international relationships, and individual consumers, and taxpayers generally.

Changes in operations to provide more income to farmers from their crops have included elimination or reduction in fees and other deductions made from farmers' price-support benefits, more adequate recognition of grades and qualities in setting support prices, and more effective use of reseal loans to provide timely storage income to farmers and give them the benefit of higher prices that might occur during the reseal period.

Administrative decisions on payment of warehouse charges and similar items have resulted in saving millions of dollars.

A revitalization of the agricultural conservation program has resulted in more conservation practiced by more farmers every year. The number of participants in this program, under which the Government shares with producers the cost of needed conservation, was increased by 11 percent in just 1 year. This was done through encouraging community committeemen to visit their neighbors, on their own time, and to convince them of the need for practicing more conservation on their farms. The conservation programs can be effectively used as a part of the attack on rural poverty in certain areas of the country, such as the Appalachian region.

Mr. Speaker, during the time Mr. Godfrey has served as ASCS Administrator, farm income has increased, and the organizational structure has been revamped. I would like to review for the benefit of the Members some of these events.

Two months after the new administration took office—on March 22, 1961—Congress took action to increase farm income, reduce stocks, and cut Government costs by enacting the first emergency feed grain program. This was slated to become effective for crops which were to be planted within a few weeks. Its success can be judged from the fact that the 1961 program resulted in the actual diversion of more than 25 million acres from the production of corn and grain sorghum into approved conserving uses.

The following August, legislation authorized diversion programs for 1962 crops of feed grains and of wheat—then being planted in some sections.

In September of 1962, the Food and Agriculture Act was enacted, authorizing a feed grain program and a wheat stabilization program for 1963 and providing a broader diversion and price program for 1964 and subsequent crops of wheat.

In May of 1963, legislation extended the feed grain program for 1964 and 1965.

In April of 1964, to forestall a drastic drop in farmer income—expected to follow the removal of wheat quotas with an attendant cut in the available price support—a voluntary program was authorized for the 1964—and 1965—crop of wheat—much of it already in the ground—and additional new program provisions were authorized for the 1964—and 1965—crop of upland cotton—already planted in many sections.

While ASCS has taken on a substantially increased workload during this period, the agency has performed it effectively with less manpower. ASCS was one of the very few agencies of Government which actually reduced employment last year, and the reduction was greater than that for any other agency in the Department of Agriculture.

Starting in June 1961, the organizational structure of the administrative agency was streamlined—and it was further realined in November of 1962—to more effectively operate the farm programs with less money and manpower. Lines of authority and responsibility have been clarified and established on a functional basis. Policy advisory functions now are vested in a small group of policy staffs, reporting directly to the Administrator and in effect serving as his eyes and ears in their respective fields.

Despite the fact that the second reorganization of ASCS involved closing three large field offices employing nearly 1,000 people, moving another field office employing over 400 people, and reassigning the functions and responsibilities performed by about 550 people in Washington, the reorganization was completed within a 4-month period, with little or no loss in overall effectiveness during the period of transition.

The net result has been a reduction of 545 man-years of Federal employment in fiscal 1963 compared with 1962—saving $3,320,000—and an expected further reduction of 493 in the current fiscal year, saving an additional $4,117,000.

County office administration also has been improved. These small offices, nearly 3,000 in number, are the points at which program operations reach individual farmers. Man-years worked in fiscal 1963 in these offices were nearly 6 percent less than in the preceding year, a trend that is expected to continue.

During the summer of 1961, a data processing center was established in Kansas City, Mo., to handle program work, thus reducing the manpower required in handling the masses of paperwork incident to ASCS programs. The center is now in the process of taking over responsibility for accounting and related work for all CCC-owned grain inventories in the country, in addition to handling all CCC price-support loans on grains.

And the work of reviewing and analyzing the techniques and staffs is continuing. Additional methods are being initiated as possible sources of further economy and greater efficiency. Management surveys and justifications of each individual position are a part of this effort. So is an operational analysis of individual programs, to determine whether program objectives can be met and operating policy carried out in a more effective manner.

Mr. Speaker, Horace Godfrey, from my home State of North Carolina, has been entrusted with very large responsibility. For his performance in discharging this responsibility he has received the highest award of the Department of Agriculture.

SENATE

TUESDAY, MAY 26, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou whose throne is truth, in a turbulent time we would wait at noontide to set our hearts in tune with the infinite, so that in the whirl of pressing tasks we may be preserved from impatience and depression.

In the midst of feverish social ferment where the lowest so commonly is the loudest, we desperately need in each day of deliberation a shrine of reverence, to give the Highest a chance at our lives. So give us, we beseech Thee, ears to hear not just the strident shouts of the noisy streets, but also the still voice heard only in the inner chamber.

If this weary flesh of ours, faced by clever and determined foes, should fear and falter, keep us firm and steadfast, as we put on the whole armor of faith and hope and love, strengthened by the realization that ours is also a time of splendor, bright with promise as we stand at the portals of a more glorious tomorrow for all men.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, May 25, 1964, was dispensed with.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of a quorum call, there be the usual morning hour, under the usual conditions.

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

ORDER FOR RECESS TO NOON, WEDNESDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock noon on Wednesday, tomorrow.

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

JOINT MEETING OF TWO HOUSES ON THURSDAY TO HEAR ADDRESS BY DR. EAMON DE VALERA, PRESIDENT OF IRELAND

Mr. MANSFIELD. Mr. President, for the information of the Senate, I wish again to announce, on behalf of the distinguished minority leader, the Senator

from Illinois [Mr. DIRKSEN] and myself, that there will be a joint meeting in the Hall of the House of Representatives at 12:30 p.m. on Thursday next to hear an address by the President of Ireland, Dr. Eamon de Valera.

It is anticipated that Senators will leave this chamber at about 12:15 p.m. in a body.

CALL OF THE ROLL

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

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

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

[No. 253 Leg.]

Aiken	Hayden	Mundt
Allott	Hickenlooper	Muskie
Anderson	Holland	Neuberger
Bartlett	Humphrey	Pell
Bayh	Inouye	Proxmire
Bennett	Javits	Randolph
Bible	Johnston	Ribicoff
Boggs	Jordan, Idaho	Robertson
Cannon	Keating	Russell
Carlson	Kuchel	Saltonstall
Case	Lausche	Scott
Church	Long, La.	Smith
Cotton	Mansfield	Stennis
Dirksen	McCarthy	Symington
Dominick	McClellan	Walters
Douglas	McGovern	Williams, Del.
Ellender	McIntyre	Williams, N.J.
Ervin	McNamara	Yarborough
Fong	Metcalf	Young, N. Dak.
Gruening	Monroney	Young, Ohio

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alabama [Mr. HILL], the Senator from Washington [Mr. JACKSON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from North Carolina [Mr. JORDAN], the Senator from Washington [Mr. MAGNUSON], the Senator from Utah [Mr. MOSS], the Senator from Wisconsin [Mr. NELSON], the Senator from Florida [Mr. SMATHERS], the Senator from Georgia [Mr. TALMADGE], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I further announce that the Senator from California [Mr. ENGLE] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Iowa [Mr. MILLER], the Senator from Kansas [Mr. PEARSON], the Senator from Vermont [Mr. PROUTY], and the Senator from Texas [Mr. TOWER], are detained on official business.

The Senator from Kentucky [Mr. COOPER] is absent on official business.

The Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Arizona [Mr. GOLDWATER], the Senator from New Mexico [Mr. MECHEM], the Senator from Kentucky [Mr. MORTON], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is present.

Morning business is in order.

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED AMENDMENT DECREASING APPROPRIATIONS, 1965, FOR TREASURY DEPARTMENT (S. Doc. No. 78)

A communication from the President of the United States, transmitting an amendment decreasing the request for appropriations transmitted in the budget for 1965, in the amount of $3,300,000, for the Treasury Department (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Administrator, Veterans' Administration, Washington, D.C., reporting, pursuant to law, on the overobligation of an appropriation in that Administration; to the Committee on Appropriations.

REPORT ON PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, a report on defense procurement from small and other business firms, for the period July 1963–March 1964 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON ADDITIONAL COSTS RESULTING FROM FAILURE TO CONSOLIDATE CERTAIN FEDERAL COMMUNICATIONS SERVICES

A letter from the Comptroller General of of the United States, transmitting, pursuant to law, a report on additional costs resulting from failure to consolidate certain Federal Communications services in the Washington, D.C., area, General Services Administration, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS INCURRED IN TRANSPORTING FIRST-CLASS MAIL BY AIR

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred in transporting first-class mail by air, Post Office Department, dated May 1964 (with an accompanying report); to the Committee on Government Operations.

COL. WILLIAM W. THOMAS AND LT. COL. NORMAN R. SNYDER

A letter from the Assistant Secretary of the Air Force (Installations and Logistics), transmitting a draft of proposed legislation for the relief of Col. William W. Thomas and Lt. Col. Norman R. Snyder, U.S. Air Force (with an accompanying paper); to the Committee on the Judiciary.

CHIEF M. SGT. ROBERT J. BECKER

A letter from the Assistant Secretary of the Air Force (Installations and Logistics), transmitting a draft of proposed legislation for the relief of Chief M. Sgt. Robert J. Becker, U.S. Air Force (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF TITLE 39, UNITED STATES CODE, TO AUTHORIZE THE POSTMASTER GENERAL TO RELIEVE POSTMASTERS AND OTHER EMPLOYEES FOR CERTAIN LOSSES

A letter from the Postmaster General transmitting a draft of proposed legislation to amend title 39, United States Code, to authorize the Postmaster General to relieve postmasters and other employees for losses resulting from illegal, improper, or incorrect payments, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. JOHNSTON and Mr. CARLSON members of the committee on the part of the Senate.

CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

The ACTING PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the Legislature of the State of South Carolina, which was referred to the Committee on the Judiciary:

RESOLUTION —

A concurrent resolution memorializing the Congress of the United States to propose an amendment to the U.S. Constitution making lawful the voluntary participation in daily prayer and the reading of Scripture in the public schools

Whereas the general assembly has noted with great concern the recent decision of the U.S. Supreme Court declaring the offering of prayer to Almighty God in the public schools unconstitutional; and

Whereas it is not believed that this decision represents the will of the people of America; and

Whereas at least this body holds that the matter should be submitted to the electorate of the entire United States in order that by the exercise of the free ballot the will of the people may be determined as to whether or not daily prayer and the reading of the Scripture should be allowed in the public schools of the country; and

Whereas the general assembly further believes that the great majority of the people will vote in favor of paying this simple homage to Almighty God, which will result in inserting into the U.S. Constitution a mandate making it lawful to voluntarily participate in daily prayer and the reading of the Scripture in the public schools: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That Congress is hereby memorialized to propose an amendment to the U.S. Constitution, which shall be amendment XXIV, as follows:

"AMENDMENT XXIV

"Notwithstanding any statute of the Congress or of any State of the United States or of any decision of any court to the contrary, it shall be lawful to voluntarily participate in daily prayer and the reading of Scripture in the public schools throughout the United States."

Be it further resolved, That a copy of this resolution be forwarded to the President of the Senate of the Congress, to the Speaker

of the House of Representatives of the Congress, to each U.S. Senator from South Carolina and to each Member of the House of Representatives in the Congress from South Carolina.

Attest:

INEZ WATSON,
Clerk of the House.

DEATH OF THE LATE KING PAUL OF GREECE

The ACTING PRESIDENT pro tempore laid before the Senate the following communication from the King of Greece, which was referred to the Committee on Foreign Relations:

THE ROYAL PALACE,
Athens, April 25, 1964.

MR. PRESIDENT: It was with deep emotion that I received from U.S. Ambassador H. R. Labouisse the text of the resolution of the U.S. Congress of March 9, 1964, on the occasion of the death of the late King Paul, my beloved father.

The participation of the entire membership of such a noble and representative body in our bereavement was greatly heartening to us all.

Please accept and convey to the honorable Members of the Senate the heartfelt thanks of Queen Frederika and myself as well as those of my people.

CONSTANTINE R.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SYMINGTON, from the Committee on Armed Services, without amendment:

H.R. 10774. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of cadmium from the national stockpile and the supplemental stockpile (Rept. No. 1026).

By Mr. SYMINGTON, from the Committee on Armed Services, with an amendment:

S. 2272. A bill to insure the availability of certain critical materials during a war or national emergency by providing for a reserve of such materials, and for other purposes (Rept. No. 1025).

REPORT ENTITLED "REFUGEES AND ESCAPEES"—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 1027)

Mr. HART. Mr. President, from the Committee on the Judiciary I ask unanimous consent to submit a report entitled, "Refugees and Escapees," pursuant to Senate Resolution 66, 88th Congress, 1st session, as extended, together with the individual views of the Senator from Pennsylvania [Mr. SCOTT].

I ask unanimous consent that the report, together with the individual views, be printed.

The PRESIDING OFFICER (Mr. WALTERS in the chair). The report will be received and printed, as requested by the Senator from Michigan.

REPORT ENTITLED "ANTITRUST AND MONOPOLY ACTIVITIES, 1963"—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 1028)

Mr. HART. Mr. President, from the Committee on the Judiciary I ask unanimous consent to submit a report entitled, "Antitrust and Monopoly Activities, 1963," pursuant to Senate Resolution 56, 88th Congress, 1st session, as extended, together with the individual views of the Senator from Illinois [Mr. DIRKSEN], the Senator from Nebraska [Mr. HRUSKA], and the Senator from New York [Mr. KEATING].

I ask unanimous consent that the report, together with the individual views, be printed.

The PRESIDING OFFICER. The report will be received and printed, as requested by the Senator from Michigan.

BILLS INTRODUCED

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

By Mr. METCALF:

S. 2870. A bill to provide that coins of the United States hereafter minted shall bear no mark or inscription signifying either the place or the date of coinage; to the Committee on Banking and Currency.

(See the remarks of Mr. METCALF when he introduced the above bill, which appear under a separate heading.)

By Mr. HART:

S. 2871. A bill for the relief of Arthur Anderson; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2872. A bill to amend title I of the Internal Security Act of 1950; to the Committee on the Judiciary.

(See the remarks of Mr. THURMOND when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

INVESTIGATION OF PARTISAN POLITICAL FUNDRAISING IN THE CIVIL SERVICE

Mr. WILLIAMS of Delaware (for himself and Mr. CARLSON) submitted a resolution (S. Res. 332) requesting the Attorney General to investigate partisan political fundraising in the civil service, which was ordered to lie over under the rule.

(See the above resolution printed in full when submitted by Mr. WILLIAMS of Delaware which appears under a separate heading.)

ELIMINATION OF DATE, AND INSCRIPTION OF PLACE OF COINAGE ON U.S. COINS HEREAFTER MINTED

Mr. METCALF. Mr. President, the Board of Governors of the Federal Reserve System, in reporting to Chairman ROBERTSON of the Banking and Currency Committee on Senate bill 2671, a bill to redefine the silver content in silver coins, pointed out that there is a serious coin shortage at present in this country.

The Board of Governors suggested one step that could be taken to help alleviate the serious coin shortage would be to authorize the Treasury Department to discontinue the practice of changing each year's mintage date. The Board pointed out that the procedure of putting the date on coins results in coins of previous years being quoted at higher and higher premiums as they grow older, and consequently more and more of them are withdrawn from circulation by collectors.

Mr. President, the recently issued Kennedy half dollars serve to illustrate this point. As I understand it, present plans call for minting 90 million of these coins in 1964. If the date on the new coins is then changed, the first year's issue will be at a much higher premium—and disappear from circulation much faster—than if the public knew the date on coins would remain unchanged for the entire life of the coin.

The use of mint marks signifying the place of coinage also leads to the same practice. The 1885 Carson City silver dollars are of greater numismatic value than those of the same year coined at other mints, only because of the limited number coined at Carson City, and only because there is no longer a mint at Carson City.

If we did not have the problem of so many coins being taken out of circulation by collectors due to mint marks and dates, we would not have as serious a small coin problem, and we would then have one less obstacle to overcome in our efforts to secure the minting of additional silver dollars which we in the West love so well.

Mr. President, although I realize it will not result in an immediate solution to the problem, I introduce for appropriate reference a bill to provide that the coins of the United States hereafter minted shall bear no mark or inscription signifying either the place or the date of coinage.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2870) to provide that coins of the United States hereafter minted shall bear no mark or inscription signifying either the place or the date of coinage, introduced by Mr. METCALF, was received, read twice by its title, and referred to the Committee on Banking and Currency.

AMENDMENT OF TITLE I OF INTERNAL SECURITY ACT OF 1950

Mr. THURMOND. Mr. President, on July 10, 1963, Secretary of State Rusk appeared before the Senate Commerce Committee to testify on a civil rights bill on which the committee was holding hearings. Secretary Rusk made an impassioned plea on behalf of the bill and stressed his support for civil rights. Among other things, Mr. Rusk expressed great concern for the image of the United States across the world as it was affected by any denial of civil rights in the United States.

One of the most glaring denials of civil and statutory rights of an American citizen has been in process within Mr. Rusk's own State Department since June 27, 1963, when six security officers entered the office of State Department Security Evaluator, Otto O. Otepka, and seized his records, the contents of his safe, and expelled Mr. Otepka from his office. Subsequently, formal charges were filed again Mr. Otepka based on an allegation that he gave information to a

congressional committee. It has subsequently come to light that some of his superiors had given false testimony to the Senate Internal Security Subcommittee concerning Mr. Otepka, and his performance of his duties.

Mr. Otepka has requested, under applicable regulations and provision of law, a hearing on the charges filed against him.

No such hearing has been granted, and Mr. Otepka is still being prevented from performing his duties.

Mr. President, this is an intolerable situation. It should not be permitted to continue. The protection of the rights of an individual employee of the U.S. Government, as established by statute, is being thwarted and denied. Since the administrative procedures within the State Department designed for the protection of the rights of individuals have broken down, there is apparently no recourse but for the Congress to enact additional legislation to insure that individual rights are protected.

A simple remedy for this situation is for the Congress to provide that an employee who finds himself in a position similar to that of Mr. Otepka shall have a cause of action against his superior officers in the Federal district court of the United States for such damages as he may incur as a result of unwarranted actions taken by his superiors. Mr. President, I send a bill to the desk for this purpose and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2872) to amend title I of the Internal Security Act of 1950, introduced by Mr. THURMOND, was received, read twice by its title, and referred to the Committee on the Judiciary.

INVESTIGATION OF PARTISAN POLITICAL FUNDRAISING IN THE CIVIL SERVICE

Mr. WILLIAMS of Delaware. Mr. President, out of order, on behalf of myself, and the Senator from Kansas [Mr. CARLSON], I ask unanimous consent for the privilege of submitting a resolution.

The PRESIDING OFFICER. The resolution will be received.

Mr. WILLIAMS of Delaware. The purpose of this resolution—I will read it:

Whereas it has been reported in the public press that career employees of the Federal Government have been solicited by the Democratic National Committee to purchase tickets to a political fundraising dinner to be held on May 26, 1964; and

Whereas the Congress, from time to time, has enacted laws designed to prohibit partisan political activities by career employees of the Government, and to protect such employees from partisan political pressures: Now, therefore, be it

Resolved, That the Attorney General is requested to investigate the alleged solicitation of career employees by the Democratic National Committee to purchase tickets to a political fundraising dinner to be held on May 26, 1964, for the purpose of ascertaining whether such solicitation has involved a violation of existing laws, and (1) if it appears that any such violation has occurred, to take appropriate steps to punish those responsible therefor, or (2) if it appears that the alleged solicitation was not in violation of existing laws, to formulate and recommend to the Congress, within 60 days, the enactment of such additional laws, or amendments to existing laws, as may be necessary to prohibit further solicitations of this nature.

