provided by amendment No. 465. Therefore, I urge the committee to adopt amendment No. 467.

Mr. MORSE. Mr. President, there is a new argument as to why we should not support beef legislation. It is a fantastic argument. Listen to it: The politicians in Europe, Latin America, Canada, Great Britain, and elsewhere will be in deep trouble if we impose restrictions on the imports of beef. They might be politically liquidated.

I say to the spokesmen of the administration, "You are using the most fantastic of arguments. I am more interested in protecting the farmers of America from being economically liquidated than I am in protecting the politicians of Europe and elsewhere from being politically liquidated."

But I also wish to say to those same political spokesmen in this country, "You

had better watch out or you will be the ones to be politically liquidated."

Mr. President, the farmers have had their belly full on this too. They think it is about time that we proceed to give the necessary protection to the farmers of America from what really adds up to some kind of international trade. I do not intend to trade our farmers for European politicians.

EXPORT-IMPORT BANK LOAN TO THE DOMINICAN REPUBLIC

Mr. MORSE. Mr. President, I turn to another matter, briefly. Many questions have arisen today that call for comment from dissident voices. So many things have occurred that I wish to turn to the next one. The Washington Post, although it never likes to report anything I say, gave me almost all the material for my speech today on this third item.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MORSE. This was given to me by that mouthpiece of reactionaryism in this part of the country. I quote from it. First I yield to the Senator from Minnesota.

Mr. HUMPHREY. I ask the Senator if he would mind describing the journal that he has in his hand. He has already done so.

Mr. MORSE. I gave the Senate a polite description. If the Senator from Minnesota will come into the cloakroom with me, I will tell him what the paper really is. Here is another item. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEWS FROM ABROAD: EXIMBANK LENDS DOMINICANS $4 MILLION

The U.S. Export-Import Bank has granted a $4 million loan to the Dominican Republic, the first since relations were suspended last year, for purchase of U.S. roadbuilding machinery, it was learned yesterday.

U.S. Ambassador William Tapley Bennet signed the contract in the Dominican capital of Santo Domingo Wednesday. He had presented his credentials March 23, as the first ambassador there since relations were suspended September 25, 1963, following a military coup. Relations were resumed in December.

The 10-year loan is nearly at commercial rates, according to a State Department official and should not be considered as aid. He said resumption of aid grants and loans to the Dominican Republic would await another policy decision.

EUROPE

FRANCE.—A suspected bank robber was shot and killed by Paris police yesterday when he resisted arrest. Detectives said the man, Alain Mouzon, 25, carried papers which indicated he took part in a bomb attack on the Belgian Embassy in Paris Tuesday.

AUSTRIA.—Conservative Party Leader Josepf Klaus was sworn in as chancellor yesterday, ending a 6-week cabinet crisis over the return of Otto von Hapsburg, former pretender to the throne, who has been in exile for 40 years. The 53-year-old lawyer heads a Conservative and Socialist coalition that has ruled Austria since World War II. The Socialists precipitated the crisis by opposing Hapsburg's return and former Premier Alfons Gorbach, 65, resigned. Hapsburg has agreed not to return until after the 1966 general election.

HUNGARY.—The Foreign Ministry yesterday denied reports that several hundred people had been arrested on charges of anti-state activities. Ivan Foti, deputy head of the Ministry press department, said in Budapest that the reports were "completely unfounded." But he confirmed that a former Stalin Prize winner, Sandor Nagy, had been arrested on charges of anti-state activities.

BELGIUM.—Hundreds of miners and factory workers in Belgium's southern industrial area staged protest demonstrations yesterday against the nationwide doctor's strike which began Wednesday. Meanwhile, in Brussels, the Government ordered a military hospital opened to civilians and planned to draft physicians in the reserves. Almost all of the country's 10,000 doctors are striking against changes in the state-controlled health insurance system which they claim will cut their fees.

COLD WAR

SWITZERLAND.—Soviet bloc countries launched an offensive for more East-West trade at the 122-nation World Development Conference in Geneva yesterday and called for an end to the "spirit of the embargo." Rumania and Hungary, urging abolition of discriminations and an end to cold war attitudes in trade, spotlighted the growing anxiety of the Soviet bloc to break the Western embargo on trade with Communist nations and gain access to Western industrial supplies.

CZECHOSLOVAKIA.—Communist Czechoslovakia reportedly has stopped jamming Czech language broadcasts of the Voice of America, apparently as the result of talks between United States and Czech diplomats on ways of improving relations, according to diplomatic sources in Belgrade, Yugoslavia. They added that Bulgaria and East Germany are now the only satellite countries that jam almost all Western broadcasts.

Mr. MORSE. Mr. President, whose money is that? Whose money is it? It is the money of the American taxpayers. To whom is the bank lending it? It is lending it to a military dictatorship, a military junta.

One of the few mistakes the Johnson administration made was to recognize this military dictatorship.

We were told—and I did not "buy" it at the time—that the State Department wanted to recognize the Dominican Republic because it had to be done in the name of stability.

We had the right to ask for certain conditions before the fact of stability accomplishment, before we recognized a dictatorship. The Dominican Republic today is a dictatorship. Does any Senator wish to deny it? There are a few civilian stooges who are supposed to be running a governmental council, but behind them are the uniforms of the military. They had better stay in line, or the military will move them out of position.

The bank is lending them $4 million. There is no assurance of elections, and no assurance of the restoration of a system of constitutionalism in the Dominican Republic. Let us not forget that a great many American business interests are involved. They were involved in the overthrow, head over heels, in the first place.

I regret that the Export-Import Bank has loaned this Dominican dictatorship so much as a dime prior to the restoration of constitutional government and the holding of elections and keeping faith again with one of the professed ideals of the United States; namely, that we seek to promote systems of self-government in the Western Hemisphere.

I wish the Board of Governors of the Export-Import Bank to know that, so far as I am concerned, they have performed a disservice to this country by making this loan.

OREGON SENDS BUILDING MATERIALS TO STRICKEN ALASKA

Mr. MORSE. Mr. President, the disastrous earthquake in Alaska has stirred the hearts and generosity of businessmen and citizens throughout Oregon. Almost overnight, a tremendous response resulted from a plea for donations of lumber and building materials for Alaska which was spearheaded by Mr. Gerry Pratt, business editor of the Portland Oregonian.