Mr. President, in this connection, I ask unanimous consent to have printed in the RECORD an article published in the Washington Evening Star, for May 12, 1964, written by Joseph Young, and entitled "Drive Stepped Up To Sell Employees $100 Tickets to Affair for Johnson," an editorial published in the Washington Star for May 24, entitled "The Big Bite," and an editorial published in the Washington Daily News of May 25, 1964, entitled "The Sluggers."

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

[From the Washington (D.C.) Star, May 12, 1964]

DRIVE STEPPED UP TO SELL EMPLOYEES $100 TICKETS TO AFFAIR FOR JOHNSON

(By Joseph Young)

The Democratic National Committee is stepping up its drive to get Government career employees to attend the $100-a-ticket affair in honor of President Johnson on May 26 at the District of Columbia Armory.

Thousands of career employees in grade 9 and above have received "invitations" from the Democratic National Committee in the past few weeks. Many thousands of others had received invitations and followup letters during the past 3 months.

And the Democratic National Committee apparently has devised a new wrinkle to pressure Government careerists into attending.

During the past week employees of grade 13 and above in the Agency for International Development, which is seeking legislation to "select out" employees without regard to civil service laws, received invitations.

The invitations they more or less expected. But what chilled them was their civil service grade number written in ink on the corner of the invitation cards.

AID employees feel this is a not-too-subtle way of telling them their agency expects them to attend if they hope to avoid the fate of being "selected out" of their jobs, should AID get this authority.

While letters sent to Government employees at their homes, soliciting funds for political purposes, are not a violation of Federal laws, it is a violation if names of employees were furnished by the agencies for which they work.

It long has been taken for granted that many agencies do furnish such information to political organizations, but this is very difficult to prove.

However, the situation regarding AID employees and the fact that their grades were written on their invitations suggest the information may have come from AID.

AID officials emphatically deny the information came officially from the agency.

They acknowledge there are hundreds of organizational charts bearing the names of AID employees, their grades, job duties, etc., that are intended for "official use only," and that someone at AID could have furnished a chart to the Democratic Committee. They declare, however, that if this happened it was without the approval of AID.

[From the Washington (D.C.) Star, May 24, 1964]

THE BIG BITE

Administrations may come and administrations may go, but the big bite goes on forever. The big bite, by polite definition, is an invitation to attend a dinner party in honor of a Washington dignitary, such as the President of the United States. For the high privilege, the guest is expected to chip in at least $100 for the good of the party—Democratic Party, that is.

Well, that's all right. Anyone who wishes to ante up that kind of money to break bread with President Johnson at the Armory next Tuesday is entitled to do so. It is those people who would just as soon not, but are going to anyway, or at least are going to pay for it, whom we are concerned about.

These are the grade 11 and upward Federal career employees who receive invitations, plus subtle and not-so-subtle hints that it would be good personnel strategy to cough up the cash.

It is an evil practice which has been going on so long now it almost has won the badge of respectability through repetition and the broad wink. Administration after administration has shut its eyes to the implications of coercion, blackmail and veiled threats which are a part of these "invitations" to Federal career employees. Each time it happens someone says: What about the Hatch Act and the Corrupt Practices Act?

The plain truth is that these laws, designed to protect the Federal worker against political flimflammery, are all but worthless in such cases. In the first place, they require a formal complaint by the offended employee, who is not about to risk his future so rashly. Second, they require prosecution by political appointees loath to bite the feeding hand.

Consequently, there is only one practical solution for muzzling the big bite. That is for the President of the United States and the national committees of the political parties to put a stop to the biting practice, once and for all.

[From the Washington (D.C.) Daily News, May 25, 1964]

THE SLUGGERS

We know it costs a heap of money to stage a national political campaign—in 1960, the Democratic Party spent nearly $10 million, and ended up $3.8 million in debt.

We know there are many ways to raise this money, and both major parties have used all methods. And that all along there have been good legal questions about some of these schemes.

Corporations are barred by law from making political contributions. But at the national conventions they regularly are pressured to buy program advertising, more or less worthless.

This has been condoned because both parties have been doing it, and because, technically at least, the money has gone to local committees to finance the expenses of the convention—not to the general campaign.

It is one thing to solicit a convention city businessman for a program ad on the ground he may reap extra business from the convention delegates. It is something else to badger corporations around the country who could not possibly profit from the delegate visitation.

The Democratic National Committee now has a new gimmick. It has taken over the program for the July convention in Atlantic City and boosted the ad prices—$15,000 for a full page, for instance, as against $5,000 in 1960. Hundreds of companies, far away from Atlantic City, have been solicited. Many of these firms do business with the Government or are otherwise involved with Government agencies: They are subject to agency regulation, or are liable to antitrust prosecution.

In addition to tripling the advertising fees, the Democratic National Committee proposes to sell souvenir copies of the program for $10 each, all around the country. It hopes to raise some $5 million this way,

many times the normal cost of staging a convention.

Similar schemes in the past have been condemned as illegal by such authorities as the late Supreme Court Justice Robert H. Jackson and Senator Carl Hatch, author of the 1939 "pernicious political activities" law. In addition to this serious legal question, it is wrong, any way it is looked at, for a party in power to put the slug on companies which can be hurt or favored by direct Government action.

Mr. WILLIAMS of Delaware. Mr. President, following these editorials, I ask unanimous consent that a sample form of the solicitation letter and form for applying for tickets, be printed in the RECORD.

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

Buffet preceding the gala salute to President Johnson will be held at 7:30 p.m., May 26. It is being held in honor of Secretary and Mrs. Rusk and given by Messrs. Crockett and Duke. Whoever is going to the gala with you is also invited to the buffet.

Please call Mrs. Johnson in Protocol giving the number attending (X 2006 or 2680).

SALUTE TO PRESIDENT LYNDON B. JOHNSON

May 26, 1964.

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Washington, D.C.

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Address_____
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ONE TICKET ISSUED FOR EACH $100 CONTRIBUTION

I enclose check payable to the Democratic National Committee.

Please credit this contribution to _____ (State)

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No contribution should be made by any person, firm, or corporation negotiating for or performing a contract for the Federal Government in his or its own behalf, but employees and officials of such persons, firms, or corporations may make contributions.

Mr. WILLIAMS of Delaware. Mr. President, I ask for immediate consideration of this resolution. I believe it is one on which the Senate should act.

Mr. MUSKIE. Mr. President, until there is more time to give it further consideration, I shall have to object.

The PRESIDING OFFICER. It will go over under the rule.

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS of Delaware. As I understand the situation, with the objection of the acting majority leader, the resolution will now go to the calendar, and it will come before the Senate on the day following an adjournment.

The PRESIDING OFFICER. It will go on the calendar under resolutions going over under the rule.

Mr. WILLIAMS of Delaware. It would be in order on the day following an adjournment. Is that correct?

The PRESIDING OFFICER. It would be subject to be laid down during the morning hour on the next legislative day.

Mr. JOHNSTON. I suggest to the Senator that he include Republicans, as well as Democrats in his resolution. I would like to see both included.

Mr. WILLIAMS of Delaware. I would like to see both included. This resolution deals with a particular case but I agree it is wrong whether the solicitation is made by Republicans or Democrats from these civil service employees. In my opinion it is a violation of the law, no matter which party does it, and if not a violation then our laws should be changed.

Mr. JOHNSTON. I hope the Senator will include both.

Mr. WILLIAMS of Delaware. I hope the Senator will join in supporting the resolution and the Attorney General can examine solicitations of either party.

Mr. JOHNSTON. Some Republicans are at the head of departments and agencies. If Democrats are to be included, I see no reason why Republicans should not be included also.

The resolution (S. Res. 332) was ordered to lie over under the rule.

JOINT COMMITTEE ON ETHICS IN LEGISLATIVE BRANCH—AMENDMENTS (AMENDMENT NO. 655)

AMENDMENT No. 655

Mr. JAVITS. Mr. President, I submit for printing, under the rule, and for reference to the Committee on Rules and Administration, a series of amendments submitted by my colleague from New York [Mr. KEATING] and myself with reference to Senate Concurrent Resolution 5, to establish a Joint Committee on Ethics in the legislative branch of the Government.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on Rules and Administration.

CIVIL RIGHTS ACT OF 1963—AMENDMENTS (AMENDMENT NOS. 609 THROUGH 643)

Mr. ERVIN. Mr. President, I ask unanimous consent to submit at this time certain amendments to H.R. 7152.

I ask unanimous consent that they be printed and lie on the desk until called up, and I also ask unanimous consent that they be considered as read for all purposes under the rules of the Senate.

The PRESIDING OFFICER. Without objection, the amendments will be received, printed, lie on the desk, and be considered as read, as requested.

The amendments are as follows:

AMENDMENT No. 609

On page 38, line 18, inmmediately after the word "power", insert the words "in the performance of its duties under this title".

AMENDMENT No. 610

On page 43, line 2, immediately after the period, insert the following new sentence: "Upon objection made by a defendant to any finding of fact or conclusion of law made by a master in any action under this title, and an application made by such defendant within thirty days after the filing of the report of the master for a trial de novo before the court, such defendant shall be entitled to receive such trial before the court.".

AMENDMENT No. 611

On page 31, line 22, immediately after the word "employer", insert the words "and who is engaged in an occupation having a direct effect upon commerce".

AMENDMENT No. 612

Beginning with the words "in which" in line 5, page 32, strike out all to and including the word "industry" in line 7, page 32.

AMENDMENT No. 613

On page 40, line 22, strike out the words "shall, within ninety days,", and insert in lieu thereof the words "shall at the earliest practicable time".

On page 41, line 3, strike out the words "failed or".

On page 41, line 4, strike out the words "within the time required under subsection (b)".

AMENDMENT No. 614

On page 43, line 12, strike out the word "Nothing", and insert in lieu thereof the words "Except as hereinafter provided, nothing".

On page 43, line 18, immediately after the period, insert the following: "No action may be instituted under this title against any person within any State to require the performance by such person of any act or practice forbidden by the law of that State until an original action against such State has been instituted in the Supreme Court and such court shall have entered its final judgment to the effect that such State possesses no power to enact legislation forbidding such act or practice.".

AMENDMENT No. 615

Beginning with line 19, page 43, strike out all to and including line 7, page 44, and insert in lieu thereof the following:

"(b) Notwithstanding any other provision of this title, whenever any State or any political subdivision thereof has established a governmental agency charged by the law of such State or political subdivision with the duty to prevent or restrain any unlawful employment practice, such governmental agency shall have exclusive jurisdiction except as hereinafter provided to institute actions to prevent or restrain such unlawful employment practice within the territorial jurisdiction of such State or political subdivision. Whenever the Commission receives any complaint alleging that any such unlawful employment practice is occurring or threatened within the territorial jurisdiction of any such governmental agency, the Commission shall transmit such complaint to such governmental agency for investigation and appropriate action. No person may bring a civil action under section 707(c) in or with respect to any case so transmitted while such case is pending before such governmental agency. If such governmental agency does not initiate investigative or enforcement action upon such case within ninety days after receipt of such complaint, the Commission may bring action with respect to that complaint under section 707(b) in the district court of the United States for the judicial district within which such unlawful employment practice is occurring or threatened upon a showing of good cause for belief that such governmental agency has failed to discharge its duty in good faith."

AMENDMENT No. 616

Beginning with line 9, page 44, strike out all to and including line 15, page 44, and insert in lieu thereof the following:

"SEC. 709. (a) Whenever the Commission has reason to believe that any person under investigation upon a charge filed under section 707 may be in possession, custody, or control of any documentary material relevant to that investigation, the Commission may issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination. Such demands shall be made in the manner, and shall be subject to the same conditions, requirements, and judicial proceedings, prescribed with respect to the issuance of civil investigative demands pursuant to the Antitrust Civil Process Act (76 Stat. 548; 15 U.S.C. 1311)."

AMENDMENT No. 617

On page 44, line 15, immediately after the period, insert the following: "No examination of any evidence may be made under this subsection, over the objection of a custodian who asserts in bar thereof his privilege against self incrimination, until such custodian has been accorded reasonable opportunity to make application, to the district court of the United States for the judicial district in which such evidence is situated, for an order restraining or enjoining such examination. Such court shall have jurisdiction to hear and determine such matter, and to enter therein such orders and decrees as it may determine to be appropriate for the protection of the rights of the custodian of such evidence.".

AMENDMENT No. 618

On page 44, line 18, immediately after the word "Commission", insert the words "to the extent authorized by statute hereinafter enacted by the Congress".

AMENDMENT No. 619

On page 44, line 21, immediately after the word "purpose", insert the words "for each fiscal year pursuant to authorization given by statute enacted during the preceding fiscal year".

AMENDMENT No. 620

On page 44, line 25, immediately after the period, insert the following new sentence: "No reimbursement may be made under this subsection for any expense incurred by any State or local agency for the compensation of personnel of such agency, the construction, maintenance, alteration, improvement, or repair of any structure occupied by such agency, or for or in connection with legal actions or proceedings instituted by or on behalf of such agency.".

AMENDMENT No. 621

On page 45, line 9, immediately after the period, insert the following new sentence: "No such regulation may require any employer, employment agency, or labor organization to make or keep any record, or to submit to the Commission any report, containing information substantially identical with information required by any other law of the United States or of any State to be recorded, preserved, or transmitted for any purpose other than the purposes of this title.".

On page 45, line 9, strike out the word "The" where it follows the period, and insert in lieu thereof the words "Subject to the foregoing limitation, the".

AMENDMENT No. 622

On page 45, line 19, immediately after the period, insert the following: "All regulations prescribed by the Commission shall be promulgated in compliance with the requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003).".

AMENDMENT No. 623

On page 46, line 5, immediately after the period, insert the following: "Nothing contained in this title shall be construed to impair the right of any employer to (1) determine or to prescribe the education, training, skill, experience, or other qualifications required for the occupancy of any position or the performance of any service by any employee or prospective employee of such employer, or (2) remove from any position or service within his employment any employee rendering unsatisfactory service as determined by such employer.".

AMENDMENT No. 624

On page 46, between lines 5 and 6, insert the following new subsection:

(d) The provisions of this section shall have no application in any fiscal or calendar year to any employer, employment agency, or labor organization whose gross receipts during the preceding fiscal or calendar year were less than $10,000, or whose net receipts during such fiscal or calendar year were less than $5,000.

AMENDMENT No. 625

On page 46, between lines 5 and 6, insert the following new subsection:

"(d) No employer, employment agency, or labor organization shall be obligated by subsection (c) to expend in any calendar or fiscal year any sum exceeding an amount equal to 3 per centum of the gross receipts of such employer, employment agency, or labor organization during such year for the preparation and maintenance of records, and the preparation and making of reports, in compliance with requirements imposed pursuant to subsection (c). To the extent that any employer, employment agency, or labor organization incurs reasonably in any such year aggregate expenses which exceed such amount, for or in connection with any such compliance, the Commission, upon written application made by such employer, employment agency, or labor organization setting forth a verified itemization of all expenses so incurred, shall reimburse such employer, employment agency, or labor organization, from funds appropriated to the Commission, in an amount equal to the amount by which such expenses exceed 3 per centum of the gross receipts of such employer, employment agency, or labor organization for that year. Any employer, employment agency, or labor organization may bring a civil action, in the district court of the United States for the judicial district in which it has its principal place of business, against the Commission for the recovery of the amount of any reimbursement for which the Commission is liable under this subsection. Such court shall have jurisdiction to hear, determine, and render judgment in any such action without regard to the amount in controversy. Summons and process of the court in any such action may run to any other judicial district of the United States."

AMENDMENT No. 626

Beginning with line 6, page 46, strike out all to and including line 24, page 46.

AMENDMENT No. 627

On page 41, line 21, immediately after the period, insert the following new sentence: "No such civil action may be instituted against any employer by or on behalf of any employee or applicant for employment if within six months preceding the date of institution of such action such employee or applicant has engaged or participated in, or has incited or assisted participants in, any riot or other disturbance of the peace upon the premises of such employer or resulting in interference with the conduct of business by such employer.".

AMENDMENT No. 628

On page 43, between lines 10 and 11, insert the following new subsection:

"(i) No action under subsection (d) may be instituted until (1) there has been transmitted to the Attorney General or chief legal officer of the State in which the alleged violation of this title occurred a written notice containing a full and complete statement as to the identity of each prospective defendant in such action and the facts and circumstances relied upon in support of each allegation of unlawful conduct to be made against each such prospective defendant, and (2) such legal officer has been accorded reasonable opportunity to procure compliance by each prospective defendant with the requirements of this title."

AMENDMENT No. 629

Beginning with line 9, page 44, strike out all to and including line 15, page 44, and insert in lieu thereof the following:

"SEC. 709. (a) Upon written complaint, duly subscribed and executed under oath, made by any individual alleging that he has been deprived of any right secured to him by this title, the Commission may conduct an investigation to determine whether there is substantial ground for belief that any violation of this title affecting the rights of the complainant has occurred. Such investigation shall be conducted at the place at which such violation is alleged to have occurred by an examiner appointed under section 11 of the Administrative Procedure Act (5 U.S.C. 1010). In any such investigation such examiner shall have authority by subpena to require the attendance of witnesses and the production of documentary evidence relevant to the alleged violation, except that (1) the attendance of a witness may not be required outside the State in which he resides or transacts business, and (2) the production of documentary evidence may not be required outside the State in which such evidence is kept. Proceedings in any such investigation shall be conducted in conformity with the provisions of the Administrative Procedure Act, including the provisions of section 6 thereof (5 U.S.C. 1005)."

On page 44, line 16, strike out the word "With", and insert in lieu thereof the words "Except as otherwise provided by this title, with".

Beginning with line 6, page 46, strike out all to and including line 18, page 46.

On page 46, line 19, strike out the subsection designation "(b)", and insert in lieu thereof the subsection designation "(d)".

Redesignate the numbers of succeeding sections of title VII accordingly.

AMENDMENT No. 630

On page 46, lines 12–14, strike out the words "the provisions of section 307 of the Federal Power Commission Act shall apply with respect to grants of immunity,", and insert in lieu thereof the words "the Commission may not grant to any person any immunity from prosecution, penalty, or forfeiture,".

AMENDMENT No. 631

On page 46, lines 12–14, strike out the words "the provisions of section 307 of the Federal Power Commission Act shall apply with respect to grants of immunity,", and insert in lieu thereof the words "the Commission may not grant to any person any immunity from prosecution, penalty, or forfeiture in accordance with the provisions of section 9 of that Act without first obtaining the written consent of the Attorney General

and serving upon such person a duly certified copy of any consent therefor granted by the Attorney General,".

AMENDMENT No. 632

On page 46, after line 24, insert the following new subsection:

"(c) It shall be unlawful for any person other than a duly authorized member or representative of the Commission on Civil Rights to engage in the practice of soliciting other persons to make complaints or institute legal proceedings alleging any violation of this title or to secure or protect any right secured thereby. Whoever violates, attempts to violate, or combines with any other person to violate the prohibition contained in this subsection shall be fined not more than $5,000, or imprisoned not more than one year, or both. Whenever any violation of the prohibition contained in this subsection has occurred or is threatened within any State, the Attorney General thereof, or the chief legal officer of any political subdivision of such State within which any such violation has occurred or is threatened, may institute in any court of such State or of the United States of competent jurisdiction appropriate proceedings to prevent and restrain such violation or threatened violation. The district courts of the United States shall have jurisdiction to hear and determine actions instituted to prevent and restrain violations and threatened violations of such prohibition. Process of the district court for any judicial district in any such action may be served in any other judicial district by the United States Marshal thereof. Whenever it appears to the court in which any such action is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States. Whenever any such action is instituted in any district court of the United States, such action shall be assigned for hearing at the earliest practicable time, and all proceedings therein shall be expedited to the greatest practicable extent.

AMENDMENT No. 633

On page 47, lines 6 and 7, strike out the words "or approved", and insert in lieu thereof the words "and supplied".

On page 47, line 7, immediately after the word "Commission", insert the words "from time to time with the approval of the Attorney General".

On page 47, line 7, strike out the word "excerpts", and insert in lieu thereof the words "the full and complete text".

On page 47, line 9, immediately after the word "title", insert a comma and the following: "including a full, complete, and accurate statement of the substance of all determinations made by the courts with respect to the application and validity of provisions of this title".

AMENDMENT No. 634

On page 47, line 16, immediately after the word "veterans", insert a comma and the words "or for the protection of the health, safety, or morals of individuals of the female sex".

AMENDMENT No. 635

On page 47, line 21, immediately after the words "shall be", insert the word "promulgated".

On page 47, line 23, immediately after the word "Act", insert a comma and the following: "including the provisions of section 4 thereof (5 U.S.C. 1003)".

AMENDMENT No. 636

On page 48, lines 6 and 7, immediately after the word "Commission,", insert the words "or of any appellate court of the United States,".

AMENDMENT No. 637

On page 49, line 1, immediately after the words "in the", insert the word "lawful".

On page 49, line 2, immediately after the word "duties", insert the following: "within the scope of their authority in compliance with the provisions of this Act".

AMENDMENT No. 638

Beginning with line 3, page 49, strike out all to and including line 8, page 49, and insert in lieu thereof the following:

"APPROPRIATIONS

"SEC. 715. No sum may be appropriated to the Commission for any fiscal year for the administration of this title except in conformity with authorization given therefor by legislation enacted by the Congress during the preceding fiscal year."

AMENDMENT No. 639

On page 49, line 16, immediately after "Sec. 717.", insert the subsection designation "(a)".

On page 50, between lines 2 and 3, insert the following new subsection:

"(b) The Secretary of Labor shall make a full and complete study of the factors which might tend to result in discrimination in employment because of race or color. Such study shall include a comprehensive investigation to determine:

"(1) the differences in customs, mores, and traditions among individuals belonging to different races or of different colors;

"(2) the differences in the psychology, habits, traits of character, social and cultural values, motivations, and predispositions among individuals belonging to different races or of different colors;

"(3) the existence, extent, and causes of, and the basis and justification for, antagonism between individuals and groups of individuals belonging to different races or of different colors;

"(4) the effect upon the nature, extent, and expression of such antagonisms of the enforcement by law of association of individuals and groups of individuals belonging to different races or of different colors;

"(5) the nature and character of the acts, practices, devices, means, and methods used or threatened by individuals and groups of individuals of minority race or color to express or give effect to their antagonisms to individuals of other races or colors;

"(6) the extent to which such acts, practices, devices, means and methods are used within various geographical areas of the United States;

"(7) the effects of such acts, practices, devices, means and methods upon the attitudes and conduct of individuals of the races and colors against whom they are directed or upon whom they are perpetrated;

"(8) the identity, nature, and extent of the problems arising from such antagonisms in the employment relationship; and

"(9) the solution of such problems, including a consideration of means whereby minority groups of individuals of subnormal cultural level may be elevated to an acceptable level of behavior and conduct.

The Secretary shall transmit to the Congress not later than June 30, 1965, a full and complete report of the results of such study."

AMENDMENT No. 640

On page 50, between lines 2 and 3, insert the following new section:

"MALICIOUS PROSECUTION

"SEC. 718. (a) It shall be unlawful for any person to institute or cause to be instituted, to attempt to institute or cause to be instituted, to make any threat to institute or cause to be instituted, or to combine or conspire with any other person to institute or cause to be instituted, any action or proceeding under this title without just cause for the purpose of injuring any person in his business, profession, occupation, or employment. The district courts of the United States shall have jurisdiction to prevent and restrain violations and threatened violations of this subsection, and to enter such restraining orders and such temporary and permanent injunctions as may be required to prevent and restrain such violations. It shall be the duty of the several United States district attorneys, in their respective districts, to institute proceedings to prevent and restrain violations and threatened violations of this subsection.

"(b) Whenever any action has been instituted under section 707 by any person (other than the Commission) who has made complaint alleging a violation of this title by the defendant therein, and final judgment in such action has been entered in favor of the defendant, such defendant shall be entitled to recover from such person, by action instituted in any State or United States court of competent jurisdiction, the amount of any damages sustained by such defendant by reason of the institution and prosecution of such action under section 707. If, in any action for the recovery of damages under this subsection, it is determined that the defendant therein instituted or caused to be instituted such action under section 707 with malice and with intent to injure the defendant in such action in his business, profession, occupation, or employment, the plaintiff in such action under this subsection for the recovery of damages shall be entitled to recover threefold the amount of the damages so sustained by him and reasonable attorney's fee."

On page 50, line 4, strike out "SEC. 718", and insert in lieu thereof "SEC. 719".

AMENDMENT No. 641

On page 50, between lines 2 and 3, insert the following new section:

"PENALTY

"SEC. 718. Whoever, acting under color of any provision of this title or of the assertion of any right recognized or protected thereby, incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or any State or any political subdivision of any State, or the laws of the United States or any State or any political subdivision of any State, or gives aid or comfort to any such rebellion or insurrection, shall be fined not more than $10,000, or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States."

On page 50, line 4, strike out "SEC. 718", and insert in lieu thereof "SEC. 719".

AMENDMENT No. 642

Beginning with line 4, page 50, strike out all to and including line 8, page 50, and insert in lieu thereof the following:

"SEC. 718. (a) This title shall take effect on the date on which the Secretary of Labor shall determine, and proclaim by declaration published in the Federal Register, that there is no area within the United States in which there exists any substantial nonseasonal unemployment or any appreciable surplus of available labor."

On page 50, line 9, strike out the subsection designation "(c)", and insert in lieu thereof the subsection designation "(b)".

AMENDMENT No. 643

On page 50, line 25, immediately after the period, insert the following new sentence: "No plan so made shall be placed in effect (1) until a period of thirty calendar days has passed during a regular session of the Congres after the transmittal to the Senate and to the House of Representatives of a copy of such plan, or (2) if during that period either House of the Congress has agreed to a resolution stating in substance

that such House does not favor the placement of such plan in effect.".

Mr. STENNIS submitted 11 amendments (Nos. 644 through 654), intended to be proposed by him, to House bill 7152, supra, which were ordered to lie on the table and to be printed.

(See the remarks of Mr. STENNIS when he submitted the above 11 amendments, which appear under a separate heading.)

Mr. DIRKSEN (for himself, Mr. MANSFIELD, Mr. HUMPHREY, and Mr. KUCHEL) submitted an amendment (No. 656), in the nature of a substitute, intended to be proposed by them, jointly, to House bill 7152, supra, which was ordered to lie on the table and to be printed.

(See the remarks of Mr. DIRKSEN when he submitted the above amendment, which appears under a separate heading.)

PROHIBITION OF SCHEMES TO INFLUENCE BY BRIBERY THE OUTCOME OF SPORTING CONTESTS

Mr. KEATING. Mr. President, I ask that the Chair lay before the Senate the message from the House of Representatives amending S. 741, to prohibit schemes in interstate or foreign commerce to influence by bribery the outcome of sporting contests, and for other purposes.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 741), an act to amend title 18, United States Code, to prohibit schemes in interstate or foreign commerce to influence by bribery the outcome of sporting contests, and for other purposes, which were, on page 1, line 6, strike out "of participants"; on page 1, line 9, after "influence" insert ", in any way,"; on page 1, lines 9 and 10, strike out "the outcome of"; on page 2, line 1, strike out "the outcome of"; on page 2, line 2, strike out "$5,000," and insert "$10,000,"; on page 2, line 3, strike out "10 years," and insert "5 years,"; on page 2, strike out lines 17 and 18, inclusive, and insert "in interstate or foreign commerce of any facility for transportation or communication;"; on page 3, after line 5, strike out "of participants".

And to amend the title so as to read: "An Act to amend title 18, United States Code, to prohibit schemes in interstate or foreign commerce to influence by bribery sporting contests, and for other purposes."

Mr. KEATING. Mr. President, on October 30, 1963, the Senate passed my bill, S. 741, a bill to prohibit schemes in interstate or foreign commerce designed to influence, by bribery, the outcome of sporting contests. A similar bill, which I also introduced, has been passed by the Senate in September of 1962.

The measure is designed to prevent gamblers from corrupting college and professional sports by making such schemes a Federal crime. The leaders of many sports associations have recognized this threat to the game, and have supported this legislation.

After Senate passage last year, S. 741 was referred to the House Judiciary Committee which made three amendments. The first changes the penalty so that this law conforms to other Federal antibribery statutes. The other two amendments emphasize provisions of the Senate bill regarding applicability to schemes which affect the score, while not changing the result of a sporting contest, and applicability of the law to sports officials as well as contestants. The House passed this version of the bill on January 22, 1964.

At a meeting of the Committee on the Judiciary today the committee recommended that the Senate be requested to concur in the amendments to S. 741 by the House of Representatives.

Accordingly, I move that the Senate concur in the House amendments to S. 741.

The motion was agreed to.

NOTICE OF HEARING ON NOMINATION OF SPOTTSWOOD W. ROBINSON III TO BE U.S. DISTRICT JUDGE, FOR THE DISTRICT OF COLUMBIA

Mr. HART. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, June 3, 1964, at 9:30 a.m., in room 2228, New Senate Office Building, on the nomination of Spottswood W. Robinson III, of the District of Columbia, to be U.S. district judge, for the District of Columbia—appointed during last recess of Senate.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Indiana [Mr. BAYH], the Senator from Pennsylvania [Mr. SCOTT], and myself, as chairman.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. THURMOND:

News report by him entitled "United States and Cuban Independence," dated May 25, 1964; and editorial entitled "No Marxists Wanted," published in the Charleston, S.C., News and Courier of May 20, 1964.

DEATH OF DR. HOWARD ZAHNISER

Mr. METCALF. Mr. President, those of us sincerely interested in the conservation of our natural resources lost a friend and an effective ally with the untimely death of Dr. Howard Zahniser.

The executive director and editor of the Wilderness Society died in his sleep at his home in Hyattsville, Md., during the night of May 4.

Dr. Zahniser—"Zahnie," to his close friends—gave his life for the cause of conservation. In the words of the Wildlife Management Institute:

Dr. Zahniser was fully aware of the implications of his failing health, and he was continuously caught between his intense desire to achieve firm protection for a national system of wilderness and his personal need for rest and relaxation. He chose to work forcefully for wilderness preservation, and he accepted a tremendous load of writing, speaking, and counseling assignments during the several years that the wilderness bill has been before Congress.

As is pointed out in the Institute's Outdoor News Bulletin of May 8, on two occasions Dr. Zahniser had seen his goal partially fulfilled with Senate passage of a wilderness bill:

Again in the present Congress, he saw the bill approved by the Senate and sent to the House. He died with the knowledge that the Public Lands Subcommittee had concluded public hearings on the wilderness bill and that prompt committee action in marking up and reporting the bill could clear it for House consideration and enactment this year.

The Institute's suggestion that "approval of a sound bill would be an everlasting memorial to a man who gave so much to obtain permanent protection of natural areas of native America for the benefit and refreshment of all generations" were echoed in editorials in the May 9, 1964, issues of the New York World-Telegram and the New York Times.

Mr. President, I ask unanimous consent that the editorials entitled "Wilderness Apostle," and "Compromising the Wilderness," be included in the RECORD at this point in my remarks.

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

[From the New York World-Telegram, May 9, 1964]

WILDERNESS APOSTLE

The cause of American conservation lost one of its gentlest souls this week.

Howard Zahniser, who for a decade struggled to bring his vision of a wilderness bill to fruition, died in his sleep, aged 58.

He had suffered heart trouble in the recent, frustrating years when the wilderness bill was hung up in the House. But he never wavered in his faith that Congress one day would see the wisdom of preserving up to 60 million wilderness acres—a fragment of the America that was—for future generations.

Only last week, as a House committee concluded hearings on the bill first introduced in 1956, he voiced new hope. "I think this will be the year," the ever-optimistic Zahniser said.

He was executive director of the Wilderness Society and in his 19-year tenure that group's membership grew from 2,500 to 27,000. He was a voice of reason and moderation for all conservationists. No one told better why we should preserve the wilderness.

"Our civilization is such that all our land will be put to some use," he said to the committee last week. "If we do not by law deliberately set aside areas to be protected we cannot expect to see wilderness endure in our country."

He also told the committee, "It has been my privilege to attend all the 18 hearings that have been held on this legislation," from 1957 to last week.

The best memorial these Congressmen could give Zahniser would be to pass the wilderness bill swiftly.

[From the New York Times, May 8, 1964]

COMPROMISING THE WILDERNESS

There is special poignancy in the death of a man on the apparent eve of his attaining the goal for which he had long and devotedly labored. Such was the death of

Howard Zahniser, executive director of the Wilderness Society and principal architect of the wilderness bill which now, after so many years, seems likely to win approval of Congress in the current session. The purpose of the bill, already approved by the Senate and now pending in the House, is statutory and permanent preservation of some unspoiled remnants of primeval America which are in public hands but under differing—and in many cases insufficient—degrees of governmental protection.

It is useful to remember that only about 8 percent of the 180 million acres in the national forests is proposed for such protection. These areas are still unspoiled, scenic, magnificently wild. To let the mining industry have free rein to explore and exploit them for another 10 years, as is proposed in a "compromise bill" now under consideration, would guarantee their almost certain despoliation. It would be ironic if Howard Zahniser's sudden death were seized upon by the enemies of wilderness preservation to open the way to sabotaging and wrecking a strong, effective bill that by rights should become his lasting monument.

Mr. METCALF. Mr. President, besides being the architect of the wilderness bill, Howard Zahniser was one of America's leading conservationists. He was an annual contributor to Encylopaedia Britannica on wildlife conservation and wilderness preservation. During the recent hearings, he submitted an 11,000 word statement to the House Subcommittee on Public Lands in support of the bill, which I am cosponsoring, to establish a national wilderness system.

Before becoming associated with the Wilderness Society in 1945, Dr. Zahniser had been a newspaperman with the Pittsburgh Press and the Greenville, Ill., Advocate. Besides being a freelance writer, essayist, and book editor, he served from 1931 to 1942 with the Bureau of Biological Survey and its successor agency, the U.S. Fish and Wildlife Service, as an editor, writer, and broadcaster on wildlife research, administration, and conservation, and was in charge of the agency's Current and Visual Information Section. When he was named to the Wilderness Society staff, he was directing the publication and research-reporting program in the U.S. Agriculture Department's Bureau of Plant Industry, Soils, and Agricultural Engineering.

In recent years, he contributed frequently to Nature magazine and was editor of the Wilderness Society's magazine, the Living Wilderness.

In 1946, he helped organize the Natural Resources Council of America. He was its chairman in 1948 and 1949 and contributed a chapter to the council's book, "America's Natural Resources."

Dr. Zahniser wrote the foreword for Francois Leydet's "Tomorrow's Wilderness" and Arthur Carhart's "Planning for America's Wildlands." He also wrote a chapter for the Sierra Club's "Wilderness: America's Living Heritage."

He served on the Secretary of the Interior's Advisory Committee on Conservation, was a member and Washington representative of Trustees for Conservation, and was a director of the Citizens' Council on Natural Resources.

Greenville College in Illinois, from which he received his A.B. degree, awarded him an honorary doctor of letters degree in 1957. He was president of the Thoreau Society in 1956 and was a member of the National Parks Association, the National Audubon Society, and other conservation groups.

Dr. Zahniser was born February 25, 1906, in Franklin, Pa. He is survived by his wife, two sons, two daughters, and one grandson.

The news of Zahnie's death brought to me a surge of affectionate recollection of his kindness, his devotion, and his effective efforts on behalf of the conservation of our natural resources.

As one who worked closely with him since I came to the House of Representatives in 1953, I know that the imprint of Dr. Howard Zahniser's personality and his philosophy in the whole broad area of conservation will permanently endure.

RENO SHRINE BAND CAPTURES WORLD TITLE

Mr. BIBLE. Mr. President, we in Nevada are mighty proud of the Kerak Temple Shrine Band from Reno. This group of musicians won the world championship title this past weekend in competition with other Kerak Temple groups from California, Oklahoma, Arizona, and Utah. As a member of the Reno Kerak Temple, I am especially pleased with the honors accorded the band and its soloists. This, I believe, is the first time a Kerak band from such a relatively small area has gained such signal honors.

Mr. President, I ask unanimous consent to have a report in the Reno Evening Gazette of May 19 on the Reno Kerak Temple Shrine Band triumph printed in the RECORD.

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

IN LAS VEGAS: RENO SHRINE BAND CAPTURES WORLD TITLE

The Arabians of Kerak Temple Shrine in Reno came back from Las Vegas this weekend with the world's championship band title.

The group of 35 musicians won five large gold and marble trophies for both group playing and individual performance in the Oriental bands competition. Eight Kerak groups from California, Oklahoma, Arizona, Utah, and Nevada took part.

SEVENTH ANNUAL

The competition was held Saturday during the seventh annual jamboree of Oriental bands in Kerak Temple groups.

The trophies included world championship trophy for the best overall band in North America, the Eli Liverato Memorial Plaque as the most improved band, first place for class B bands, first-place drum solo to Ken Davis, and second-place musette solo to N. A. (Tink) Tinkham.

"It was a real team effort," Sultan Paul Bergman said of the group. "And it sure paid off. It was the first time a class B band won the title."

SECOND PLACE

This isn't the first time the Arabians have taken band prizes. They've had second place in the competition for the past several years.

The band practiced weekly since January to gain their triumph. "And for the last month we've been working twice a week," Bergman added.

"A lot of the credit should go to our band director 'Tink' Tinkham. He pulled us together and taught us precise playing."

PERSIAN MARKET

To win, the Arabians played the contest tune, "Persian Market" and a medley of four marching tunes.

"When we finished, the audience in the Tropicana Hotel showroom kept clapping and asking for more," Sultan Bergman said. "They didn't want the group to quit."

SIZE

Bergman explained that the class B title comes from the number of band players—not the quality of playing. "Class B is a group from 30 to 39 members. Class A is 40 members and up."

"This is the first time in the 7 years of competition a class B band has won the top trophy," he added.

In the past 7 years of competition, the band has changed a number of members, Bergman says. Most of the members join without knowing how to play an instrument. "We try to instruct them," Bergman added.

OTHER TOWNS

Members of the Shrine Oriental band association in the Arabian group come from Reno, Sparks, Carson City, and Gardnerville.

Sultan Bergman said he didn't play in the band this year. "I watched from the sidelines and criticized," he said, adding that he was a member of the skit the group put on for the competition.

Band members who brought back the trophies include: Arthur K. Wilson, Oscar Fujii, F. M. Buchanan, H. B. Sprenger, Muller E. Bogle, Don Rogan, Wagner Sorensen, Orwin G. Benson, Kenneth L. Davis, Marcus E. Waltz, Dorman G. Patten, Ed Comer, Vance Nelson, Kenneth F. Brown, Henry C. Schwabrow, Dean Anderson, William E. Devine, David H. Cannon, Mas Baba, Clarion W. Thomason, Frederick Putnam, Jr., Morris Buchanan, Joseph Gans, Alfred J. Van Natta, Ted H. Bergevin, Ralph Berger, George M. Twaddle, Ray Landon, Charles E. Seney, Robert E. Ewing, Tinkham, Laurance A. Gulling, Claude E. Piersall, Harry W. Ferguson and Orval Paul.

TESTIMONIAL DINNER HONORING DR. FRANK T. SIMPSON

Mr. RIBICOFF. Mr. President, last Saturday a testimonial dinner was held in Hartford, Conn., honoring Dr. Frank T. Simpson. I have known Dr. Simpson for many years. During his entire lifetime, he has been a constructive human being who has done so much for so many.

Dr. Simpson is the subject of a most perceptive column "Of Many Things—Testimonial," by Thomas E. Murphy of the Hartford Courant.

I ask unanimous consent that Mr. Murphy's article be included in the RECORD at this point.