The generosity of those who donated these materials is most moving; it makes one justifiably proud of the State of Oregon and her people.

The Portland Commission of Public Docks has provided the pier space for the many freight carloads of these materials preparatory to their being placed on a ship bound for Alaska.

The longshoremen of Oregon will generously donate their time and skills to the loading of these materials on the vessel.

For a time, the matter of providing ship transportation presented a problem, but I am happy to say that through the fine cooperative efforts of Assistant Secretary of the Navy Kenneth BeLieu and his staff, and Gen. E. W. Sawyer of the Office of the Chief of Transportation and his staff, appropriate transportation will be provided to move this cargo in the manner prescribed by the Office of Emergency Planning and the American Red Cross.

The entire operation is being coordinated by Mr. Robert C. Edson, Director of Disaster Services of the American Red Cross.

Pacific Terminal Command, U.S. Army, at San Francisco and Portland, is coordinating the local shipping arrangements under the direction of the Pacific Terminal Commander, Gen. Raymond Conroy.

Mr. President, I ask unanimous consent that Gerry Pratt's article of April 1, on this impressive humanitarian activity undertaken by the people of my State to assist in the recovery of Alaska, be inserted in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Portland Oregonian, Apr. 1, 1964]

SHARING THE DOLLARS: BOAT TO CARRY AID TO ALASKA

(By Gerry Pratt)

You are an American in Alaska and your business is down around your knees; your house is in the mud; there are no payrolls, no goods to sell and the bureaucrats are shaking their heads over how bad things really are for you.

Then from Oergon and from parts of Washington there comes a barge, a shipload

of building materials, a gift to the State of Alaska in care of Gov. William Egan; 2, maybe 3 million feet of lumber and plywood, cement, aluminum window frames; the material, what Churchill once called "the tools" for the job of rebuilding Alaska.

No single shipload is going to repair the damage of an earthquake, but that one shipload, a reminder that people in this part of America are concerned about the people in that part of America, is going to be sent. It began this week.

Jack Brandis was the beginning. He called at 3 p.m. Monday: "What are we doing for those people in Alaska? They need help. How about me starting it off with 50,000 feet of half-inch exterior plywood from Coquille Valley?"

Within 2 hours, before things closed down Monday, that gift had grown, Brandis himself calling again to pledge an additional 50,000 feet of plywood from Leading Plywood. "And I don't know what studs we have at Albany, but you can have those too."

CARLOADS DONATED

Georgia-Pacific's President Robert Pamplin responded Tuesday morning with: "We will give a carload, 90,000 feet of ⅜-sanded plywood and a carload, 64,000 feet of exterior sheathing plywood."

William Swindells, president of Willamette Valley Lumber Co., responded with: "Count us in. We will put in 30,000 feet of utility grade dimension lumber."

Dan Mercer, Mercer Steel asked: "How about window frames?" And pledged his company to a shipment of those to help make up the boatload.

Frank McCaslin, president of Oregon Portland Cement, who has been putting things together for other people most of his life, was next: "Oregon Portland will put in a carload of cement."

By midday Tuesday, Bob Smith, publisher of Crow's Lumber Digest, was on the phone to his contacts and had Cal Knudsen and Emory Moore, of Evans Products, pledged to a shipment of building products, and Ken Ford, of Roseburg Lumber Co. Roseburg, also on the list of pledged donors; both firms exploring what they have on hand for rapid shipment.

West Coast Lumbermen's Association's leader, G. Cleavland Edgett, assigned some of his staff to the project and now west coast's public relations staff and traffic departments have been pledged to help bring the shipment together.

In Portland, Robert Rickett, chairman of the Commission of Public Docks, said Tuesday night he would recommend the commission make available a staging area immediately to muster the materials for shipment.

In Vancouver, Wash., Dave Difford, Vancouver Plywood, has agreed to join in the shipment and at closeup Tuesday was polling his organization's policymakers for exactly what they can ship.

Ralph Voss, of First National Bank of Oregon, loaned staff for the detail and organization of putting the project together.

TWO HUSTLERS BUSY

The remaining problem, as the shipload began to take shape, was the ship itself and this was getting the attention of two great hustlers, Senator WAYNE MORSE in Washington, D.C., and Glenn Jackson at Pacific Power & Light Co. MORSE, working through political channels, is seeking a Government ship; Jackson working with his old military cronies, is trying for a Navy ship to handle the goods.

It was Brandis who suggested how the shipment should go: "A direct gift, no strings attached, to Alaska, the State of Alaska, care of Governor Egan," he suggested.

"If they want to sell the goods for a nominal sum and put the cash into the State treasury, OK. If they want to give it away where it is needed, that is OK too. All we want is to get something up there."

There was no challenge to that.

All of Monday-Tuesday campaign for this shipload was without tears, without halos. No one was thumping his chest remembering what he had done for other causes. No one was selling the idea.

It all happened quietly and quickly. Alaska is hurt and there was a response here to the suffering; business and industry and people remembered without a sales pitch that this is America, even that part of us to the north is America, and as Americans we suffer and we stand as one.

This was a beginning.

Mr. MORSE. Mr. President, I commend and thank Gerry Pratt for his humanitarian act, leadership and citizen statesmanship with regard to this matter. This journalist was exceedingly active in putting into effect this great project, which gave the people of Oregon an opportunity to open their hearts and show their generosity to their suffering fellow citizens in Alaska.

I also wish to commend Mr. Glen Jackson, chairman of the Oregon State Highway Commission, a prominent businessman of our State, one of the leading philanthropists of our State, and a great public leader in our State, for the assistance he has rendered in regard to this matter.

I have been in communication with him frequently in the past 2 days in assisting him in getting ships assigned so that this great donation of needed emergency material for our suffering fellow citizens in Alaska can be accepted and transported.

I thank all those people, but I wish particularly to thank the wonderful public servants in various departments of government, whose names I have mentioned. There are others, too. I thank them for helping to cut the redtape, so to speak, in order to get rid of unnecessary delays. Certainly this kind of problem could have gone on for days without being resolved. It was a wonderful demonstration of what we really are.