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

TESTIMONIAL: OF MANY THINGS

(By Thomas E. Murphy)

Of all the tribal rites practiced by Americans the one I shun most consistently is the public banquet or dinner, whether for fund raising, celebrating a quota, or honoring a sterling citizen. For one thing the chairs are never comfortable, the speeches are usually long and tedious, and the fellow next to me is invariably a smoker of big black cigars and likes to blow smoke rings. But frankly, I plan to emerge from my hermitage next Sunday night because the occasion is so compelling that it makes all the minor hazards

of the public dinner inconsequential. The occasion? The Alpha Phi Alpha fraternity testimonial dinner for Dr. Frank T. Simpson, Negro humanitarian and champion of human rights.

I first met Frank more than 20 years ago when we were both embarking on new jobs. There had been a bad incident in the South and an elderly clergyman had been badly beaten. As an outgrowth of this incident the first civil rights law in the country was passed. Former Governor Baldwin was a prime mover, and so was Bill Mortensen. In 1944 Frank was appointed executive secretary to this Civil Rights Commission and served in this capacity for 15 years. These were fruitful years. Many of the young people of Hartford, in today's minority groups, are scarcely conscious of the fact that they are enjoying the benefits of Frank's labors. You may say that Negro salesgirls in downtown stores were inevitable. But I can testify to the fact that the pioneering was done only by a great deal of loving care, patience, and persistence. And the white people who threatened to strike never did.

Breaking open a trade union was one of the history-making things Frank did. This was one of the few times when he resorted to court action. The Supreme Court of Errors backed him, and this particular union was opened to all. For the most part Frank has preferred to sit down and reason patiently with the offender, and he usually is persuasive enough.

About 5 years ago Frank was compelled to move over into another field. In his new job as assistant to the Public Welfare Commissioner he has widened the scope of his work and has taken on new, heavier responsibilities. His was the first voice crying in the wilderness, 4 or 5 years ago, calling attention to the iron ring of the North End. He was given the runaround by the city manager at that time, and members of the council. But he has lived to see others take up his cause. I get a kick out of some of the youngsters that are stirring things up nowadays. When Frank pioneered he worked alone, with only a few people backing him morally. But he never got discouraged.

That is the key to Frank's life. No matter how often he has been knocked down, he picks himself up, brushes off the dust, and starts onward again. I have never heard him say an ill word about any person, and Lord knows he has had plenty of reason to. But he believes implicitly in the Golden Rule, and works by it. Frank is a native of Alabama, and is a perfect example of the theory that once an educational tradition is established in a family it continues. It is this tradition that is lacking in many Negro homes. But Frank's mother was educated in Alabama by an earnest group of women missionaries from Connecticut. She was graduated from high school and was so indoctrinated by the group that all of her children became college graduates. This tradition now continues, and Frank's son is a highway engineer.

This particular testimonial is for the prime purpose of raising money for scholarships. For years one of Frank's pet projects has been serving on the Board of Directors of the National Scholarship Service and Fund for Negro Students in Inter-Racial Colleges. One of the great delights of his life is the return of these scholarship students, back into the Hartford community, as doctors, social workers, teachers, scientists. They are a leavening force that, as time goes on, increasingly affects the Negro community in Hartford.

From the time Frank's presence was felt in Hartford in 1932 at the Independent Social Center in the North End, he has been a moving spirit for good. There are few people like him of any complexion. I am glad, at long last, that he is getting some of the recognition that is due him.

So there you have it, folks. I'll see you at the Statler-Hilton next Sunday night at 6:30 p.m., I hope, joining with me in paying honor to a good citizen and a good man.

FINE SPEECH ON POVERTY BY A. PHILIP RANDOLPH

Mr. WILLIAMS of New Jersey. Mr. President, the National Advisory Council on Farm Labor has been a leader in the fight for a better life for America's most underprivileged group, the migratory farmworkers. Last week this group of public-spirited citizens held 2 days of public hearings on the problems of the 2 million men, women, and children who follow the crops. Under the able and inspiring leadership of Dr. Frank Graham, Mr. A. Philip Randolph, and Miss Fay Bennett, the council has focused public attention on the plight of the migrant to arouse the Nation's conscience.

The other night I was privileged to hear Mr. Randolph speak at the annual dinner of the council. His brief and incisive remarks make an eloquent case for speedy passage of the Economic Opportunity Act and of legislation to help the American farmworker become a proud and self-reliant citizen. I know his thoughtful remarks will be of interest to my colleagues and I ask unanimous consent to have them printed in the RECORD.

There being no obection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY MR. RANDOLPH

It is clear, I think, that the roots of poverty are many and its causes complex. It can be found on the farm and in the city, among young and old, among the employed and unemployed. Thus, it should be equally clear that the Nation's effort to conquer poverty depends not on any single program, but on a coordinated and comprehensive attack, and a marshaling of all our resources and ingenuity.

This objective will not be reached without bold, far-reaching leadership by the Federal Government. However, the responsibility for this massive attack must be shared by the States and local communities. And it must be backed by the full strength of an aroused public conscience.

In no area is the need for total commitment to the war on poverty more clearly demonstrated than among the 3½ million migrants and other farm workers—the "excluded Americans." Handicapped by a lack of education which confines them to agricultural labor or propels them unskilled and unprotected into overburdened cities, sheltered in housing which is inadequate by any reasonable standard, undernourished and prone to disease, with incomes far below the poverty level, they are, nevertheless, excluded from virtually all labor and social welfare legislation, and far removed from most health and welfare services.

The Economic Opportunity Act, the Appalachia bill, an accelerated public works program are all essential components of this massive attack on poverty. But much of what is needed for farm workers does not involve new programs so much as a concentrated effort to extend measures which have been enacted in the past. No war on poverty can hope to achieve victory unless it includes a campaign to extend to farmworkers protections against unemployment and exploitation. At present workers in agriculture have none of the three basic economic rights enjoyed by the majority of industrial workers: minimum wage, protection of the right to organize and bargain collectively, and unemployment compensation. Expanding civil rights can only take on full meaning for these "excluded Americans" when they have achieved these economic rights.

Pressures to prevent farmworkers from acquiring equality of status with other American workers, and to deny them the special measures needed to improve their working and living conditions, have been widespread and powerful. An aroused and enlightened public can overcome these pressures. An aroused and enlightened public can, by united action, insure equal rights for farmworkers. Not only can we act, we must act to achieve these ends. "For," in the words of President Johnson, "the war on poverty will not be won here in Washington. It must be won in the field, in every private home, in every public office, from the courthouse to the White House."

EDITORIAL PRAISE FOR SENATOR CASE

Mr. WILLIAMS of New Jersey. Mr. President, we have all followed with interest the fine efforts of my distinguished colleague, Senator CASE, to continue and expand the investigation of the Rules Committee into the tangled affairs of Bobby Baker. I have always supported this investigation, and I voted with my colleague to continue it. The Senator has been justifiably praised and lauded by newspapers across the country. In particular, his dedicated work has been greeted with enthusiasm in the State of New Jersey.

On several occasions, the Senator has placed a selection of these editorial encomia in the RECORD for the benefit of Senators from other States who do not have the opportunity to read the New Jersey papers as closely as they might like. As a citizen of New Jersey, I have read the comments of the New Jersey press with great interest. One of our very fine newspapers, published in the home county of Senator CASE and myself, is the Elizabeth Daily Journal which spoke very kindly of Senator CASE's efforts and stated that "New Jersey can be proud of Senator CASE." Unfortunately, this excellent editorial was not included among those placed by Senator CASE in the RECORD.

So that the RECORD may be complete, I ask unanimous consent that this well earned tribute to my colleague may be printed in the RECORD.

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

ANOTHER POOR SENATE PERFORMANCE

Senator CASE, known for his serenity and poise, shook the Senate in his angry clash with Senator MANSFIELD, the majority leader, but regrettably he could not bring it to plumb the depths of Members' involvement in the bizarre affairs of Bobby Baker. The Rahway Senator has been striving for weeks to prevent an obviously oncoming whitewash.

New Jersey can be proud of Mr. CASE. It also should salute Senator WILLIAMS, of Westfield, who broke with his Democratic colleagues to vote with Senator CASE for an expanded inquiry into the Baker manipulations.

Senator WILLIAMS, deploring "the bitter partisanship," reinforced his prior assertions that he was not within the Baker orbit. No stronger disavowal than his vote against his own party should be needed.

This was a courageous act, for which Mr. WILLIAMS doubtless has been chided in the cloakrooms by others of his party. Only eight other Democrats voted to broaden the investigation, and the move lost in a tabling vote, 42 to 33.

The majority reluctance to expose the whole Baker episode is disturbing. It can be interpreted easily as an admission that Members are enmeshed and the party cannot afford exposure in a presidential election year.

In rebuffing those who wanted to broaden the committee's powers, a technicality unnecessary in the opinion of some experts, the Senate cloaked the situation in partisanship and did a disservice to itself.

Too many citizens are perturbed by the facts already adduced and by the suspicions aroused. Americans usually are tolerant of petty flaws in the performances of officials, but this matter transcends all excusable dimensions.

A thorough cleansing would have restored the luster with which trust in the Senate should glow.

DELAY IN ACTING ON APPROPRIATION BILLS

Mr. McCARTHY. Mr. President, delay in acting on appropriation bills has become a matter of increasing concern. Last year, action on 8 of the 12 major appropriation bills was not completed until late in December.

This year, although the House has been moving expeditiously, the legislative situation in the Senate has been such that we have not yet acted on a single one of the major bills, and only one of them has been reported.

The National Capital area chapter of the American Society for Public Administration has prepared a statement on "The Administrative Cost of Delayed Appropriations," which points out the loss to orderly and efficient management of Government programs resulting from these delays.

I ask unanimous consent to have this statement printed in the RECORD.

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

THE ADMINISTRATIVE COST OF DELAYED APPROPRIATIONS

(Statement by National Capital area chapter, American Society for Public Administration)

The National Capital area chapter of the American Society for Public Administration is greatly concerned about the serious delays in the enactment of major appropriation bills by the U.S. Congress.

In fiscal year 1964, 8 of the 12 major appropriation bills were not enacted until late in December when nearly half of the fiscal year was over. Only one was passed prior to the beginning of the fiscal year and only four were passed by the time a third of the year had gone by. Appropriation bills have delayed increasingly in recent years but never as much as in fiscal year 1964.

Delays of several months in the passage of appropriation bills greatly impede efficient and effective management of the public business. They seriously hamper systematic planning and orderly execution of Government programs, causing inefficiency, uncertainty, and costly improvisation. The chapter believes strongly that such delays are an invitation to fiscal irresponsibility.

The chapter recognizes that there are many factors contributing to the delay of appropriations, some of which are not under the control of Appropriations Committees. Appropriations, for example, are sometimes held up for lack of authorizing legislation, which in an increasing number of cases is extended for only 1 year at a time. The chapter believes, therefore, that the delays of appropriations can be eliminated only if all committees of the Congress work in cooperation toward this objective.

The chapter commends the appropriate committees for the establishment of a schedule for acting on all appropriation bills for fiscal year 1965 prior to the beginning of the fiscal year. In the interest of good government, the National Capital area chapter urges the Congress to take such other steps as may be necessary to complete action on appropriation bills by the beginning of the fiscal year to which they apply.

SARGENT SHRIVER ELOQUENTLY DESCRIBES HOW POVERTY BILL WILL HELP SMALL FARMER AND MIGRATORY FARMWORKER

Mr. McCARTHY. Mr. President, more than half the Nation's poor—15 million men, women, and children—live in rural areas. These long forgotten poor have found an effective fighter for their cause in the National Advisory Council on Farm Labor. This group of concerned citizens has done a fine job in pressing for legislation to bring a better life to America's rural poor.

At the conclusion of 2 days of hearings on the farm labor problem, the council was privileged to hear a fine address by Sargent Shriver, the leader of the President's war on poverty. Mr. Shriver eloquently described the direct and immediate help the poverty bill will bring to America's rural poor. This fine address will be of interest to my colleagues and I ask unanimous consent to have it printed in the RECORD.

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

REMARKS OF SARGENT SHRIVER, BEFORE THE NATIONAL ADVISORY COMMITTEE OF FARM LABOR, MAY 18, 1964

Today, prosperous America has the greatest chance of any nation in the history of the world to wipe out poverty.

We have declared war on poverty, and are fortunate to start that war during a period of justifiable confidence and pride in a system that has helped make us the most powerful, the most comfortable, and the most free nation in history.

Now, feeling our oats, we are out to prove that the spirit and techniques of this American system can satisfy the needs of all of our citizens.

This is a goal that can be shared by every American. There is room for everyone on the battlefield because it is going to take all the compassion and initiative we can muster to free the prisoners of poverty.

America can fight this war now because the enemy has been sighted. But if it hadn't been for the efforts of people like A. Philip Randolph, Dr. Frank Graham, Fay Bennett, Father James Vizzard, Senator "Pete" Williams, and many others, poverty might very well have remained in hiding. If it hadn't been for writers like Mike Harrington and Paul Jacobs, "comfortable America" might never have spotted "the other America."

The people in this room didn't have to read the books. All of you, and the organizations you represent, have been fighting the poverty battle for years, virtually alone. Certainly you know the facts about rural poverty as well as any group in this country. But these facts require constant repetition if all the people are to grasp the full scope of the job before us.

What are the facts?

One out of every three rural families lives with an income of less than $3,000 a year. Almost half of all our poor live in rural areas and more than half the rural poor live in the South. Rural underemployment amounts to the equivalent of 4 million unemployed, and that figure may be doubled within the next decade.

Those are just some of the statistical, economic facts. The faces of poverty are facts, too:

The resigned face of a dirt farmer, unskilled at anything except agriculture—and behind the times even in that—watching his family's welfare deteriorate like his land.

The weathered face of a migrant worker, living with his family in a series of one-room shacks, his children tramping along behind him without shoes and without schooling.

The baffled, bitter face of a young Negro trapped behind the barriers of his rural ghetto, a prison within the prison of poverty.

The sad and bewildered face of a coal miner, once a good provider, now displaced by a machine, having to face his wife and children with his self-respect chipped away a little more each day.

Poverty is reflected everywhere in these areas. Rural America has almost three times the proportion of dilapidated and substandard houses that urban America has. Rural children get one-third less medical service than children in and near cities; the mortality rate of rural children is 50 percent higher than in urban areas. Clinic and social services are almost totally lacking.

The rural schools are weakest and the dropout rates highest.

There are dirt roads instead of highways in the rural areas and they are sometimes impassable.

What this means in human terms is that water comes through the roof when it rains, but is only available up the road when you want it to drink; that a Solomon's choice must be made among four children to decide who goes to school because there is only money for one pair of shoes.

Within the rural areas are found one of the major subcultures of poverty—the small farm. Sixteen percent of America's 30 million poor live on farms. More than 40 percent of all farm families are poor. More than 80 percent of nonwhite farmers live in poverty, although the overwhelming majority of poor farm families are white.

Among these poverty-stricken farm families are about 1 million families who have been called boxed in. They are headed by a person so handicapped by age, or lack of education, or physical disability, or a combination of all three, that the family must make it where they are, or they won't make it at all.

The breadwinners of these 1 million farm families have few choices open to them, and what choices there are only spell more poverty and more suffering.

Right now there is little help available to these families from any source. The FHA is prohibited by law from providing credit to families who have no repayment base or prospects. So the one Government agency most active in helping low-income farm families is unable to help those who need it most—the 1 million who cannot avoid the steel trap of poverty.

The provisions under title II of the Economic Opportunity Act will help to eliminate this painful paradox. Grants would be combined with loans and intensive technical assistance to raise the sights and the opportunities of impoverished rural families.

The Equal Opportunity Act also proposes a program of loans and grants to State and local nonprofit organizations for the purchase and resale of farmland to low-income

family farmers who are being pushed out of the race for land by the giants of agriculture and real estate.

The bill proposes that credit and technical assistance be extended to organize and finance small cooperatives made up mostly of low-income rural families, or to strengthen co-ops already in existence.

Title III, of course, attacks only one aspect of the rural problem. Our bill proposes additional legislation which would have a direct impact on rural poverty. For example, under title I we request permission to establish a Job Corps. Membership in this Corps is open to any man or woman from 16 to 22. We hope to enroll 100,000. Each will receive $50 a month, but they can allot $25 per month to their families. If they allot the $25, we will match that $25 so that each Job Corps trainee could send home $50 a month—$600 a year.

Well, you say, $600 isn't much in affluent America. I agree with you. But if your total family income last year was $1,800, $600 is a 33⅓-percent net increase in your financial situation. That's a big boost—that may be the first glimmer of hope for many a rural family—that might be an inspiration to other boys and girls in the family and nearby to join the Job Corps, advance themselves and help their mothers and fathers at the same time.

Yes, this $600 a year could be a direct "shot in the arm" to many a poverty-stricken rural family.

Title I will also reach 340,000 additional young men and women between 16 and 22 years of age. It will give them jobs in their own hometowns, right where they are; and these jobs will not only supply financial assistance to the young people involved, but they will relieve parents of the necessity of supporting these young people. These jobs will give parents a hope for their children—a hope which many of these same parents had long ago despaired of.

Title II will help stimulate and support action programs to meet a rural community's most urgent needs in health, education, and other areas. Educational centers will be started in rural as well as in urban locations. Conservation camps will enroll not only the children of the city slum, but also rural youths who have dropped out of school and are drifting without aims or means. The program of jobs for potential school dropouts will give them a little income and stability to encourage them to remain in school.

The importance of providing decent education for the children of poor farm families cannot be overemphasized, especially when these families live in an environment that offers no incentives for education. A few days ago, the Department of Agriculture released a study of education among farm youngsters. Listen to these tragic facts:

In 1962, out of 1.3 million farm youths, 400,000 already had dropped out of school, the overwhelming majority without any high school education at all. Only one in three farm youths goes to college, compared with nearly half of our urban youngsters.

What more fertile ground could there be for action programs under title I and title II?

There are other points of attack in the rural poverty problem. Such measures as the wheat-cotton bill, which prevent the kind of price drops that push small farmers to the wall, are part of the war on poverty, too. And what about farm labor? What about the farmworker trying to get a decent living wage?

American farmworkers are the most underprivileged group in the Nation's entire labor force. The average earnings of agricultural workers are barely over $1,000 a year from all sources, farm and nonfarm. Farmworkers are excluded from minimum wage, unemployment insurance, and most State workmen's compensation laws. In addition, they are excluded from legislation which protects the right of workers to organize into unions and bargain with their employers.

Each year, approximately 500,000 American farmworkers are forced to migrate in order to avoid either low wages or unemployment at home. While on the road, they are underemployed, their wages are low, their housing is poor, they lack health and welfare services, and in some cases even safe vehicles for transportation. The children of migrants are denied the benefits of education, because they lead nomadic lives, and because they are needed in the fields.

America's migrants, because they are constantly on the move, are the hardest of the American poor to reach. When they settle down in cities and towns, they remain poor, but at least become eligible for welfare.

In this day of concentrated farmownership and mechanized agriculture, when only a small percentage of all farms hire the vast majority of all farm labor, it makes no sense at all to exclude farmworkers from the protection of labor and social legislation that have benefited other workers for over a quarter of a century. The time has come when America should make every effort to eliminate a farm labor system that is based on poverty and destitution. Surely it is not beyond our resources nor our ingenuity to include, in our war against poverty, these always "excluded" Americans.

Increasing the wages and improving the working conditions of farmworkers is not going to hurt the family farmer; on the contrary, it may help him. If a large grower or processing corporation is able to obtain an unlimited quantity of labor for low wages, then the work performed by a farm operator and the members of his family on a small, family farm becomes of equally low value. The substandard wages paid on the huge corporate farms become the standard of income for self-employed farmers who must compete in the same markets.

There is another way of attacking the migrant labor problem under the Economic Opportunities Act. The Director of the Office of Economic Opportunity, under title VI, could refer volunteers—upon request of the Governors—to work in meeting the health and education needs of migrants and their families.

What I have described to you tonight is part of what has been called the antipoverty package. It is not the whole war, of course. But this package alone will create $1 billion worth of new programs and incentives. And it will produce these results in its first year of operations:

1. A $450 million program to train and place over 400,000 young men and women—including thousands of youths from the farms of America—to help them escape from the poverty into which they were born.

2. The amount of $315 million worth of support for community action projects—urban as well as rural—to help local groups develop those programs which will have the greatest meaning for the particular community.

3. Another $50 million to carry out title III programs for rural America alone.

4. An amount of $150 million for training and jobs for unemployed parents—in rural and urban areas.

But what we do under this new authority cannot be measured by numbers alone.

Take the provision in title III, for example. For years, groups like yours have recommended that we try to make our very poorest farm families self-sufficient. Now we have the means to do it. We are confident it will work. And when it proves itself, we will do more.

We are going to enlist the good faith, the good heart of America in this program. Thousands of volunteers will be recruited to help carry it out. Many of these volunteers will come from the farms—and go to the farms. This is an exciting promise of the poverty program, as it has already proven exciting in the Peace Corps.

So the poverty program is not to be measured by cold statistics alone, although the statistics above are impressive. Instead, it must be measured primarily by the commitment it implies—a commitment by the richest nation of the world to give all of its citizens a chance to enjoy its riches.

I have been talking tonight, not about utopia, but America—a land of opportunity, not a paradise of plenty. The American experience is rooted in realism. We have never sought to create a blissful paternalistic society in which all of a man's needs would be provided for from birth. Historically and traditionally our dictum has been: give a man liberty and opportunity and he will go as far as his ability will allow.

The objective of the war against poverty is to liberate 35 million Americans from the cycle of poverty, and give them the opportunity to advance. For economic reasons, for moral reasons, for human reasons—for every reason known to reasonable men—we must and will win that war.

ECONOMY OF NORTHEASTERN MINNESOTA

Mr. McCARTHY. Mr. President, the economy of northeastern Minnesota has traditionally been dependent upon iron ore mining, whereas that industry was set back through depletion of the so-called direct-shipping ores. It is now staging a comeback through the development of taconite, but nonetheless the diversification of industry in that area has long been necessary.

A most encouraging development, therefore, is the joint effort of labor and industry to form the Northeastern Minnesota Development Association, a privately financed nonprofit organization, whose purpose is to attract new and diversified industry.

I ask unanimous consent to have printed in the RECORD an article published in the New York Times for Monday, May 25, describing this newly formed group and the problems and potentiality of this area.

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

[From the New York Times, May 25, 1964]

LABOR, BUSINESS, AND CIVIC LEADERS IN THE MESABI IRON RANGE JOIN TO DIVERSIFY INDUSTRY

(By Austin C. Wehrwein)

HIBBING, MINN., May 24.—A fresh spirit of cooperation and hope is stirring the Mesabi Iron Range, a rugged country of gigantic rust-colored open-pit craters, lakes, and woods.

The dream is a broadly based, economically diversified area. But the traditional economic base has been iron ore. In the last 10 years 211 mines have closed, leaving 121. Natural ore-mining jobs have been cut in half. Areawide unemployment runs from 10 to 12 percent and there are pockets in the 100-mile-long range where it is as high as 40 percent.

Hard times have plagued the Mesabi since depletion and foreign competition broke its virtual monopoly on high-grade ore for American mills. But from Gov. Karl Rolvaag on down the people reject the suggestion that this is another Appalachia.

When iron is king, the Mesabi's welfare is decided in boardrooms of steel companies

far away on the basis of national and international events.

DIVERSIFICATION SOUGHT

This weekend labor and industry in the region started a $1 million privately financed nonprofit organization, the Northeastern Minnesota Development Association, "to produce jobs" by attracting diversified industry. It will put to a test the dogged optimism, sometimes verging on wishful thinking, that is combined with despair.

The backers include the United Steelworkers of America and the International Brotherhood of Teamsters, who have given a total of $75,000, the United States Steel Corp. and a cross section of the industry-commercial-professional community.

It was not always this way. Industry and labor here have often locked horns and communities have bickered.

The "do-it-ourselves" leaders would like to work with, rather than rely on, the Government, including the Johnson antipoverty campaign. This is no States rights feeling because there is no basic philosophical objection to help. But, unlike ingrown Appalachia, the people here are of diverse stocks—Finns, Swedes, Norwegians, Italians, and a variety of Slavic strains.

Many are second-generation Americans with an intense yearning for education. Schools, the beneficiary of high tax yields from the mines when the going was good, are equal to any in the State. In Grand Rapids, for example, the school district serves an area of 36,000 square miles.

Also unlike Appalachia, people will move away, although they would rather stay. This is a mixed blessing—it means that there are fewer pockets of discouraged hopeless people but it also means that there is a draining away of talent.

FISH CAUGHT FOR VETERANS

Typical of the flavor of the area was the "Pike for Vets" celebration in Grand Rapids a few days ago. For a week, people left their jobs and went fishing in 20 lakes in a 30-mile radius. The 1,500 pike they caught were cleaned by volunteers and were frozen for shipment to a veterans' hospital at Minneapolis along with a supply of wild rice to provide the patients with a fish dinner.

Primarily, the hope is based on what people call the "three T's"—tourism, timber, and taconite. And the greatest of these is taconite, low-grade iron ore that can be processed and upgraded.

The new development association crystalizes the desire for economic diversification to get away from a one-product economy. Nevertheless, taconite promises immediate jobs.

A representative case is that of John Kavlie, a 35-year-old father of three children, ages 8 to 3, who lives in Chisholm.

He is both a miner and a railroad fireman. He is working now but he has received from the railroad a dismissal notice effective June 7. In the last 10 years, he has been unemployed for 4. He likes his native region and wants to stay. He hopes to get a job in one of the new taconite plants. His wife works as a schoolteacher, which helps. But he said:

"It gets pretty tough and sometimes you just get by. And a man does not like to be supported by his wife."

TACONITE DEVELOPMENTS

The family lives with his father-in-law, who is a widower.

This is what is happening in the taconite picture:

Armco and Republic Steel Corps. have a taconite plant at Babbitt. Another is at Erie, where the Bethlehem Steel Co., Youngstown Sheet & Tube and two smaller companies have joined hands. Together this represents a $300 million investment.

On June 3, ground will be broken for a taconite plant at Eveleth in which the Ford Motor Co. has an 85-percent share of an investment estimated at $45 million. In the wings are United States Steel and M. A. Hanna Co. United States Steel has already sunk $27 million in a pilot operation and if a tax reform amendment passes a $150 million plant will be built by United States Steel at Iron Mountain.

Also contingent on voter approval of the constitutional amendment in November is an $80 million Hanna plant near Hibbing.

Mine taxation methods for years were a bitter issue in Minnesota. Now labor, industry and leaders of both parties as well as citizens in many walks of life have united behind the amendment to give mines the same tax treatment as other industries. Taconite is, in fact, essentially a manufacturing process.

Moreover, natural iron mining is a summer enterprise that creates winter unemployment. Taconite, which has already provided about 5,000 jobs to offset to some extent the loss of 8,000 jobs in natural mining, is a year-around process. It should be noted that in addition to the loss of mining jobs, many mining-supported jobs are lost when a mine closes. It is said that for every miner's job there are about two others directly related to it.

In summing this up, Representative JOHN A. BLATNIK, the Democrat whose district includes the Mesabi, looks for a beginning of $200 million in new taconite plant construction this year if the amendment passes.

CALLS AREA BLESSED

In Duluth, Gerald W. Heaney, a leader in the new development group, said:

"We are blessed as no other depressed area is blessed. There is no reason why we cannot achieve our goal of being the first major area taken off the list of depressed areas."

But more than regional patriotism is needed to turn such blessings as vast water resources, abundant electric power and timber stands into jobs. Taconite aside, the Mesabi suffers the same disadvantages as other areas remote from big cities.

Help from the Area Redevelopment Administration on a large scale produced 13 light manufacturing plants but only 500 jobs. This is regarded as a gain here but it is hardly spectacular compared with more industrialized regions.

The advantage of diversification is, however, obvious. Grand Rapids (population 7,200) is a comparatively thriving community largely because it is the home of the prosperous Blandin Paper Mill.

Grand Rapids also has a busy industrial foundation that has helped promote a plastics, a woodworking and a water ski making company. More important, the foundation has backed the Sugar Hills ski project and the related expansion of a semiluxury resort called Otis Lodge. Local private capital plus Small Business Administration loans totaling $235,000 made these developments possible.

Charles Skinner, an imaginative young man who left law practice to go into the enterprise, said that the ski project brought in $800,000 in the winter season.

Largely due to the 40,000 skiers who came to the 7 miles of Sugar Hills ski trails, Grand Rapids has doubled its motel capacity.

Mr. Skinner represents a new breed in the Minnesota vacation business. He says that its salvation is to become a year-round thing, geared to the rapidly accelerating flood of vacationers with more money and time and a desire to do more than just fish.

Taconite expansion also holds out the prospect of new related industries. So, for that matter, does a thriving more sophisticated tourist industry. High value, low weight manufactured products, such as electronics components, are also sought. Litton Industries, which put just such a plant in Duluth with some reported political prodding, has since expressed high pleasure at its good rate of productivity.

MEAT IMPORTS

Mr. JORDAN of Idaho. Mr. President, we who represent Western States have long been proud of the independence of our livestock industry and those who make it operate. This pride was again stirred last Thursday when delegates from western beef producing States, at a conference in Boise, Thursday, recognized the extreme emergency facing that industry but steadfastly opposed any scheme to subsidize direct purchases of cattle by the Government.

Instead, these cattlemen urged that we in Congress and the administration join our efforts to get at the basic causes of the multimillion-dollar loss that the cattle industry has sustained. They urged passage of legislation which would limit the importation of beef, veal, lamb, and mutton to the average of shipments during 1959–63.

These western range operators are men of few words and decisive action. When told that the administration had suggested that the U.S. cattle industry check the possibility of markets in Europe for U.S. cattle, one of the delegates suggested that at a time when imports were crippling cattle prices in the United States with low-grade meat, the U.S. Government would be wiser to suggest to those nations that are shipping to the United States that they supply the European market and leave the American market for U.S. production. U.S. cattlemen have developed through many millions of dollars of promotion an expanding market for meat in the United States. "Why?" they ask, should they now turn this market over to foreign producers and be forced to spend more U.S. dollars to develop meat consumption in Europe. Let the foreign exporters develop their own markets, the cattlemen suggest.

The cattlemen are also practical people and firmly believe that they must help themselves. They recognize that part of their problems are within the domestic industry. They suggested that their American National Cattlemen's Association undertake a full economic study of the cattle industry to determine what the producers and feeders can do to help themselves. They also suggested changes in the grading program to allow lighter cattle to be marketed at higher grades, and they unanimously endorsed action to step up meat promotion programs with more emphasis on the value of U.S.-grown meat.

These men are not whiners, nor are they looking for handouts. They are willing to pay their own way and fight for their own industry, but they feel deeply that they should not have to fight against their own Government which is entering into agreements to give away more and more of the U.S. meat market to foreign producers.

We want to make every effort to get meat to the tables of America at the price and quality demanded by the consumer, and at the same time assure them that it is inspected under the high sanitary standards that every U.S. citizen has a right to expect, the delegates agree.

The cattlemen cited facts and figures pointing out that when the cattle in-

dustry suffers a multimillion-dollar loss, many other industries such as feed grain, farm machinery, and the merchants of the farming community also feel the effect of this loss of spendable income which the cattlemen do not have now. They also pointed out that they pay a substantial share of the taxes to support local, State, and Federal Government programs.

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

Mr. JORDAN of Idaho. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

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

Mr. JORDAN of Idaho. Mr. President, while the cattlemen do not like paying taxes any more than any other segment of our economy, they all agree that they would rather be making money upon which to pay taxes than to be receiving doles from tax-supported poverty programs.

Mr. President, I ask unanimous consent to have printed in the RECORD a "Statement of Action" which was adopted by the Western States Beef Import Conference, and an article published in the Idaho Daily Statesman, reporting on the conference.

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

STATEMENT OF ACTION

(By the Western States Beef Import Conference, Boise, Idaho, May 21, 1964)

Cattlemen of the Nation were called upon here today to step up their battle for survival by initiating an aggressive action program to secure passage of beef import legislation now bogged down in Congress.

Feeders and ranchers of eight Western States, meeting in Boise, Idaho, at a special conference on industry problems, endorsed principles of the legislation which would limit the importation of beef, veal, lamb, and mutton to the average of shipments during 1959–63. Multimillion-dollar losses are being suffered throughout the country because of excessive shipments of foreign meats.

Crossing State lines to recognize the extreme seriousness, especially if drought should hit this year, the stockmen met as the Western Beef Conference. It also urged changes in beef grading to allow for more orderly marketing of finished animals at lighter weights; close culling of cow herds; aggressive promotion efforts and other activities designed to assist the industry to reverse the trend of falling cattle prices at all levels.

High on a list of recommendations was a suggestion that an extensive economic study of the entire industry be inaugurated immediately through the American National Cattlemen's Association. Such a study, delegates felt, should be conducted by business management consultants on the premise that the beef industry is one of the Nation's largest businesses with problems far more complex than most.

The group showed grave concern over losses coming to allied businesses and communities depending upon beef production, the loss of jobs in supplying and service industries, and a substantial reduction in the tax base available for local, State, and National functions.

Although 32 delegates of the 11 State organizations recognized the extreme emergency facing the industry, it firmly opposed any scheme to subsidize direct purchases of cattle by the Government, deplored the free-trade philosophy of the administration which was blamed for bartering away the future of the livestock industry, and blamed Government encouragement of grazing of cattle on acres diverted from surplus crop production for many of our excess cattle on hand today.

The conference was called by the Idaho Cattle Feeders Association and the Idaho Cattlemen's Association in an effort to dramatize the critical nature of the industry. Other States represented included Washington, Oregon, Montana, California, Nevada, Utah, and New Mexico.

Regarding the entire import situation, the group discussed in detail beef promotion activities emphasizing the use of U.S. beef in retail outlets, restaurants, and locker plants. It specifically requested that sanitary requirements for slaughtering in foreign countries match the high standards prevailing in this country.

[From the Idaho Daily Statesman, May 22, 1964]

CATTLEMEN BRAND IMPORTS AS MENACE TO ECONOMY; VOW TO FIGHT FOR MARKET

(By Don Morrissey)

Delegates from western beef producing States at a conference in Boise Thursday pointed out the industry has taken a multimillion-dollar loss due to foreign beef imports and strongly recommended that imports of beef, lamb, and mutton be regulated by legislation on a 5-year base, using the years between 1959 and 1963 to set averages.

Presidents of cattlemen's organizations from eight States said jointly, "We are willing to share our market but not willing to give it away."

It also was recommended that the present Department of Agriculture grading standards be revised to allow the feeding and marketing of younger and lighter weight animals and that they be graded as choice.

OPPOSED TO SYSTEM

The delegates are opposed to the modified dual-grading system as proposed by the Department of Agriculture and said State associations should be encouraged to solve local problems, including the raising of overweight animals.

Conference members cited the tremendous tax loss to the Federal Government due to the depressed cattle industry and stated they were opposed to the Government trend toward one-world philosophy.

The group seeks more stringent regulations for inspection of foreign meat plants, recommended the Government purchase of American beef for various programs instead of foreign beef and went on record as opposing grazing cattle on diverted lands.

Delegates pointed out grain producers and merchants and all other allied industries face losses due to the depressed beef industry and said every other type of retail business will be affected if the trend is not halted.

EXPRESS CONCERN

Cattle feeders and producers expressed great concern at the conference on how a breakdown in the beef industry could affect the entire Nation's economy.

State by State, delegates voiced opinions on conditions in their areas and offered suggestions as to how the problem could be whipped.

It was explained by Lyle Liggett, Denver, Colo., of the American National Cattlemen's Association, that numerous bills and legislation on imports had been presented in both Houses of Congress but that action was being held up until the civil rights matter is disposed of.

He said the national association was opposed to a change in import quotas which set the base at an average for 1962–63, which were the highest import years for the countries affected. He explained the association favored a more reasonable base period—the years between 1959 and 1963.

ACCUSED OF PRESSURE

"The administration," he said, "is pressuring against legislation which will set import controls and is trying to get pet bills passed."

He added, "it is possible the Senate will be allowed to pass legislation to aid election of some western Congress Members only to see the measure defeated in the House after the election."

At the meeting it was pointed out imports are below last year but that this could be a "smoke screen" which will result in an increased imports base later on.

Concern was expressed over a Government proposal to develop meat exports to European countries and it was pointed out the market quantity for certain qualities is not known.

WOULD ENCOURAGE OTHERS

Allan Adams, of the Utah Cattlemen's Association, said to become engaged in such a program would in a way be encouraging export of beef from other countries and would be an endorsement for free world trade.

Carl Twisselman, McKittrick, Calif., president of the California Cattlemen's Association, pointed out the industry has short-range problems, also, besides the long-range battle against imports.

He mentioned an excess of animals as one domestic problem and said a thorough research project of the industry should be carried out.

Curtis Eaton, Twin Falls, president of the Idaho Cattlemen's Association, presented proposals from his organization including a change in Department of Agriculture grading standards which would put the upper half of the good grade in the choice classification.

NEEDS TO TAKE ACTION

Ralph Miracle, Helena, Mont., secretary of the Montana Cattle Growers Association, said Congress needs to exert itself and take action to defeat some of the administration proposals which would set price and production controls on certain commodities.

Delegates strongly opposed subsidy of the industry by the Government and urged that it be allowed to find its own solution through a self-help program. He said associations should determine how much strength they have for favorable legislation in Congress and then fight for it.

Also speaking for favorable legislation to control imports were Pete Marble, Reno, of the Nevada Cattlemen's Association; Jim Brooks, of the Oregon Cattlemen's Association; Sherman D. Harmer, of the Utah Cattlemen's Association; Jack Tibbetts, of the Washington Cattlemen's Association; Cal Cartwright of the Washington Cattle Feeders Association; Les Davis of the New Mexico Stock Growers Association; Henry Jones of the Idaho Cattle Feeders Association; George Russell of the Oregon Cattlemen's Association; Jim Ellsworth of the Idaho Cattle Feeders Association; Allan Adams of the Utah Cattlemen's Association; Floyd Skelton, Idaho Falls banker and former cattleman; Ernie Davis of the Oregon Beef Council; Walter Yarbrough of the Idaho Black Angus Association; Willard Brunch of the Oregon Cattlemen's Association, and Dr. Wayne Robinson of the University of Idaho.

LETTERS, WIRES READ

Several letters and wires from other State associations and Governors lending support to proposals to better the beef industry were read as was a telegram from Idaho's Republican Senator LEN B. JORDAN.

Oregon's beef promotion by stores wherein chains and independents feature domestic grown beef was explained and its success related.

The group discussed the enforcement of labeling laws which state where products are

produced, and suggestions were made that cities pass ordinances to that effect.

Speakers pointed out the industry should not look for or encourage Government handouts. It also was stressed that the consumer will be the real loser if beef imports are not cut down because supplies will be lessened and prices will increase.

SUGGESTS IMPORT HALT

Jones suggested that beef imports be halted entirely. He said, "Europe protects its own people, and the United States should do the same by tariffs or other means."

Regarding the Government's buying of beef for various programs, Brooks said, "It only scratches the surface. The industry can work out its own solution if we are allowed to."

Twisselman said, "We should let President Johnson know we don't intend to let up and that we plan to continue our fight to preserve the beef industry."

He also suggested that associations work to obtain support from allied industries and to encourage programs for foreign beef producers to supply the European market.

PROMISES SUPPORT

The Idaho Farm Bureau Federation promised its support to proposals which would help the industry and noted it was opposed to Government farm controls and favored reduction of beef imports, labeling of products and promotion of domestic products.