If we are given a problem such as this, we can always be counted upon. We should not be surprised that that is true. It is because of the moral training the American people have from the time of birth through adulthood. I do not hesitate to say that I am deeply moved by it. It is an act that renews one's faith in the goodness of people. I am proud that so many people in my State made these contributions and have thus demonstrated again that we Americans are just that way.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. HUMPHREY. I commend the Senator for what he has said, and to commend the people of his State for their initiative, for their charity, for their kindness, and for their thoughtfulness to the people of Alaska, who have suffered this terrible tragedy.

I am sure the Senator is interested in knowing that yesterday at Seattle, Wash., a meeting was held which was attended by the Senator from Alaska [Mr. BARTLETT], the two Senators from Washington [Mr. MAGNUSON and Mr. JACKSON], and Representatives, as I recall, from the State of Oregon and also from the State of Washington. These two States have close relationships with the State of Alaska.

I was privileged to attend very briefly some of these discussions. I was amazed, first, by the unbelievable dimensions of the destruction in Alaska, and then to see, as the Senator from Oregon has pointed out, how the people there are moving mountains, so to speak, to get on with the work of rehabilitation.

I have heard two commentators from one of our great networks. These two gentlemen were with NBC. They had been in Alaska since the day of the earthquake, and they described the destruction as they witnessed it. They had gone many miles through Alaska, flying over the area in a helicopter, going to Kodiak, Seward, Anchorage, and other areas. As has been indicated here, the scope of this destruction is beyond anything that this Nation has ever experienced.

I am hopeful that whatever legislation comes before us, we will expedite it in the Senate. I would hope that it would be passed without even taking a half hour of our time, frankly, in terms at least of the emergency request that the President has made.

I commend the President for having selected the senior Senator from New Mexico [Mr. ANDERSON] as the head of the Relief Commission. The Senator from New Mexico has as wide a knowledge of this subject as anyone else. He is fully acquainted with important operations of relief and rehabilitation.

I am sure that Senator ANDERSON's leadership will bode well for a program of reconstruction and rehabilitation.

I remind Senators that when a similar disaster took place in Chile, Congress did not hesitate to appropriate well over $100 million to help the people of Chile—and rightly so. I do not mention this because I was opposed to it. I enthusiastically supported it, as did the Senator from Oregon. But let us be equally generous, as I am sure we will be, with the people of Alaska.

The story of the Alaskan people and their spirit as related to me was inspiring. The Alaskan people are determined to reestablish their businesses and their homes despite the fact that whole areas have been literally wiped out.

We must keep in mind that it is not always easy in that part of the world to build up an enterprise, to construct a home, to gain economic progress and success.

The people of Alaska have made amazing progress. Vast areas have been ruined. The fishing industry has been particularly ruined.

I commend the Senator from Oregon not only for representing the people in his area, but for his desire to help all other people.

I call upon every State to do exactly the same thing. If we could get this kind of voluntary outpouring of help and the cutting through of redtape on the part of the Government, it would not be long before we would be able to say that the job of rehabilitation in the 49th State of our great Union was underway.

I thank the Senator for yielding to me.

Mr. MORSE. I thank the Senator from Minnesota. I join him in the deserved tribute which he has paid to Senator CLINTON ANDERSON of New Mexico. I also wish to join the Senator from Minnesota in the commendation he paid the President for appointing Senator ANDERSON as the head of the emergency aid program for Alaska.

CLINTON ANDERSON is one of the great humanitarians of our country. Because of the great understanding heart which Senator ANDERSON possesses, I do not think the President could have selected a better man.

PERSONAL STATEMENT BY SENATOR MORSE—COMMENDATIONS TO SENATORS

Mr. MORSE. Mr. President, I close with one brief item of personal privilege. I would like to have the attention of my majority leader and the majority whip, and the Senator from Vermont [Mr. AIKEN]. I think I owe it to myself. I think I owe it to the people of my State. I think I owe it to my friends to say—and I think I have a right to say—that I made it clear at the White House today that I was the only one around the table who had been branded a traitor by that tyrant from South Vietnam. I shall be forever grateful to the majority leader for the statement which he made today.

I think it is proper for me to say that the President made it very clear today that no one around that table considered the Senator from Oregon a traitor. He made it clear that they all knew to the contrary.

I wish that to be a matter of record. I appreciated it very much. If that is violating a confidence, I am guilty. But the people of my State are entitled to know that this kind of libel from the tinhorn tyrant in South Vietnam is not accepted by people in high positions, including the President of the United States himself.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MORSE. I am glad to yield.

Mr. HUMPHREY. The Senator from Oregon is a great lawyer. He knows that on an occasion like this it is always good to have a witness. The Senator from Minnesota rises to be a witness to the comments that have just been made by the Senator from Oregon.

It is perfectly true that the Senator from Oregon made it crystal clear that he did not agree with the policy as expressed by Cabinet members on the situation in South Vietnam. I gather the Senator from Oregon has some feeling that some Senators disagree with those policies. The Senator made it very clear that he was not ready to accept the kind of description that had been given of him by the general in Vietnam. The President of the United States then made it crystal clear that no one in that room—and there were many of the leaders of the Government in that room—including the President—ever thought of the Senator from Oregon in any other terms except as a great patriot, rather than the description that was given of him by someone in a faraway place.

I join the President of the United States—if it means anything—in what he said of the Senator from Oregon.

Mr. MORSE. Mean anything to me? The Senator's views are good views and are always cherished. I thank the Senator from Minnesota very much.

Mr. HART. Mr. President, I had hoped I might have the opportunity, while the senior Senator from Oregon was in the Chamber, to add a footnote to the discussion as to who was a traitor, who was a tinhorn, and who was present in that Cabinet room.

On the last point, I was not present. I merely wish to tell the Senator from Oregon that anyone who doubts the patriotism of the Senator from Oregon should, as I have done today, reread the speech which he made to the Senate last night on title III of the Civil Rights Act.

It is sometimes easier to fight leaders of foreign governments at great distances than to talk sense to the people of one's own constituents.

Yesterday the Senator from Oregon talked tough to a man who is thousands of miles away, and he talked sense to his constituents. In my book, that is as a good thumbnail description of a patriot as I know of.

Mr. MORSE. I thank the Senator from Michigan very much. I thank the Senator from Illinois for his speech, which I have read, but only a part of which I was able to hear. The Senator from Illinois [Mr. DOUGLAS] gave a great speech today on school desegregation.

It was a great contribution to this historic debate on the civil rights bill. I commend him and praise him highly.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HART. I wish to join in the statement made by the Senator from Oregon [Mr. MORSE] in regard to the really magnificent speech made today to us and to the people of the United States by the Senator from Illinois [Mr. DOUGLAS]. His speech, together with the one made a few minutes ago by the Senator from Kentucky [Mr. COOPER] on the same title of the bill—title IV—I think established overwhelmingly the prudence, the justification, and the necessity for the enactment of this title and, of course, for the enactment of the bill.

It is unfortunate that, because of the nature of our institution, speeches such as those cannot be made at times when all Senators are able to be present. However, those speeches have the quality—not common among speeches—of having life and fire, even when they appear on the rather drab printed pages of the CONGRESSIONAL RECORD. I hope many Americans will see to it that they obtain copies of today's CONGRESSIONAL RECORD and will proceed to read those speeches.

Interestingly enough, Mr. President, when, yesterday, members of the Michigan press corps—who each week, when the Senate's schedule permits, visit me on Thursday, and ask how my mail on civil rights is running; it is a rather recurring question, and has been a strong contender with questions about the weather, in our conferences during the last year or so—again asked about my mail on the civil rights issue, the answer was that in last week's mail I received, from persons within the State of Michigan, 139 letters endorsing the civil rights bill, which now is the pending business of the Senate, and 168 opposing it and making rather clear their opinion of me and of anyone else who would think it made sense to support the bill.

From outside the State of Michigan, I received 211 letters on the civil rights bill, during the 6 days of last week's sessions. Only 6 of the 211 were in support of the bill.

In addition, nine petitions were received last week by me from people in Michigan. Those nine petitions included a large number of signatures—a number as yet uncounted—of persons who oppose the bill.

Late yesterday afternoon, I was called from the floor of the Senate to meet a very attractive young lady, the daughter of Dr. and Mrs. Graves, of Grosse Pointe Park, Mich. She had come here to deliver to me a petition. It is written in pencil, and is very brief. I wish to read it, as follows:

> A petition, that we, the students of John D. Pierce Junior High School, do hereby authorize and urge the passage of the civil rights bill. We believe this is a needed legislation and should be passed immediately.

The petition is signed in pencil, in red ink, in blue ink, and in black ink, by 88 boys and girls of the seventh grade and the eighth grade of the Pierce Junior High School.

For the information of Senators who may not be familiar with Michigan, I point out that that junior high school is in the suburb of Detroit known as Grosse Pointe Park. The significance of a petition such as this one from that area needs no emphasis to anyone who knows the geography and the traditions of Michigan.

I think the inclusion of this petition at this point in the CONGRESSIONAL RECORD will not be persuasive in connection with the judgment of any Senator; but I feel so strongly and so deeply about the petition, and I have such great confidence in the response in this fashion by these young people, that I wish very much to obtain unanimous consent of the Senate to have the petition printed in full, together with each of the signatures, in the CONGRESSIONAL RECORD. I propose thereafter, to have this page of the RECORD sent to each of these young men and young women, because they are acting in a mature fashion. In this way, they will be able to ascertain that Chris Graves did go to Washington and did get

this petition into the hands of her junior Senator.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

A petition, that we, the students of John D. Pierce Junior High School, do hereby authorize and urge the passage of the civil rights bill. We believe this is a needed legislation and should be passed immediately.

Chris Graves, Sue Beyer, Diana Sieger, Sally Smith, Linda Prins, Mrs. Barbara Richard, Mary Volkers, Theodora Kanney, Sally Lewis, Judith Buckley, Rita Formiller, John Blaink, Pat Defever, John Zimm, Sharon Anter, Ted Kalkham, Brian Rutledge, Janey Davis, Lynn Taber.

Debbie Terry, Suzanne Gajewski, Christy Friedl, Jill McKay, Mollie Maynard, Anne Armbruster, Pat Wood, Diane McCallum, Anne Torrance, Sally L. Chase, Sandra Markov, Janet Gardner, Ann Worthman, Suzanne Ackerson, Barbara Copty, Susan Vance, Bonnie Brey, Barbara Done, Denise Caldwell.

Gomer Relmond, Jr., Cheri Scott, Pat Deeds, Dorothy Momenloff, Nancy Young, Georgene Shoemaker, Cleo Valauri, Pinky Bodeau, Barb Raumer, Ann Wilcoxon, Claire Wilcoxon, Cathy Naughton, Adele G'Lovanazzi, Mariana von Gruenigen, Francisca Vinci, Marcia Hoffman, Sandy Hough, Chris Hellinger, Cathy Ralph, Theresa Socia, Susan Auble, John Harmann, Steve Marston, Zachary Stoumbos, Craig Mellinger.

Whitney Huber, Anne Champion, Lewis Stockard, Jan Eugenides, Steve Spitzley, Tom Alder, Harry Cardaris, Debbie Marshall, Chris Baker, Cheryl Berleal, Kris Adams, Lynn Caddington, Jane Welch, Betty Bell Belanger, Bunny Bertrand, Gary George, Carolyn Westhoff, Bob Gelmartin, Limp Kel, Mike Cozad, Gerry DeFresne, Gregory Vadner, Alan Russell, Topher Ware, Miss Wauerna Johnson.