Clyde Rutledge, president of the Greater Boise Chamber of Commerce, and Gov. Robert E. Smylie welcomed delegates and others at a noon luncheon.

Smylie told luncheon guests, "The State Department must be made to realize this is a national problem and that a unified effort is being made to save the industry."

EXECUTIVE SESSION

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business for action on the nominations of postmasters. The postmaster nominations have been cleared with the two Senators from every State involved.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. ERVIN, from the Committee on the Judiciary:

Eugene A. Gordon, of North Carolina, to be U.S. district judge for the middle district of North Carolina.

By Mr. ERVIN (for Mr. EASTLAND), from the Committee on the Judiciary:

John H. Kamlowsky, of West Virginia, to be U.S. attorney for the northern district of West Virginia.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. INOUYE. Mr. President, from the Committee on Armed Services, I report favorably the nominations of 35 flag and general officers in the Army, Navy, Marine Corps, and Air Force. I ask unanimous consent that these names be printed on the Executive Calendar.

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

The nominations ordered to be placed on the Executive Calendar are as follows:

Rear Adm. Alexander S. Heyward, Jr., U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving:

George E. Tomlinson, and John L. Winston, Marine Corps Reserve officers, for temporary appointment to the grade of major general;

Maj. Gen. Joseph R. Holzapple, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general;

Adm. Harry D. Felt, U.S. Navy, to be placed on the retired list in the grade of admiral;

Rear Adm. Joseph M. Lyle, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Russell A. Bowen, and Douglas J. Peacher, Marine Corps Reserve officers, for temporary appointment to the grade of brigadier general;

Maj. Gen. Jean Evans Engler, U.S. Army, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

Anthony A. Mitchell, U.S. Navy, for appointment to the grade of lieutenant commander, while serving as leader of the U.S. Navy Band;

Lt. Gen. Frank Shaffer Besson, Jr., Army of the United States (major general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, in the grade of general;

Vice Adm. Thomas H. Moorer, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of admiral while so serving;

Rear Adm. Bernard A. Clarey, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Vice Adm. Bernard L. Austin, and Rear Adm. Laurence H. Frost, U.S. Navy, for appointment to the grade of vice admiral on the retired list;

Rear Adm. William E. Ellis, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Robert T. S. Keith, U.S. Navy, for appointment to the grade of vice admiral on the retired list;

Maj. Gen. John C. Munn, U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list;

Lt. Gen. Carl Henry Jark, Army of the United States (major general, U.S. Army), to be placed on the retired list;

Maj. Gen. Lawrence Joseph Lincoln, U.S. Army, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

Maj. Gen. Leighton I. Davis, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general;

Rear Adm. Allen M. Shinn, U.S. Navy, to be Chief of the Bureau of Naval Weapons;

Rear Adm. Kleber S. Masterson, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Lt. Gen. Paul Wyatt Caraway, Army of the United States (major general, U.S. Army), to be placed on the retired list;

Vice Adm. Roy A. Gano, U.S. Navy, for appointment to the grade of vice admiral on the retired list;

Capt. John K. Leydon, U.S. Navy, to be Chief of Naval Research;

Capt. Robert H. Hare, U.S. Navy, for temporary promotion to the grade of rear admiral, while serving as Deputy and Assistant Judge Advocate General of the Navy;

Gen. William F. McKee, U.S. Air Force (major general, Regular Air Force), to be placed on the retired list in the grade of general;

Lt. Gen. Hunter Harris, Jr., U.S. Air Force (major general, Regular Air Force), to be assigned to positions of importance and responsibility designated by the President, in the rank of general;

Lt. Gen. Andrew Thomas McNamara, Army of the United States (major general, U.S. Army), and Lt. Gen. John Southworth Upham, Jr., Army of the United States (major general, U.S. Army), to be placed on the retired list;

Maj. Gen. William Frew Train, U.S. Army, and Maj. Gen. Charles Wythe Gleaves Rich, U.S. Army, to be assigned to positions of importance and responsibility designated by the President, to serve in the grade of lieutenants general;

Vice Adm. Elton W. Grenfell, U.S. Navy, for appointment to the grade of vice admiral on the retired list; and

Rear Adm. Vernon L. Lowrance, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving.

Mr. INOUYE. Mr. President, in addition, I report favorably the following appointments and promotions: 3,466 in the Army in the grade of colonel and below; 4,768 in the Navy in the grade of captain and below; 2,424 in the Marine Corps in the grade of colonel and below; and 3,290 in the Air Force in the grade of colonel and below. Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expenses of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations ordered to lie on the desk are as follows:

Howard F. Stevenson, and sundry other officers of the Marine Corps, for promotion in the Marine Corps;

Fred W. Anthes, and sundry other persons, for appointment in the Marine Corps;

Edwin R. Cooley, and sundry other officers, for promotion in the Regular Army of the United States;

John W. New, and sundry other persons, for appointment in the Regular Air Force;

William B. Abbott, Jr., and sundry other persons, for appointment in the Regular Air Force;

Richard F. Burns, and sundry other officers, for promotion in the Regular Army of the United States;

Duane A. Adams, and sundry other persons, for appointment in the Regular Air Force;

David C. Aabye, and sundry other midshipmen (Naval Academy), for appointment in the U.S. Navy;

Russell S. Hesse, and sundry other officers, for promotion in the Regular Army of the United States;

Ritchie P. Stimpson, and sundry other officers, for appointment and reappointment in the Regular Air Force;

Vincent T. Canale, and sundry other midshipmen (Naval Academy), for appointment in the U.S. Navy; and

Richard D. Barba, and sundry other persons, for appointment in the Marine Corps.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the nominations of postmasters be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters on the Executive Calendar are considered and confirmed en bloc.

Without objection, the President will be immediately notified of the confirmation of the nominations.

LEGISLATIVE BUSINESS

The PRESIDING OFFICER. Without objection, the Senate will resume consideration of legislative business.

SPEECH DELIVERED BY JAMES A. FARLEY AT LAW DAY EXERCISES AT THE UNIVERSITY OF GEORGIA

Mr. RUSSELL. Mr. President, several days ago I had the pleasure of inserting in the CONGRESSIONAL RECORD a speech on American political life by Hon. James A. Farley, delivered at Law Day exercises at the University of Georgia, on May 1, 1964.

Mr. Farley is one of the best known of our elder statesmen, and is one of the greatest political philosophers this Nation has ever produced.

Some of Mr. Farley's more pungent comments and observations have been extracted and included in an article by Mr. Eugene Patterson, editor of the Atlanta Journal-Constitution, and published in the Atlanta Journal-Constitution of May 10, 1964.

Mr. President, to those who did not have an opportunity to read the text of Mr. Farley's speech, I commend this article as an abbreviated version of his remarks, and ask unanimous consent that it may be printed in the RECORD.

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

OVERSHADOWED—JIM FARLEY'S WORDS ARE GOOD AS GOLD

(By Eugene Patterson)

The sudden news of the Johnson, Kennedy, and Truman visits to Georgia obscured a call by one of the wisest Democrats of old—Jim Farley.

The pro who ran the party for Roosevelt is a Coca-Cola executive now, but he holds a doctorate of pepper in politics. He demonstrated it in a May 2 Law Day speech at the University of Georgia. Some samples:

On political logrolling.—"I have rolled many a log, secure in the knowledge that if someone didn't roll the logs there wouldn't be any lumber even to build a stadium for these grandstand quarterbacks. I count it as a vital part of Government that a Senator from Arizona, for example, is likely to look with favor upon a new lighthouse in Maine, provided the Senator from Maine views with sympathy an irrigation project in Arizona."

SPECIALIST

On legislators.—"Precisely as a specialist stands at his post on the stock exchange, a Congressman and a Senator trades for his State on the floor of Congress."

Is this all there is? Does a politician simply need to roll logs and maintain an election-consciousness of his constituents' strengths and weaknesses?—"If he had only these, he would be a mere officeseeker dedicating his life to his personal vanity. To have the elements of a great leader, his ship must have a purpose and a destination. No man and no ship can reach his destination unless he raises his eyes above the horizon and gazes upon the stars."

More on politics and the sea.—"During my more than 50 years in American politics * * * it occurred to me that American politics was much like the sea, which constantly rebalances itself. Hurricanes raise mighty waves, but the sea is so delicate that even the tiniest breeze raises a ripple. I noticed that the great American political leaders were much like skilled ship captains. They had as much respect for the will of the American people as a good captain has for the sea. A good politician, like a good captain, knows that the very force which sustains him can also sink him. He must judge the ripples, because they herald tomorrow's storm. He must distinguish between the deep currents and the temporary surface storms."

SPOKESMAN

On this year's presidential election.—"The President is the sole spokesman for the entire Nation. This is particularly true in foreign affairs. Party lines cease at the American shoreline. Thus, at the time of the Berlin crisis, many Democrats including myself wired President Eisenhower that they unconditionally backed the President. The then majority leader of the Senate, Lyndon Johnson * * * abolished the aisle in the Senate. His mighty support gave President Eisenhower a doubly reinforced position in those difficult days. The Communist leadership was given to understand by the action of Lyndon Johnson that President Eisenhower spoke for a unified nation.

"I cannot refrain from mentioning that I believe President Eisenhower could perform the greatest of public services by declaring that foreign policy should not be an issue of this (1964) campaign. If President Johnson is given the same support in foreign policy that he marshalled for President Eisenhower the Nation will be strengthened immeasurably thereby. Surely the pressure points now are not less important than they were then. * * * The world leaders of communism have shown in the past that they do not understand that party loyalty in these United States is all but insignificant as against loyalty to the U.S. Government itself. * * * A statement by President Eisenhower—that the present American foreign policy is the settled policy of the American people—would immeasurably reinforce the forces of freedom."

I wonder what Republicans think of Mr. Farley's proposal?

TRIBUTE TO DR. ROBERT W. JOHNSON

Mr. MUNDT. Mr. President, our Nation does not as some other countries do, bestow special titles on men and women of distinction who have made important contributions to their native land and its people.

Only on rare occasions are medals struck in honor of public spirited citizens who have given of their time and effort for the welfare of fellow Americans. Publicizing the efforts and successes of those who serve humanity well is consequently about the only special reward which we can render. I think this is generally recognized by Members of this body who have, individually, reported the meritorious deeds of friends, constituents, and fellow citizens of our land.

I rise today to pay tribute to a man whom I have never met—a man who is not a constituent of mine, but, nevertheless one of whom I have heard much from mutual friends—a well-known American doctor whose special skills in the field of orthopedic surgery are widely recognized throughout our Nation and the world.

On June 3, Dr. Robert W. Johnson, Jr., of Baltimore, Md., who has won fame for his important work, will celebrate his 73d birthday. Dr. Johnson has been an instructor in orthopedic surgery at Johns Hopkins Medical School, where he has been actively associated since 1919. He has been orthopedic surgeon-in-charge of the Johns Hopkins Hospital, and was elected president-elect of the American Orthopedic Association in 1948. After serving in this capacity, he served as chairman of the Journal board, responsible for the publication of the Journal of Bone and Joint Surgery. It is my understanding that he counts this among the highlights of his career.

Perhaps one of the accomplishments which has brought him great self-satisfaction, as well as the merited applause of both the medical world and the general public, is his work with the Children's Hospital and his establishment of one of the earliest county crippled children's clinics in Maryland at the Emergency Hospital, Easton, Md. He conducted it regularly, and gradually it led to the establishment of a special fracture service at the Memorial Hospital, Easton, and, eventually, to an orthopedic service there to handle cases from the Eastern Shore of Maryland. He also conducted clinics for the State health department's service for crippled children in six other counties at various times.

Dr. Johnson is the son of a doctor, Dr. Robert W. Johnson, Sr., and he is the great-grandson of Maryland's famous Dr. Thomas Johnson, of Baltimore County. Dr. Robert W. Johnson proudly displays in his office the diploma which his great-grandfather received from the University of Pennsylvania in 1793. One of the signers of this diploma—Dr. Benjamin Rush—was also one of the signers of the Declaration of Independence. The Johnson family has a distinguished record of service to the people of Maryland.

Dr. Robert W. Johnson, Jr., himself a graduate of Johns Hopkins in 1917, has given a great portion of his lifetime to further the research in orthopedic surgery at his alma mater. Immediately after his graduation, he was commissioned first lieutenant in the U.S. Army Medical Reserve Corps and ordered overseas at once to join a special unit of orthopedic surgeons to serve with the British under the direction of Col. Sir Robert Jones. His service in this capacity was so brilliant that he was rapidly given more and more responsibility, until he had direct charge of 225 beds at Oxford as well as other duties with his unit. Upon his release from military service, he returned to Johns Hopkins.

His research and writings in the field or orthopedic surgery are well known to the medical profession. He has contributed over 35 articles to the literature of

orthopedic surgery—experimental, operative, or clinical character. A real tribute to his sincerity and devotion to his profession is the fact that he refuses to publish any book alone. Among the honors bestowed on him was the gold medal for the best scientific exhibit at the American Academy of Orthopedic Surgeons meeting in 1946, an honor he shared with Dr. John Lyford.

I am sure that his deeds, his professional stature, his discoveries, and his great contributions to the health and welfare of innumerable patients on whom he has exhibited his skill, are written in the hearts and minds of thousands of his contemporaries. However, his impressive record should be given exposure and his professional attainments should receive the plaudits of fellow Americans for whom he has labored.

I want to extend to Dr. Robert W. Johnson, Jr., of Baltimore, happy birthday greetings, and to wish him good health and contentment. I want to assure him that he has not gone unnoticed nor have his contributions to medicine, surgery, and the welfare of his patients whom he has served been left unrecorded in the annals which mark the progress and history of our Nation.

SMALL BUSINESS WEEK IN NEW YORK STATE

Mr. KEATING. Mr. President, this week is Small Business Week in New York State. During this period New York gives special recognition to the fact that within its borders, as in the United States as a whole, small business establishments remain the life blood of the economy.

In the sheer number of business units, in terms of the matchless opportunities they provide for self-employment, in terms of the jobs they create that offer the satisfaction and pride that go hand-in-hand with more personalized relationships than exist in large-scale enterprise, small businesses continue as the cornerstone of the American system of economic organization. When it prospers, we all prosper with it. When it falters, not only the health of the economy but also traditional social values falter with it.

Small business has been historically responsible for generating the ideas, the inventiveness, the industrial know-how that have given birth to the giants of enterprise that form the other vital segment of the private economy. There is no irreconcilable conflict between the two. Each sector cannot exist without the other. With the proper public policy setting, especially in the fields of antitrust, Government procurement, and taxation, both large and small business can flourish as in the past. But always our emphasis and stress must be upon preserving a climate of freedom for economic opportunity that has made possible the grassroots growth of the family businesses that are the backbone of the entire system.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the proclamation of Gov. Nelson A. Rockefeller, dated May 18, 1964, declaring the week of May 24–30 as Small Business Week in New York State.

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

PROCLAMATION BY GOVERNOR ROCKEFELLER

Small business forms the very backbone of New York State's economy.

We tend to think of the Empire State as the center of vast corporate industries, which it most certainly is. The fact is often overlooked, however, that it is also the home of more small firms than any other State. The latest census shows that there are more than 40,000 wholesale firms, 183,000 retail outlets, and 109,000 service businesses in our 62 counties. These firms represent approximately 15 percent of the national total, an impressive total indeed.

Many industrial giants of the future may well emerge from our fledgling enterprises, reflecting a pattern of business growth that has characterized our economic history.

The volume of new incorporations each year emphasizes the spirit of initiative and resourcefulness which are special marks of New York's economy. In 1961, 34,000 new businesses were incorporated—one-fifth of the Nation's total and more than double that of the second-ranking State. Thus, eacn year the basic principles of our free enterprise system are reaffirmed in New York State.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim the week of May 24–30, 1964, as Small Business Week in New York State.

Given under my hand and the privy seal of the State at the capitol in the city of Albany this 18th day of May in the year of our Lord 1964.

NELSON A. ROCKEFELLER.

By the Governor:

WILLIAM J. RONAN,
Secretary to the Governor.

ADVISORY COMMITTEE ON PRIVATE ENTERPRISE IN FOREIGN AID

Mr. JAVITS. Mr. President, I hail with great pleasure and with a sense of very deep significance to the Nation the announcement, which I understand was made by the White House this morning, of the appointment, at long last, of the Advisory Committee on Private Enterprise in Foreign Aid, provided for by the foreign aid bill which was passed last fall, in connection with which I had the honor to offer an amendment.

The Advisory Committee is a committee of nine distinguished Americans, representative of the private sector in its many forms, including trade unions, universities, farmers, workers, and managers of business.

Its task will be, as prescribed by law, to find the means by which the private enterprise system may take its full part in foreign aid.

The provision under which the Committee will function will expire at the end of this year, and it will be necessary to bring about an extension of the time, so that the Committee may perform its duty. Also, it will probably be necessary to do something about its budget—$50,000 was provided for it by way of an authorization at a time when we were not aware exactly of what would be the ambit of its work. The budget may have to be somewhat greater. Of course, it would have to be completely justified.

But, Mr. President, the important point is that this is the first real new departure in the foreign aid field. Foreign aid could move in one of two directions. It could go either in the international organization direction, and turn over some part of our foreign aid effort to the International Bank and other international agencies, or it could move in the direction of private enterprise. The private enterprise direction is by far the most constructive.

Second, the Chairman of the new Committee is expected to be Arthur K. Watson, president of IBM Word Trade Corp. Mr. Watson is one of the most distinguished businessmen in the United States.

If the private enterprise system can take over much of the work of foreign aid, that will be a real solution, because it will, at one and the same time, materially accelerate the volume and speed with which foreign aid moves out and will relieve a great burden which is placed upon the taxpayers of the United States.

The appointment of this Committee promises a major departure in policy. It has a quotient not only of investment capital but of technical assistance undreamed of in respect to foreign aid. It is a concept for which I have been contending since I first went to the House of Representatives, back in 1947. Hence, it is with the deepest gratification that I hail this announcement from the White House, at long last of the appointment of the members of this Committee.

The members of the Committee are: Arthur K. Watson, whom I have already mentioned, and who probably will be the president or chairman; W. T. Golden, president of Systems Development Corp.; Dean Ernest Arbuckle, of the Stanford Business School; Joseph Beirne, president of the Communications Workers of America; Kenneth Nadan, executive vice president of the Farmers Cooperatives Association; Judge Edith Samson, of the Circuit Court of Illinois and a former U.S. Alternate Delegate to the United Nations; Murray Wilson, of Wilson & Co., engineers, and former president of the American Society of Professional Engineers, Salina, Kans.; Henry Heald, president of the Ford Foundation and former chancellor of New York University, my alma mater; and Sidney Stein, Jr., an investment counselor, of Chicago, Ill.

The Committee will be supported by an adequate staff headed by a highly capable executive director.

I flag this announcement as the single most promising development, in my judgment, in the whole foreign aid program of the United States since its very inception. This Committee will be entitled to the encouragement and support of every Member of Congress and of the entire country, as well.

VETERANS SHOULD BE TRAINED UNDER A GI BILL TO AVOID MORE EXPENSIVE RETRAINING LATER

Mr. YARBOROUGH. Mr. President, the Washington Post of Monday, May 24, contains an article on the Norfolk project, which was an experiment in retraining the unemployed. In this project, it was found that one of the major difficul-

ties in trying to retrain the unemployed is to provide the spark of motivation, initiative, and hope. I refer to this article to emphasize the fact that because of the difficulties in effective retraining, it is much more effective to try to eliminate the causes for unemployment before resorting to this method.

In connection with this article, I point out that last year cold war veterans were recipients of $93 million in unemployment payments. Here we have a situation in which an unskilled young American, lacking the funds for further education, finds himself among the 43 percent of his age group serving in the Armed Forces.