Mr. HUMPHREY. Mr. President, I commend the two Senators who spoke yesterday on title III of the bill—the Senator from Oregon [Mr. MORSE] and the Senator from New York [Mr. JAVITS]. I have been privileged to read the CONGRESSIONAL RECORD for yesterday, and I had a copy of the speech by the Senator from New York [Mr. JAVITS]. I thought that both of those speeches were outstanding ones and were extraordinarily well documented by citations of case law, as well as by irrefutable logic. I compliment both Senators, and I thank them for their cooperation. Today, I was privileged to hear part of the remarks of the Senator from Illinois [Mr. DOUGLAS] on title IV. I was also privileged to hear part of the remarks of the Senator from Kentucky [Mr. COOPER]. Again, these two addresses to the Senate demonstrate scholarly attainment and thorough research, and presented a case which is most persuasive and sound. I hope every Senator will read those speeches, particularly as they relate to titles III and IV, because those title go to the very heart of some of the basic civil-rights problems in our Nation.

I am sorry it was not possible for all Senators to be present throughout the session today. However, as the Senator from Oregon has indicated, earlier in the day some of us were called to the White House; and we were there for a little more than 2 hours. As a result, it was not possible for us to be in the Senate Chamber during that period of time.

Mr. President, I thank the Senator from Mississippi [Mr. STENNIS] for his cooperation during that period. I thank him in particular because at that time when a number of Senators were at the White House, at the request of the President of the United States, if the Senator from Mississippi had then called for a quorum, it would have been necessary for us to return here promptly. However, he was gracious enough and considerate enough not to do so. The majority leader had explained the situation to him; and the Senator from Mississippi readily complied with the request by the majority leader. I express our thanks for that consideration.

Tomorrow, Mr. President, the Senator from Connecticut [Mr. DODD] will address himself to titles VIII, IX, X, and XI. Two of these titles are of a very technical nature. One provides for the community relations service, which I believe is a very important feature of the bill. Another of those titles provides for a civil rights survey, so to speak, or census of the Negro population, in connection with voting rights and other matters which affect the exercise of the franchise.

On Monday, the Senator from Pennsylvania [Mr. SCOTT] will discuss not only the Civil Rights Commission and its proposed extension—title V of the bill—but he will also discuss, as a member of the Judiciary Committee, titles VIII, IX, X, and XI. In the course of that discussion, his remarks will be supported by those of the Senator from Missouri [Mr. LONG], who also is a member of the Judiciary Committee.

I make these announcements now because it seems to me that Senators who are interested particularly in those titles might wish to know what our plans are. Of course, the opposition will have its speakers. I feel thus far we have had a splendid exchange with not only questions being posed to those who are proponents of the bill, but also statements being made by those who are the opponents; and those who are the opponents have been giving those of us who are the supporters of the bill every opportunity to question them.

ANNOUNCEMENT OF SESSION TOMORROW

Mr. HUMPHREY. Mr. President, tomorrow there will be a session of the Senate. I wish the call to go out from this Chamber, as it has today by telegram signed by the majority leader, by telephone calls from the majority whip, and by every conceivable means that I can think of, to alert Senators to the fact that the Senate will be here to do business tomorrow.

Tomorrow is Saturday. It is a work day in the Senate. Therefore I urge Senators to adjust their schedules so that they can be here, because there will be a live quorum.

The Senate has been put on notice that such a quorum will be called immediately after we act upon the Journal. There will be no morning hour. There will be no committee meetings. We will proceed immediately to consider the proposed civil rights legislation.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. WILLIAMS of Delaware. I understood that there would be two quorum calls.

Mr. HUMPHREY. There could very well be. There may be even more.

Mr. President, I have made that announcement in an effort to indicate the seriousness of the business that is before the Senate. I wish it crystal clear that every consideration has been given, so that Senators who do have obligations in other parts of the country can fulfill those obligations. There is no effort being made to see that every Senator is present all the time, because that is beyond what we could expect in light of demands upon some Senators who have official business. But we need 51 Senators present tomorrow. The Senator from Minnesota will be here to see to it that that pledge, or at least that hope, is fulfilled.

THE SHAME OF THE DEPARTMENT OF AGRICULTURE

Mr. HRUSKA. Mr. President, the country remembers with no pride the all-out propaganda efforts of the Department of Agriculture last year on behalf of its compulsory program in the wheat referendum. The Department shamelessly used its farflung—and tax-supported—organization reaching into every county in rural America to lobby in favor of the Freeman scheme.

We all recall the memorandum of April 12, 1963, from Mr. Ray Fitzgerald, the deputy administrator for State and county operations of the Agricultural Stabilization and Conservation Service urging State executive directors and State committeemen of the ASC to use "public service time on radio and television for wheat program information."

It was not the Department of Agriculture's finest hour. It was a tawdry and inexcusable use of the taxpayer's funds to promote a political scheme. The wheatgrowers of America recognized this unsavory campaign for what it was and voted down the Freeman proposal in the referendum on May 21.

Mr. President, the overwhelming majority of State and county ASC committeemen are honorable, hard-working farmers, giving of their time and effort to work with their neighbors in the administration of a complicated and difficult program.

But their bosses in Washington have sought to corrupt their function by employing them for partisan political purposes. Secretary Freeman and his staff were roundly criticized last year for this flagrant misuse of the Department's personnel and facilities.

But apparently, Mr. President, the criticism had little effect. Now, the Department is circulating similar propaganda, this time in a clumsy effort to cover up its mishandling of the meat import situation which threatens ruin for thousands of cattlemen.

This insidious use of public funds also amounts to an attempt to muffle the cries of the Nation's farmers and cattlemen for enactment of the pending legislation which would in large part prevent this flood of imported beef from wreaking further havoc with cattle prices. Both this propagandizing and this attempt to influence pending legislation, flies in the face of the spirit, if not the letter, of Public Law 250, the Agricultural Appropriations Act of 1964. This law clearly prohibits the use of ASC funds for either of these purposes. That the overburdened taxpayer's money is again being used in this unprincipled manner cannot be denied.

I have a memorandum from the State office of the ASC in Lincoln, Nebr., addressed to the county committee. Its purpose—it states—is to "pass along to ASCS people statements of fact concerning the beef cattle situation." It urges that the so-called facts be included "in your next community committee newsletter and any other use that you want to make of this information."

The substance of the memorandum, Mr. President, includes a recital of the "very limited legal authority the Department of Agriculture has to protect or improve beef cattle prices." It contains no explanation of why the Secretary and the rest of the administration, including the President, have fought so vigorously against legislation which would provide for such authority.

The memorandum contains figures which show that domestic herds have increased in this country at a faster rate than imports. That will not exactly be news to anyone who has paid the slightest attention to the discussions of this matter here in the Congress or read about the problem in the newspapers.

This document, Mr. President, is much more remarkable for what it does not say than what it does.

There is, for example, not one word of explanation as to why Secretary Freeman and his Department steadfastly refused to admit that imports had more than a negligible effect on the calamitous drop in the cattle market.

There is no explanation of the administration's having entered into the astonishingly harmful agreements with Australia, New Zealand and Ireland, which fail to effectively roll back imports, but actually allow for an annual compound growth rate of 3.7 percent.

There is no explanation why the United States is the only nation not having some degree of protection against meat and livestock imports while 34 of the 50 States each have more than 1 million head or more of cattle.

I could go on at great length about the true facts of the cattle crisis. They were brought out here on the floor of the Senate during several days of debate and at even greater length in the current hearings before the Senate Finance Committee.

Mr. President, every Member of the Senate, every citizen of this country, has a right to resent deeply the efforts of the Department of Agriculture to distort this issue by propagandizing, at taxpayers' expense, thousands of ASC committeemen and officials. Most of all the farmer-committeemen themselves have a right to resent it.

The only way Secretary Freeman can square his accounts is immediately to order this memorandum recalled and apologize to its recipients.

THE PRESIDENT'S WAR ON POVERTY

Mr. WILLIAMS of New Jersey. Mr. President, in presenting the Economic Opportunities Act of 1964, President Johnson made it unequivocally clear that providing every American citizen with economic opportunity is morally right and economically sound.

The economic opportunities bill recognizes that poverty is not limited to a single section of the country or to a single group of people. Poverty afflicts large cities and small rural communities, grinding its hardships into the faces of young and old alike.

Doubtless, Mr. President, some will condemn the President's poverty program as a giveaway program for the lazy and unintelligent, and a collection of old ideas warmed over.

False economists fail to realize that the elimination of poverty is not a utopian goal, but rather a practical economic necessity. The costs of poverty are staggering and a constant drain on our economy and tax dollar. Between 1960 and 1970, over $48 billion will be spent on welfare by Federal and State Governments—more than enough money to put a man on the moon.

In fact, we plan to spend about $33 billion on our moon shot. This is 32 times more money than is authorized in the President's proposal to attack poverty.

The moon shot is, of course, of great importance to America's exploration of space. But we must not let our visions of space blind us to the harsh realities of poverty here on earth.

Those critizing the poverty program because it encompasses previously formulated concepts are unintentionally proclaiming its major virtue, not its vice. Legislative experience, not legislative novelty, is the benchmark of a good program.

The work study provisions of the poverty measure are similar in concept, to a work study bill recently introduced by me—S. 2594—and cosponsored by 16 of my Senate colleagues. The work study idea grew out of our experience with the National Youth Administration and was incorporated more recently in Senator MORSE's vocational work study program enacted in the last session of Congress.

The Volunteers for America program is essentially the same as the National Service Corps measure—S. 1321—which the Senate approved in the last Congress. As chairman of the subcommittee handling the Service Corps, I know that this bill was the subject of extensive hearings and careful study and analysis.

Many of the Senate-passed migratory labor bills developed by the Subcommittee on Migratory Labor constitute a strong precedent for the community action provision of the poverty measure. The migrant education bill, S. 521, the child day-care bill S. 522, and the sanitation grant bill, S. 526, are based on a community action concept and utilize the well-established and highly successful pattern of cooperation between the State and Federal governments.

Under the Migrant Health Act of 1962—Public Law 87-692—over 35 health clinics have been established and are operating in 23 States. This on-going program provides critically needed health services to over 2 million migratory farm citizens. This success demonstrates that similar programs could be developed to assist other impoverished citizens within the framework of our free enterprise system.

In addressing ourselves to the poverty problem, we must realize that no single measure could conceivably constitute the arsenal of weapons needed to effectively combat poverty.

Medicare and other legislative proposals are needed to help alleviate the loneliness, the sickness, and the financial hardships that afflict the 8 million aging Americans having incomes of less than $1,000.

Equally important is the prompt enactment of legislation to improve the living and working conditions of our Nation's migratory farm families. Six migratory labor measures—S. 521–S. 526—have been approved by the Senate and await House action.

Minimum wage protections must be extended to the many millions of American workers in our cities and in our fields who are not paid a living wage.

Housing consistent with good health and human dignity must be made available to the millions of impoverished Americans in rural and urban areas.

The President fully recognizes the importance of these legislative measures and expressly requested that Congress take "immediate action on all these programs."

Some provisions of the poverty bill, moreover, may have to be modified if hearing testimony or further analysis reveal that a change of emphasis, or perhaps a different approach, would be more feasible or effective. The President perceptively noted the importance of flexibility in our efforts to meet the complex, elusive poverty problem:

> It will also give us the chance to test our weapons, to try our energy and ideas and imagination for the many battles yet to come. As the conditions change, and as experience illuminates our difficulties, we will be prepared to modify our strategy.

The strategy for the battle against poverty has been outlined; it is now up to us to begin the battle. If we fail in this endeavor the cruel paradox of poverty amidst plenty will continue to fester on American soil.

COMMITTEE ON ECONOMIC DEVELOPMENT JETTISONS POLICY OF IMPARTIAL RESEARCH—ISSUES A SECOND, BUT BIASED, LABOR REPORT

Mr. WILLIAMS of New Jersey. Mr. President, the Committee on Economic Development abandoned its traditional

policy of sponsoring objective unbiased research when it issued a second labor policy report a few days ago. This is demontrated most dramatically in CED's conflicting policy on the mislabeled right-to-work issue. One member of CED, Allan Sproul, characterized the report a "presentation of grievances by the business community which it represents."

Since CED, an organization of prominent educators and businessmen, has conformed to rigid standards of impartial inquiry in the past, many people will no doubt conclude that the March CED labor report entitled "Union Powers and Union Functions: Toward a Better Balance," conforms to CED's tradition of objective research.