Fifty-seven percent do not serve at all; it is the remaining 43 percent who protect liberty for all of us. Yet when a veteran of the cold war is discharged, after 2 to 4 years of service, he emerges into civilian life. Yet, when he is discharged 2 to 4 years later, he emerges into civilian life just as he left it—unskilled, lacking educational funds, and a prime candidate to enter either the ranks of the unemployed or the unskilled, who may soon be unemployed under the threat of automation.

In the face of this situation, there is a proven alternative which could readily serve to prepare our cold war veterans for a productive civilian life. This program is the cold war GI bill, S. 5, which is now pending on the Senate Calendar, where it has been, where it has lain, where it has been bypassed, where it has been shoved aside since the 2d day of July of last year. Under this bill a young veteran would have the opportunity to further his education or training now, instead of becoming a prime candidate for more expensive retraining later.

This bill is similar to the previous GI bills of World War II and the Korean war, which were effective in benefiting more than 10 million veterans returning to civilian life. In the interest of avoiding poverty before we have to declare war on it, and in order to provide our young veterans with an effective tool to escape unemployment, I believe the time has come to enact this needed law.

To emphasize the difficulties in retraining, which we would escape by passing the cold war GI bill, I ask unanimous consent that the Washington Post 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:

HOPE IS POVERTY WAR WEAPON

(By Philip D. Kopper)

A pilot project in retraining the hard-core unemployed indicates that the greatest battle in the war on poverty is giving hope to the hopeless and a sense of purpose to the chronically idle.

This is one of the basic conclusions marked by staff members of Norfolk State College who concluded a year-old, federally sponsored project on retraining last November.

One hundred Negro men 21 to 60—several "functionally illiterate"—participated in the program. Ten dropped out, but of the remainder 73 percent have worked in trades for which they were trained or in closely related fields.

Thirteen percent have found work in other, unrelated areas.

L. B. Brooks, the college director, said in a telephone interview yesterday that the project proves that more attention must be paid to the personal development of retraining candidates.

He said this means that while a chronically unemployed person is being trained in a manual skill, his mastery of the three R's must be developed and his personal problems must be watched so that, for instance, he doesn't leave the program because of financial difficulty.

The Manpower Development Training Act establishes maximum levels of pay the participants may receive. In Norfolk this was about $27 a week.

MUST GAIN TRUST

Brooks asserted that the 10 men who left the program did so before the college received an anonymous grant that increased weekly stipends to $40 a man plus a $2 a week for each child.

Initially, there is the problem of gaining the trust of potential participants, he said.

The program, initiated by the Office of Education, was aimed at the rockbottom members of unemployed ranks—men whose backgrounds have made them distrust outside authority.

But Brooks said many new applicants emerged after the program was complete and one man was hired as a shipyard steelworker for $100 a week and another became a telephone lineman earning $72.

The staff, whose work is being studied by the Labor Department, also determined that the very persons for whom many public assistance programs are intended actually receive little or no aid.

CREDITORS COOPERATED

Brooks and his colleagues concluded that such agencies as the Public Health Service, local welfare boards, and similar departments should be coordinated to make manpower training a success.

For instance, to make the Norfolk project work, the staff persuaded some creditors to postpone collections until their idle debtor was in a better position to find work.

Staff members, working long hours of unpaid overtime, also sought surplus food for the families and free school lunches for children of participants and showed housewives ways to pinch pennies.

In recruiting for the program, the Norfolk staff gave aptitude tests and accepted many men who were graded at levels below passing on the basic U.S. Employment Service scales.

The group of 100 was then split in half with 50 receiving training in "manipulative skills" in auto mechanics, electricity, masonry, building maintenance, and sheet metal work.

The other 50 received that training and general education courses as well.

While recruiting and preventing dropouts were primary problems, the next major obstacle was persuading employers to lower some hiring standards such as "paper" evaluation—that is disqualifying an applicant without a face-to-face evaluation that considers his new training.

Brooks and other officers at the college feel that the program has achieved notable and demonstrable ends and that, in addition, their experience should be used in the future.

Meanwhile, the Labor Department has received a report on the Norfolk program and is studying others in various stages of development around the country.

DEATH OF T. V. SMITH, EDUCATOR AND FORMER REPRESENTATIVE FROM ILLINOIS

Mr. YARBOROUGH. Mr. President, the Washington Evening Star of today contains an article about the passing away of T. V. Smith, 74, an educator and former Representative from Illinois.

Mr. Smith was born and reared in Texas, and was a graduate of the University of Texas. His imprint there was so large that when I attended the University of Texas, he had already moved on and was then at the University of Chicago. But he was more talked about by students of the University of Texas with whom I was associated at that time than was any other professor on the faculty.

His work as a teacher of philosophy at the University of Texas and the University of Chicago, and in other places, and his authorship of numerous books, left a large imprint in the educational center of our society.

Mr. Smith was the author of numerous books, one of which was entitled "Foundation of Democracy."

Mr. President, I ask unanimous consent that the article published in the Washington Evening Star today may be printed at this point in my remarks, as a partial tribute to a man who is entitled to many tributes.

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

T. V. SMITH, 74, EDUCATOR, EX-ILLINOIS REPRESENTATIVE

T. V. Smith, a philosopher and politician who served as an Illinois Congressman from 1938 to 1940, died Sunday at the Hyattsville Nursing Home. He was 74.

Mr. Smith, who made his first political speech at the age of 13, was elected to his term as Congressman at Large in spite of opposition from the Chicago Democratic organization. He was a Democrat.

He said little on the House floor, but spoke to the Nation in 1939 in a series of radio debates with the late Republican Senator Robert A. Taft.

The two covered many issues: Relief, State's rights, social security, the Wagner Act, and the Constitution. These talks were later published in a book called "Foundation of Democracy."

In 1931 he inaugurated the University of Chicago Round Table, one of the first informal radio discussion shows.

Mr. Smith was born at Blanket, Tex., a town of 300, where he earned his first dollar picking cotton. He was graduated from the University of Texas and later received a Ph. D. degree from the University of Chicago after teaching at Texas Christian and Texas State Universities.

He was named a professor of philosophy at Chicago in 1923 and retained the post until 1948, with time off for his other activities.

During World War II he served in the Army as a director of education for the military government in Italy.

From 1948 until he retired in 1959 he served as professor of poetry, philosophy, and politics at Syracuse University.

WROTE MANY ARTICLES

Mr. Smith wrote more than 20 books on political philosophy and several hundred magazine articles on the topic.

He leaves a son, Gayle, of 4005 Tennyson Road, University Park, Md., an English professor at the University of Maryland, and a daughter, Mrs. Nancy Stewart Kemppinen, of Richmond.

Services will be at 3 p.m. tomorrow, at the Fort Myer Chapel, with burial in Arlington Cemetery.

The family requests that expressions of sympathy be in the form of contributions to a favorite charity.

INVESTIGATION OF ROBERT BAKER BY COMMITTEE ON RULES AND ADMINISTRATION — PERSONAL STATEMENT BY SENATOR YOUNG OF OHIO

Mr. YOUNG of Ohio. Mr. President, daily I receive letters from constituents in Ohio regarding the Bobby Baker investigation. The Committee on Rules and Administration, searchingly, thoroughly, and most meticulously over a period of many weeks, listened to the testimony of witnesses relative to their dealings with Bobby Baker.

As is well known, Mr. Baker was subpenaed, and he appeared before the committee with his counsel. However, he refused to testify, claiming the protection of the constitutional guarantees of which any person facing such an investigation, if he feels that his answers may tend to incriminate him, may avail himself. These are constitutional guarantees of which we are very proud. They are a part of the first ten amendments to the Constitution and were included on the demand of the men who won the Revolutionary War before their respective States would ratify the Constitution.

Now, may I make a personal reference to this matter. It is reported in the CONGRESSIONAL RECORD of recent date that Lennox McLendon, counsel of the Senate Committee on Rules and Administration, stated that public disclosure of private wealth represents the best defense of each Senator against suspicion of wrongdoing.

A distinguished Senator said on the floor of the Senate:

> I would add that it represents, too, the best assurance that the public interest will be served.

Mr. President, it happens that early in 1959, I fully disclosed to the Secretary of the Senate my financial holdings and financial status. I had promised the citizens of my State that if elected I would do so. I even sold some stock I owned at that time in Pan American World Airways and a sugar concern. Inasmuch as I was a member of the Committee on Aeronautical and Space Sciences, and the Committee on Agriculture and Forestry, I had in mind the fact that Pan American World Airways had ownership of the then Cape Canaveral, now Cape Kennedy, and also the fact that sugar legislation might come before the Committee on Agriculture and Forestry. I disposed of those stocks—taking a loss at that time, although I am not complaining about that. Therefore, no claim of conflict of interest could possibly have arisen.

By reason of that public disclosure, the citizens of my State may judge whether I am even in the remotest degree at the present time, or ever have been, actuated by selfish motives in my public conduct, including my votes.

It is a matter of pride with me that I was the very first Member of the Congress to make such a disclosure, and continued doing so in succeeding years. Recently I filed with the Secretary of the Senate copies of the income tax returns made in 1962 and 1963 by my wife and myself. To do that made me feel rather "naked," I may say, and caused embarrassment to members of my family; but it appeared to me that it was proper to do so. I do not feel that I am engaging in any crusade. I merely did what I told the people of Ohio I would do in 1958.

Nevertheless, I receive letters denouncing me referring to the situation in regard to Mr. Baker, regardless of the thorough investigation and the complete report that have been made.

The PRESIDING OFFICER. The time available in the morning hour to the Senator from Ohio has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. YOUNG of Ohio. Mr. President, Bobby Baker was an employee of the U.S. Senate before I was elected to the Senate. If it is said that he dealt with campaign funds for Senators I know nothing about that, because in my campaign against Senator John W. Bricker, in Ohio, in 1958, few gave me any chance to meet with success. Most of my campaign funds came from members of my family. The law of Ohio limits to the realistic amount of $4,000 the contribution which any one person may make to a senatorial election campaign. Members of the family—including my two brothers and my daughter—each contributed $4,000 to my campaign, and I contributed $4,000. No one was then giving me much chance of success; and I received very minimal campaign contributions.

When I came to the Senate, no one—Bobby Baker or anyone else—offered any campaign contribution to me. Throughout my time in the Senate, I have never had any personal dealings or business dealings with Bobby Baker. I know of the opening of the motel in which he had an interest or of which he was the owner; but I was not in attendance or an invited guest on the occasion of its opening nor have I ever been there since.

It is said he was an officer of the Quorum Club. I have never been inside the Quorum Club. So I know nothing about that.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, as parts of my remarks, an excerpt from the Congressional Quarterly for the week ending May 22, 1964, and also an article from the Washington Daily News written by George Clifford and Tom Kelly.

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

COMMITTEE ASSIGNMENTS

Senate Majority Whip HUBERT H. HUMPHREY, Democrat, of Minnesota, November 14, 1963, said the Rules Committee should investigate a report that Baker had caused two Senators to lose committee assignments which they sought.

According to HUMPHREY and Senator JOSPEH S. CLARK, Democrat, of Pennsylvania, Baker appeared before the Senate Democratic steering committee in January 1961 and told it that Senators STEPHEN M. YOUNG, Democrat, of Ohio, and QUENTIN N. BURDICK, Democrat, of North Dakota, were no longer interested in assignment to the Judiciary Committee. The steering committee thereupon assigned two less senior Senators to Judiciary—EDWARD V. LONG, Democrat, of Missouri, and William L. Blakely, Democrat, of Texas, 1957–61. Both YOUNG and BURDICK subsequently said they had been very much interested in assignment to Judiciary.

Baker also reportedly played a role in other committee assignments.

EAR TO THE GROUND: WASHINGTON—NO CAKE FOR BAKER

(By George Clifford and Tom Kelly)

Who blew the whistle on Bobby Baker?

Have a few possible clues:

1. Two years ago Senate Secretary Baker fired the assistant secretary, Jessop McDonnell.

2. Not too long after the firing the word about Bobby began to drift around the Hill.

3. The liberal Democratic Senators are untouched by the scandal and delighted that Mr. Baker no longer is around to hand out favors to cooperative conservatives.

4. Next Tuesday night a host of the liberals will throw a $25-a-plate testimonial dinner at the Sheraton-Park Hotel for Jessop McDonnell.

The dinner committee chairman is Senator PAUL DOUGLAS and the cosponsors include Senators HUMPHREY, MUSKIE, NEUBERGER, PROXMIRE, MCNAMARA, YARBOROUGH, STEPHEN YOUNG, CLARK, MORSE, MOSS, METCALF, MCGEE, HART, BURDICK, HARRISON WILLIAMS, BARTLETT, and MCGOVERN.

When Bobby was running the Senate shop all Senators were, of course, equal but some were more equal than others.

The ones who were most were southern conservatives. The ones who were least were liberals from anyplace. Liberals somehow didn't get the committee posts they wanted and conservatives somehow did.

Mr. McDonnell was fired, in the words of a man who knows, "because he got too friendly with liberal Senators." He kept on being friendly after the ax and he became secretary to the Conference of Western Senators.

The case against Mr. Baker broke in the papers much later, when a vending machine president filed a suit charging that Bobby had peddled his influence to obtain a Government contract.

The case was building on the Hill long before that. After it became public the Senate majority decided with remarkable speed to push Bobby out. The Senators already knew the shape of things to come.

The list above is a rollcall of Mr. McDonnell's grateful friends, but it is more than that.

You might paste it in your hat.

It lists some of the Senators who are not one bit worried about the current Baker probe. There are a number of others who are.

Mr. McDonnell is now retiring from the Government after 13 years, and the announced purpose of the party is to hail his service. It is, too. Jessop's friends haven't forgotten their pal.

Bobby's haven't forgotten theirs, either, but so far nobody has suggested giving him a party.

Mr. YOUNG of Ohio. Mr. President, the article published in the Congressional Quarterly recalls to my mind the fact that in January 1961, I made application for membership on the Judiciary Committee.

The PRESIDING OFFICER. The additional time yielded the Senator from Ohio has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. YOUNG of Ohio. As I was saying, in January 1961, I made application for membership on the Judiciary Committee; but I was not given that assignment. I have no complaint at this time whatever to make about the failure to do so. I am very happy that at the present time, and for some time past, I am, and have been, a member of three major committees of the Senate—the Committee on Armed Services, the Committee on Aeronautical and Space Sciences, and the Committee on Public Works. I am very happy and proud to be a member of those committees, and I am trying to be a hard-working member.

So if the Congressional Quarterly has correctly referred to the statement about what Mr. Baker said—namely, that I was not interested at that time in assignment to membership on the Committee on the Judiciary—he uttered a misstatement of fact, because in January 1961, I definitely was interested in being assigned to membership on the Judiciary Committee. I had applied in writing for that appointment; and at that time I desired that appointment.

It is also a fact, as set forth in the article in the Washington Daily News, that I was on the dinner committee, as a cosponsor, together with some other Senators, for a testimonial dinner for the former assistant secretary for the Senate majority, Jessop McDonnell, who, according to well-authenticated rumor, was dismissed from his position by the then Secretary for the majority, Robert G. Baker.

Mr. President, I yield the floor.

MONTANA TERRITORY 100 YEARS AGO

Mr. MANSFIELD. Mr. President, 100 years ago today Montana became a territory. On May 26, 1864, President Abraham Lincoln signed Montana's Organic Act. Twenty-five years later we became a State.

At the time the Treasure State was carved out of the Idaho Territory there were about a dozen communities in the western portion of the area, with a total population of about 35,000. Twenty-five years later the population had grown to almost 150,000.

The early years in Montana were fascinating years, the forging of a new State with its heroes and a share of the villains as well. The bustling mining camps, the war of the copper kings, and the Indian wars, are all associated with this period.

Virginia City and Bannack were the centers of activity. They have now faded into history, giving way to new busy metropolitan areas like Great Falls, Billings, Butte, Missoula, and Helena. Montana today is moving forward while preserving its friendly character, its natural beauty, and abundant opportunities.

This year, 1964, is a big year for Montana. The centennial celebration began on January 1, and an event has been scheduled at some place almost every day of the year. Today the State capital, Helena, is the scene of ceremonies commemorating the signing of the organic act.

We are paying tribute to the past, but we are also witnessing a present and a great future in a State with considerable promise. I have often said that a State's greatest resource is its young people. It is appropriate then today that a new work of music by a young Montana artist is being premiered as a part of these ceremonies. Eric Lundberg, Helena High School student, has written "Sleeping Giant Symphony." Eric Lundberg is well known as a very promising young composer, and he is making a very worthwhile contribution to the cultural heritage of our State.

DETERIORATION OF RELATIONS BETWEEN CHINA AND OUTER MONGOLIA

Mr. MANSFIELD. Mr. President, the New York Times of May 21, 1964, published an excellent article written by Harrison Salisbury, the distinguished scholar and journalist of Sino-Soviet relations in central Asia. Mr. Salisbury is one of a very few American observers who have traveled to that remote region which is sandwiched between China and Russia.

Mr. Salisbury's article tells of a severe deterioration of relations between China and Outer Mongolia. Outer Mongolia, apparently, is a new focus of the national and ideological rivalry between the two Communist giants. It bears watching as part of our effort to understand the course of the Sino-Soviet dispute. The difficulties described in the article are part of the accumulating tensions in what may well become the most danger-ridden area in the world, the long Russian-Chinese boundary in central Asia.

Mr. President, I ask unanimous consent that the article referred to may be printed in the RECORD.

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

CHINESE-MONGOL TENSION RISING; ULAN BATOR CHARGES SUBVERSION—STREET FIGHTS AND EXPULSION OF WORKERS FOLLOWED BY TIGHTER BORDER WATCH

(By Harrison E. Salisbury)

A severe deterioration in relations between Mongolia and Communist China is reported in information received from Ulan Bator, capital of the remote Asian land.

Street clashes have erupted between Mongols and Chinese workers assigned by the Peiping Government to construction projects in Mongolia.

Sharp protests have been sent to the Foreign Ministry in Peiping against Chinese interference in domestic Mongolian affairs, distribution of subversive propaganda and other activities contrary to normal diplomatic practice.

The rising Mongol-Chinese tension, a by-product of the intensifying Moscow-Peiping ideological struggle, has led the Mongolian authorities to carry out a series of far-reaching security measures.

There were suggestions that Ulan Bator feared the Chinese might attempt to carry out a coup d'etat against the government of Premier Yumzhagiin Tsendenbal, which firmly supports Moscow in the Communist dispute, and replace it with a regime inclined to the Peiping side.

Adherents of the Chinese Communists viewpoint are known to exist within the top Communist Party structure of Mongolia. It is also known that some Mongols of nationalistic inclination, hopeful of creating a greater Mongolia, saw in the Chinese-Soviet conflict an opportunity to advance their ambitions by playing politics with Peiping. China has actually sought to win influence in Mongolia for at least 8 years.

The most drastic step taken thus far by Mongol authorities since the deterioration of relations, it was reported, was a decision to expel from Mongolia all the thousands of Chinese workers there under an agreement reached between Peiping and Ulan Bator in 1955.

The precise number of Chinese workers in Mongolia has not been made public. Premier Tsedenbal has estimated the total in excess of 20,000. Private estimates made on the scene have placed the number as high as 40,000 or even higher.

Official announcements in Ulan Bator concerning the expulsion order said that "tens of thousands" of workers were involved. Both in Ulan Bator and in Peiping it was emphasized that the decision to repatriate the workers had been made solely by the Mongolian Government.

Originally, the Chinese workers had been given the option of settling in Mongolia permanently as Mongol citizens. This privilege was canceled several years ago.

CHINESE WORKERS ISOLATED

Even before the decision to oust the Chinese, the Mongols had imposed strict security measures on them. For more than 2 years the Chinese were confined to isolated and guarded barracks, surrounded with barbed wire and protected by security detachments armed with submachine guns.

Association between the Chinese and the Mongols was held to a minimum. Nonetheless, it was reported, clashes between Chinese and Mongols have become increasingly frequent in recent months.