This conclusion is unwarranted in view of the circumstances surrounding CED's decision to issue the March labor report and the composition of the study group that drafted the report. It is important, therefore, to apprise the public of these facts so that they will be better able to evaluate some of the substantive proposals contained in the report.

FACTUAL BACKGROUND OF 1964 CED LABOR REPORT

Convinced in 1959 that the national labor policy "was a subject urgently in need of impartial inquiry," the trustees of CED authorized and financed such a study.

Issued in 1961, and entitled "National Labor Policy," the report was considered to be an outstanding appraisal and analysis of our national labor policy. Largely responsible for such acclaim was the study group and its staff, which consisted of prominent but impartial experts in labor-management policy:

Clark Kerr, chairman of the committee, president of the University of California.

Douglass Brown, professor of industrial management, Massachusetts Institute of Technology.

David Cole, arbitrator, President's Advisory Committee on Labor-Management Policy.

John Dunlop, chairman, Department of Economics, Harvard University.

Albert Rees, chairman, Department of Economics, University of Chicago.

Robert M. Solow, economist, Massachusetts Institute of Technology.

Philip Taft, economist and labor historian, Brown University.

George W. Taylor, professor of labor relations, Wharton School of Finance and Commerce, University of Pennsylvania.

George P. Shultz, dean, School of Business, University of Chicago.

Abraham Siegel, economist, Massachusetts Institute of Technology.

David Burke, Office of the Secretary of Commerce, President's Advisory Committee on Labor-Management Policy.

Despite the broad support for the 1961 report, some of the more vocal reactionary elements of the business community opposed some of the positions taken in the 1961 report.

After much debate and deliberation, and apparently under intense pressure, CED gave way and established another study group to report its findings and recommendations on labor policy. This second group, however, was composed entirely of prominent businessmen:

William C. Stolk, chairman, American Can Co.

John A. Barr, chairman of the board, Montgomery Ward & Co.

Roger M. Blough, chairman of the board, United States Steel Corp.

John P. Cunningham, chairman, executive committee, Cunningham & Walsh, Inc.

William C. Decker, chairman, Corning Glass Works.

Wesley M. Dixon, director, Container Corp. of America.

David L. Francis, chairman of the board, Princess Coals, Inc.

Frank L. Magee, chairman, executive committee, Aluminum Co. of America.

Thomas B. McCabe, chairman, Scott Paper Co.

S. Abbot Smith, president, Thomas Strahan Co.

Philip Sporn, chairman, system development committee, American Electric Power Co., Inc.

H. C. Turner, Jr., president, Turner Construction Co.

The composition of the second CED study group, and the circumstances that prompted the second report, clearly indicate that the study could hardly have been carried out as objectively as the 1961 labor report. Accordingly, I submit that many of the findings and recommendations are of a highly questionable nature and should not be considered the product of objective, unbiased research.

CED AND THE COMPULSORY OPEN SHOP ISSUE

Many areas of labor management relations were considered in the second report. One of the most controversial issues covered is so-called right-to-work or compulsory open shop issue. Unlike the 1961 CED labor report, which came out against State right-to-work laws, the second CED labor report fully supported such laws. My views on this issue were expressed before this body on April 26 and May 15, 1963.

Mr. President, to enable the general public to examine and evaluate the two conflicting positions on this issue, I ask unanimous consent that the pertinent sections of both CED reports be printed in the RECORD at this point.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

RIGHT-TO-WORK POSITION OF 1961 CED LABOR REPORT

The positions taken above strongly support open unions, responsive to the will of their members. The effectiveness of open and responsive unions would be enhanced by revision of prevailing national policy that permits States to adopt restrictions, more stringent than those included in Federal law, on the freedom of unions and employers to agree on a union shop. The Federal law now provides that unions and employers may negotiate agreements requiring union membership as a condition of continued employment for the duration of the agreement. As the law now stands, however, a man can lose his job under such a union shop agreement only if his loss of union membership results from his refusal to pay or tender reasonable dues or initiation fees. This is one step away from the so-called agency shop under which a man may be required to pay a fee (usually equivalent to union dues and assessments) for the services performed by the union as exclusive bargaining representative, but need not actually join the trade union if he does not wish to do so.

Nineteen States have adopted so-called right-to-work laws which further restrict union-employer negotiations of such union security provisions. We believe that management and labor should have the right to bargain over and negotiate for a union shop. Because our national labor policy is predicated on the trade union as the exclusive representative of all the members of the bargaining unit and because we feel that the participation of all members of the bargaining unit would improve the quality of such representation, we urge the elimination of the right of States to go beyond the restrictions contained in the Federal law.

At the same time, however, we would include two additional provisos in the Federal law: first, to insure that the individual conscientious objector to union membership retains the right to hold his job and second, to delimit to some extent the range over which unions can extend their powers of exclusive representation.

The "agency shop" provision noted above that no man can be fired if he is willing to pay the equivalent of dues and fees can serve as adequate protection for the "conscientious objector." Presumably, the objection is to the fact of actual membership on moral or religious grounds. Where individuals object to the leaders or the policies of the union, it is preferable for the individual to remain as a member, participate actively, and do everything possible to change the situation to his liking. But it is also important that, failing in his own demands, he develop a "consent to lose" and a willingness to live with the majority choice at least temporarily.

RIGHT-TO-WORK POSITION OF 1964 CED LABOR REPORT

The main issues involved in the union shop controversy are equitable relations among workers and the rights of individual workers. Congress has already restricted the rights of individual workers by giving a union exclusive bargaining rights in negotiating employment terms for a bargaining unit. This principle allows for majority rule, and eliminates the need for dealing with splinter groups within the unit. The workers in the unit who are not union members must accept the terms decided by union and employer, and the union must represent the nonmembers as well as its own members.

Those who have advocated the union shop advance the argument the nonmembers are "free-riders" benefiting from the efforts of the union, to which they do not contribute, but which other employees support financially. However, the nonmembers are "forced followers" of the union. Unions have actively sought exclusive bargaining rights, including the responsibility for representing nonmembers. The rights of some workers to effective representation by a union are not abridged by the failure of other workers to join. The rights of the employee who does not want to belong to a union have already been substantially abridged in the interests of labor relations stability; to go farther and compel him to belong to the labor organization is an unwarranted denial of his freedom.

Therefore, we believe that the controlling principle should be the right of an individual to decide freely to belong or not to belong to a union.

Mr. WILLIAMS of New Jersey. Behind the merits of the mislabeled "right-to-work" issue, there looms a larger question. What are the duties and obligations of an institution dedicated to

objective research? Should such an institution modify or reject the results of such research when it becomes a discomforting source of pressure to the institution?

In answering this question, the following facts are relevant:

First, the CED resolution authorizing the 1961 report stated that the study had been a "soberly considered step," that CED was "approaching one of the most explosive areas in this country," and that CED "would live dangerously in the pursuit of the national interest."

Second, to insure a detached environment for the study group and staff, the CED trustees withheld public announcement of the initiation of the 1961 labor study.

Third, the CED trustees prescribed that publication of the 1961 report did not "necessarily constitute endorsement of the recommendations."

These facts, Mr. President, indicate that CED was fully aware that its 1961 labor report might have a disconcerting impact among the more conservative members of the business community. Accordingly, I find it regrettable that CED felt obliged to issue a second labor report to accommodate and appease those who took issue with the first labor report.

Mr. President, I am fully aware of the many outstanding contributions CED has made to our Nation's storehouse of knowledge. And it is for precisely this reason that I am obliged to set forth the circumstances that prompted the recent CED labor report.

I would submit, moreover, that CED should only undertake controversial studies in the future when CED is prepared and willing to stand behind the results of such studies when the pressures mount. If the CED continues to back away from its own conclusions, its usefulness as an objective commentator on national policy will be compromised and its prestige discredited.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I now move, in accordance with the order entered on Wednesday, April 1, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 19 minutes p.m.) the Senate, under the order entered on Wednesday, April 1, 1964, took a recess until tomorrow, Saturday, April 4, 1964, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate April 3 (legislative day of March 30), 1964:

DIPLOMATIC AND FOREIGN SERVICE

Covey T. Oliver, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

The following-named Foreign Service officers for promotion from the class of career minister to the class of career ambassador:

U. Alexis Johnson, of California.
Charles W. Yost, of New York.

The following-named Foreign Service officers for promotion from class 1 to the class of career minister:

Lucius D. Battle, of Florida.
Wymberley DeR. Coerr, of Connecticut.
William J. Crockett, of Nebraska.
Armin H. Meyer, of Illinois.
George A. Morgan, of the District of Columbia.
William J. Porter, of Massachusetts.
Murat W. Williams, of the District of Columbia.

SENATE

SATURDAY, APRIL 4, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

Rev. Clair M. Cook, Th. D., Methodist clergyman, and legislative assistant to Senator HARTKE, offered the following prayer:

O Thou God, who makest the sun to shine, the cherry blossoms to bloom, and the hearts of men to seek Thy guidance, we begin this extraordinary day of deliberations by lifting our souls to Thee.

We give thanks for another day of peace among the nations: for the averting of bloodshed in Brazil; for the restoration of relations with Panama; for calming talks at council tables where soundness of reason seeks to conquer the sovereignty of passion. Likewise we give thanks for this great deliberative body, uniquely empowered to further right ways for the Nation, daily entrusted with delicate decision, and burdened with the dangerous responsibilities of just judgments.

Here and now, O God, we do need Thy guidance. Give clarity and vision, temperance and truth, compassion and courage. Let not partisan politics betray wise choice; but let wisdom proceed from these, Thy servants, to enlighten those whom they represent. In this fair land, in this Nation under God, let our heritage of liberty and justice be ever enhanced. Diminish intolerance and unemployment; encourage education and civic responsibility; enlarge the opportunities for their enjoyment by all our people.

To these ends, and to the goals of Christian love flourishing in America and the world, may this day's discussions be dedicated. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 3, 1964, was dispensed with.

REPORT OF A COMMITTEE SUBMITTED DURING RECESS

Pursuant to the order of the Senate of February 27, 1964,

Mr. HAYDEN, from the Committee on Appropriations, reported favorably, with amendments, on today, April 4, 1964, the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, and submitted a report (No. 971) thereon, which was printed.

PENDING REPORT OF RULES COMMITTEE ON CONDUCT OF SENATE OFFICERS AND EMPLOYEES—PROPOSED DISCLOSURE BY SENATORS OF FINANCIAL HOLDINGS AND BUSINESS CONNECTIONS

Mr. CLARK. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. I yield.

Mr. CLARK. Is the Senator from Montana aware that the Senate Committee on Rules and Administration presently is preparing a report, with recommendations to the Senate, resulting from the inquiry it has been conducting ever since last October, in connection with the problem of the proper ethical conduct of Senate officers and employees?

Mr. MANSFIELD. I was not aware of that; but I am delighted to learn that the report is being drawn up. I hope it will be a strong report, and to the point.

Mr. CLARK. Mr. President, will the Senator from Montana yield for a further question?

Mr. MANSFIELD. I yield.

Mr. CLARK. Does the Senator from Montana know that the Senators from Oregon [Mr. MORSE and Mrs. NEUBERGER] and I have had pending before the Rules Committee for well over 2 years proposed legislation which, if favorably reported and enacted, would require a complete financial disclosure by Senators of their business, financial, and professional connections?

Mr. MANSFIELD. I am fully aware that that is the case.

Mr. CLARK. Does not the Senator from Montana believe that the time may well have come when, as a result of newspaper articles such as those I hold in my hand, as published in the Miami Herald, which have been widely syndicated, and have appeared in many other newspapers, there has developed considerable criticism of Members of this body, resulting from the fact that they have not made clear to their constituents and to the public generally any possible conflict of interest which might result from their professional activities and from their holdings?

Mr. CARLSON. Mr. President, a parliamentary inquiry——

The ACTING PRESIDENT pro tempore. The Senator from Montana has the floor.

Mr. MANSFIELD. There is criticism to that effect; I have read it from time to time. That is something which I think each individual Senator will have to face up to; and if any action is taken, it will have to be taken by the Senate as a whole.

Mr. CLARK. Mr. President, will the Senator from Montana yield for a further question?