The repatriation of the Chinese workers is expected to place a serious burden on the economy of Mongolia. The Chinese had been engaged in almost every major construction project in the country—building dams, irrigation works, highways, bridges, factories, mills, and housing.

In protesting Chinese activities, the Ulan Bator Government charged Peiping with having attempted to use "unworthy forms of pressure" and with "interference in internal affairs."

In a note delivered to Peiping last Friday, the Foreign Ministry called on the Chinese to halt forthwith all forms of illegal activity in the country and to give assurance that they would abide by the norms of diplomatic conduct.

The note strongly implied that unless Peiping ceased its activities the next step could well be a severance of diplomatic relations.

Security measures along the nearly 4,000-mile-long frontier between China and Mongolia were said to have been greatly tightened.

THE CHANGING FEDERAL SERVICE

Mr. CARLSON. Mr. President, as a member of the Senate Post Office and Civil Service Committee, I have for many years been greatly interested in the efficiency and productiveness of the Federal work force and the well-being of Federal employees. It is not generally recognized that great changes have occurred in the composition of the work force occasioned by advancing technology, increasing population, and changing Government missions. Some still think of the Government as an army of clerks, even though Government is the No. 1 employer of scientific talent and the Nation's prime user of automatic data processing equipment. It is in the interest

of the public that these changes be recognized.

Civil Service Commissioner Robert E. Hampton has expertly summarized these changes and their significance to Federal managers in an article entitled "The Changing Federal Service." This article is published in the April–June 1964 issue of the Civil Service Journal, a publication issued quarterly by the U.S. Civil Service Commission. I commend its reading to everyone interested in our Federal Government.

I ask unanimous consent that the article referred to may be printed in the RECORD.

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

WHAT DOES IT MEAN TO MANAGERS?—THE CHANGING FEDERAL SERVICE

(By Robert E. Hampton, Commissioner, U.S. Civil Service Commission)

A lot has happened since 1950 when I first entered the Federal service. Among other things, we have been involved in hot wars and cold ones—from Korea and Berlin to Cuba and Vietnam. We have had to deal with complex domestic issues—from the challenge of automation and saturated airways to drug control and the conquest of space.

The hallmark of the 1950's was change—change so sweeping that relatively few people in the world were left untouched or unaffected.

Our Nation changed, perhaps more than most countries, for we were on the leading edge of advancing technology.

The Federal service—that cross section of the Nation charged with carrying out national programs and goals—changed too. Yet many of us in the service have had little opportunity to assemble and analyze the facts and figures of change on a Government-wide basis, and even less opportunity to draw useful conclusions from the data.

For the manager—the man who has program responsibility and responsibility for the work of others—lack of awareness of change could be a serious handicap, especially if any of his plans and day-to-day decisions are based on assumptions about the work force and the Federal environment that are no longer valid.

For a statistical measure of change, we have been studying information from various Government-wide occupational surveys. We have looked backward in time, outward to other sources of information, and forward for a glimpse into the future in an effort to assess changes in the Federal service.

So for the Federal manager, I should like to discuss some of our findings, within the context of what these changes may mean to him.

CHANGING MISSIONS

The Federal Government, both the largest employer and biggest business in the United States, is probably the least static and the most accustomed to change.

General Motors may decide to build a Chevy II, United States Steel may decide to build a fully automated rolling mill, and A.T. & T. may decide to invest in a communications satellite. In each instance, change is necessitated in the organization; maybe more, fewer, or different types of employees are needed. New facilities may have to be built, and a tooling-up process planned. But even such changes as these are relatively minor in comparison with those that may grow out of decisions involving national goals and Government programs—such as the decision to send a man to the moon.

As in industry, Government's new or modified mission ordinarily necessitates change to carry it out. The most obvious changes can be seen in reorganization, consolidations, and the establishment of new agencies—or in agencies that are being phased out or abolished.

Since many Federal functions cut across agency lines, there is a much better yardstick for measuring overall change: shifts in the composition of the work force.

We all know from experience that Government operations have become increasingly complex, and that this has caused us to recruit more highly specialized people and fewer with only general or limited skills.

The questions is, How many more and how many fewer? For here is our best measurement of change.

CHANGING WORK FORCE

At the outset let's consider one of the most widespread misconceptions about the Federal service—that it is "an army of clerks."

There was a time, the records show, when the Federal service was composed predominantly of clerks doing routine and repetitive chores. Although that time has long since passed, today we still find ourselves similarly described by writers and commentators. One would gather from their pronouncements that of today's 2,489,000 Federal employees, at least a million must be general clerks at the bottom of the pay scale.

GONE: THE ARMY OF CLERKS

Let's look at the facts. The latest available figures for grade levels in clerical occupations are from the Commission's 1961 white-collar survey. At that time we had around 28,000 general clerical employees in grades GS–1 through GS–4. But think about this: we had more employees in physical science occupations and nearly four times that many in engineering.

Before heading for the higher specialties, let's consider change as it relates to the most basic ingredient of governments everywhere—the typist. In 1947 the Federal Government employed around 85,000 typists. Since that time, overall Federal employment has increased about 25 percent. If the demand for typists had increased accordingly, today we would employ 106,250. We now employ around 78,000, an actual decrease of 8 percent, or 26 percent less than might have been expected. The introduction into many Government offices of quick-copy equipment has substantially reduced the demand for persons whose skills do not extend beyond the ability to type.

Let's move on to other fields. In 1947 we had around 14,000 employees whose work involved the operation of bookkeeping machines, calculating machines, and card-punch, sorting, and tabulating machines. Today they have increased to some 22,000—but a new dimension has been added: The computer.

In 1947 we had almost no employees engaged in computer operations, because computers as we know them today did not exist. It was not until 1951 that the Government's first commercially procured computer, the Univac I, was installed in the Bureau of the Census.

PRIME USER OF COMPUTER OUTPUT

Since then the Federal Government has become the Nation's prime user of automatic data-processing equipment. Today we employ some 10,300 computer employees, and many of the 22,000 machine-operating employees mentioned above now work in direct support of the Government's ADP and computer systems, accounting for their rapid increase.

The computer has influenced other occupations, too. New and perhaps computer-sired occupations have emerged—operations research, for example, already accounting for some 400 Federal employees.

However, this new and growing beanstalk to higher levels of achievement hasn't lifted everything along with it. It has contributed to a reduction in the Government's need for subprofessional mathematical and statistical employees. Today we have 9,403 subprofessionals in these fields—a drop of nearly 32 percent since we obtained our first computer in 1951. On the other hand, the number of professional mathematicians has doubled since 1951 to a total of 2,532, and professional statisticians have increased nearly 13 percent to a total of 2,569.

DRAMATIC CHANGES IN SCIENCE AND ENGINEERING

In science and engineering, changes have been exceedingly dramatic. Today we employ 34,320 in the physical sciences—an increase of 21 percent since 1957. Physics is up 60 percent since 1957, and chemistry has grown 29 percent. In the biological sciences we employ 36,917, an increase of 28 percent since 1957.

MORE TECHNICIANS THAN TYPISTS

The rate of change in engineering has been even greater than in the sciences. Today we employ 116,854 in engineering occupations—an increase of 67 percent since 1957. Support functions, too, in engineering and other professional fields have increased. Today we employ more technicians than typists: 78,326 technicians and 78,105 typists.

We see then that advancing technology has caused drastic changes in the composition of the work force, especially in science and engineering. However, all changes cannot be laid solely at technology's doorstep.

GREATER DEMAND FOR SERVICES

A growing America has increased the demand for Government services, so today we have more air traffic controllers, more social security claims examiners, more accounting and budget workers, more post office city carriers, and more specialists in business and industry. Congress has passed new laws, many of which have provided new or expanded services to the public, so today we have more food and drug inspectors, more highway engineers, and more persons employed in the field of education.

Today there are more laws to interpret, administer, and enforce; a greater regulatory workload on agencies; and more claims to examine. And so we find that legal and kindred occupations in Government have increased 28 percent since 1957, to a total of 38,084.

Congress has provided increased medical research and public health services, and our war veterans are growing older and more in need of Government medical assistance with each passing year. Consequently we find that medical officers, mostly in the VA and Public Health Service, have increased 15 percent since 1957, to a total of 11,202.

BUT RELATIVELY FEWER WORKERS

However, the Federal service has not "exploded" with the population. Since 1956 our population has increased 13 percent, while Federal employment increased less than 5 percent. In 1956, about 14 people out of every thousand in the population worked for the Federal Government. Today the number has dropped to 13 out of every thousand. This means that a larger Government workload is being handled by proportionately fewer employees.

Let's look at another kind of change: white-collar in relation to blue-collar employment.

MORE WHITE-COLLAR, FEWER BLUE-COLLAR WORKERS

In recent years there has been a definite nationwide trend toward increased white-collar employment and a consequent decrease in blue-collar work. The same is true in the

Federal service—further evidence of increasing specialization.

Since 1951 Federal white-collar employment increased 28 percent (excluding jobs found only in post office, such as postmaster and city carrier): from 905,902 to 1,157,594, as shown in the 1962 occupational survey. Blue-collar work decreased 19 percent between 1951 and 1962: from 834,947 to 680,064.

ANOTHER MEASURE: ESCALATION

Another way of measuring change in the Federal service is through changes in grade structure. In recent years the Government's grade structure has generally shifted upward, or has escalated.

Many factors can cause escalation, but certainly the trend toward greater need for more professional and technical skills and a declining need for lower grade jobs involving routine and repetitive tasks has been a primary cause.

Some jobs have been filled at a higher level. For example, to recruit more high-quality college graduates, we requested and obtained legislative authority to hire outstanding graduates at the GS–7 level instead of GS–5. And we have had to revise many of our position classification standards to reflect the fact that substantial and significant changes in individual occupations had already taken place.

In 1962, as compared with 1958, there were proportionately more people in the upper grades and proportionately fewer people in the lower grades, while the middle grades remained relatively stable. Increases by grade level were:

GS–11's increased by 24,368.
GS–12's increased by 22,000.
GS–13's increased by 17,747.
GS–14's increased by 9,108.
GS–15's increased by 4,656.

Employment increases by occupational group from 1957 to 1962 were largely in fields such as science, engineering, and business and industry, in which the journeyman grade is high. This definitely is one of the major causes of our grade escalation.

INCREASE IN PROFESSIONAL EMPLOYEES

As in the rest of the economy, the Federal service showed a marked increase from 1954 to 1962 in the proportion of professional employees. Professionals increased 40 percent while other occupations increased only 17 percent during this period.

In 1954 the median grade in the Federal service was GS–5; by 1961 it had gone up to GS–6; and by 1963 it had advanced to GS–7.

THE NATIONAL PICTURE

For the most part we have looked at some of the occupational changes in the Federal service. However, the service is not a closed society; it acts, reacts, and interacts within the context of society at large. Many of the changes previously discussed have also taken place in business and industry.

Technology has spread its problem-solving yet problem-generating mantle everywhere, and the nationwide occupational shift has been toward increased specialization.

Labor Department's new "Manpower Report of the President," March 1964, gives us our most comprehensive look at the national picture. Every Federal manager should give high priority to studying this revealing document.

Let me quote a few passages from the section, "Where We Stand."

"The past year was one of excellent economic growth. * * * The gross national product was boosted by $30 billion so that it now is more than $600 billion a year. * * * Employment was increased by almost a million * * * but unemployment persisted grimly despite 1963's strong economic advance. * * *

"The labor force expanded by 1.1 million last year and annual increases are expected to be even greater in the future. The largest increases are occurring among those under age 25 and among married women.

"Productivity and demand shifts, meanwhile, are changing our requirements for workers.

"Manpower needs are shrinking in declining industries and in those where new machines and methods are replacing workers faster than new jobs are being created by new demand.

"But more manpower, with skills not always possessed by displaced workers or by new entrants into the labor force, is required by other industries. In 1963 four-fifths of the new increase in jobs was in service, trade, and State and local government activities.

"Occupationally, unskilled jobs are declining in importance. Demand is expanding most in professional and technical, clerical, and service occupations. Requirements for education and training for employment are increasing steadily.

"Imbalances flowing from these trends require our attention. Current and prospective shortages of needed skills must be better identified if we are to prevent any drag on our economic growth."

The signs point strongly to continuing change as long as our national population grows, as long as technology continues its forward rush, and as long as a line can be drawn between the free world and the Communist camp.

What do such changes mean to the Federal manager?

One thing they surely mean is that he had better not ignore them, for the implications are strong in many of his operating areas. With our focus on people and the personnel-management aspects of change, let's look at some of the implications.

RECRUITING AND HIRING

Every manager's prime resource is people: Those explicitly needed for program operation.

Indications are strong that the manager will have to give increased attention to his recruiting needs; the kinds of skills he needs most will be increasingly harder to find; and competition will be intense.

At present there seems to be some confusion as to how the Government's recently announced personnel cuts and employment ceilings can serve, or are consistent with, the national manpower policy which is to create more jobs and qualified workers to fill them.

I think we can agree that economy in Government is definitely good for the Nation, and that at all times we should strive to carry out the missions of our organizations with the fewest possible employees. I think we can agree, too, that an employee's salary should always represent the best use of that much tax money for the overall good of the Nation.

Personnel cutbacks will make the manager's job tougher but they will not put him out of the recruiting business. (See "The Quality Recruit—Today's Best Bargain," p. 10.) Each year we lose around 300,000 employees through resignations, retirements, removals, reductions in force, and deaths. Even with the programed cuts, we will still have to recruit more than 250,000 new workers a year to fill jobs that become vacant.

About 15,000 new employees will have to be recruited from the college campus—not in 1970, but next year; 1970 will be a different story. With each passing year we will need to recruit a higher percentage of college graduates in relation to our total hiring—with increased emphasis on getting the Ph. D. Increasing specialization offers no other alternative.

Briefly, these factors point to the manager's need to strengthen campus contacts and relations; insist on quality across-the-board in hiring, with increased emphasis on a candidate's potential as well as current qualifications; seek assistance of local educators when special courses or curricula are needed to update employee skills and to meet hiring needs; insist on equal-employment opportunity as the backbone of efforts to select best qualified; select and train as recruiters those employees who will project the best possible organizational image on the campus.

TRAINING, DEVELOPMENT, AND UTILIZATION

Skills shortages and continuing changes in technology will make it necessary for the Federal manager to become increasingly concerned and involved in employee training: more training for more employees, more course diversification, and with more top management interest, support, and expectations.

The shelves of the national manpower market will not be amply stocked with every skill you will be needing. So, what you can't recruit you will have to grow.

Take the computer programer, for example. Although educational institutions are beginning to provide courses in ADP and computer programing, they are not yet producing graduates who can walk into your computer room and go right to work. Some Federal agencies have been hiring bright, promising, and interested eligibles from the Federal-Service Entrance Examination registers (or from the management intern option), and have put them in their computer rooms as trainees.

Inservice training, of course, is not something new. What is new is the increasing necessity for managers to use it on a planned basis to minimize adverse impact of recruiting failures; update skills of employees for increased utilization; develop employee potential.

The Government Employees Training Act of 1958 was itself born of change, for changing conditions had produced important needs that could not be met in any other way. The act revolutionized Government training.

It gave legal sanction to and encouraged agencies to pool resources on a cost-shared basis for employee training. Today hundreds of courses are offered across the country on an interagency basis. More than 300 are offered in the Washington, D.C., area alone. We are also conducting more refresher training, or "skills retreading," for in many instances jobs are changing so fast they threaten to outstrip the incumbents. In addition, today more agencies are sending selected employees outside Government for needed training that is not offered on an in-house or interagency basis.

The Training Act has accelerated the establishment by educational institutions of off-campus study centers in areas of concentrated Federal employment. To date there are some 100 of these centers across the country, meeting many official training needs of adjoining Federal establishments, as well as the personally financed self-development needs of employees. Educational institutions have shown great willingness to set up off-campus centers where the need has been clearly identified—identified in many instances by Federal managers who have followed through to get such facilities established.

Certain trends are emerging on the training front; training courses are becoming longer (more 2-week courses and fewer 2-day ones); refresher training is increasing; more broad-based training is being offered to develop employee potential; off-campus study centers are proliferating, and management is showing greater interest in identifying training needs and in meeting them head on.

Training and development, of course, go hand in hand with employee utilization and productivity. The President has made clear that Federal agencies are expected to make strong and continuing efforts to achieve better manpower utilization and increased productivity. The emphasis, as well as the efforts, will have to increase, for these are not

just nice words invented by the Bureau of the Budget or the Civil Service Commission—they are operating necessities.

Methods and procedures to achieve better utilization and productivity will probably become increasingly formalized as staffline programs, followed up by closer audits and inspections. Training will be an inherent part of such programs.

Managers will become increasingly involved and increasingly held accountable. Just make sure that all training in your organization is clearly identified as the best means to a legitimate end. And then, pour it on in carefully measured amounts.

READJUSTMENT PROBLEMS

Change always necessitates adjustment, especially human adjustment.

The President's Manpower Report states that the typical job of the future for production workers will probably be that of machine monitor, and that more and more the operator is becoming a skilled watchman, with functions demanding patience, alertness to malfunctioning, a sense of responsibility for costly equipment, and a better educational background than was needed in the past by factory operatives. The report also points out that under some circumstances the same increased qualifications are required of clerical workers who are caught up in ADP or EDP operations.

Here we have to hark back to training, for extensive training is needed to make a machine monitor of the new breed from today's machine operator. Not all operators are equipped to become monitors, so they will either become surplus or will have to be retrained for other work.

Adjusting to these changes won't be easy for the manager or the employee. And adjustments won't be limited to employees in the subprofessional ranks. All workers—whether engineers, administrators, laborers, or clerks—face the possibility of occupational changes necessitating retraining and readjustment.

Employees, their unions, and management share a mutual and a legitimate interest in the effects of change on career employees. So far, automation has not resulted in a general tendency to reduce personnel. Rather, it has helped us to get more and faster results with essentially the same number of employees.

The dislocation and readjustment element we have encountered to date has been primarily the dislocation of skills rather than employees. However, automation of some operations has had an impact on employees, and some shining examples in Federal establishments across the country have emerged to illustrate how management can minimize individual hardship.

Few of today's Federal managers can expect to be immune to automation in their operating spheres. The best advice I can offer is for the manager—at the first strong sign that automation is in the offing—to begin immediate planning for it and to consult with his own top management, training officers, placement officers, officials of employee organizations, and the Civil Service Commission. We will work with you to make sure personnel regulations contain the necessary flexibilities to get your mission accomplished and to work out new rules as necessary. We can also fill you in more completely on the experience of others, in effecting the transition with minimum adverse effect on employees.

MANAGEMENT AND MANPOWER

Here, for the manager, we find some of the strongest implications of change: longer range and more formalized manpower planning.

This is reinforced by several factors:

Long-term supply-demand imbalance for many types of professional and highly skilled workers makes planning a must.

Bureau of the Budget is already requiring some departments and agencies to submit program plans spelling out the use of money, manpower, and materials for the current budget year plus the next 3 years.

Many Federal agencies now have access to computer capability to process large quantities of data and to arrive at conclusions and projections more rapidly than ever before.

Add this up, extend it a little, and you get more and more managers involved in formal manpower planning. Fortunately, most managers are well seasoned in planning their work force, though most have dealt with it on a short-range and informal basis.

In the future, managers will have to provide considerably more documentation and justification when submitting staffing requests. They will have to show they have taken into full account factors such as:

Changes likely to occur in mission and organization.
Budget allocations and other controls.
Physical facilities.
Lines of authority and supervision.
Attrition (past and expected).
Employee training and utilization.

Manpower forecasting is a step beyond work force planning, and this will be new to most managers. It takes into full account the expected national supply of qualified workers in specific occupations at specific times. It projects and measures one's anticipated manpower needs against the expected national supply and estimates how many of each needed type of employee one can reasonably expect to get—and when. Thus a good manpower forecast can point up the need for major efforts to minimize the adverse impact of occupational shortages, or it can paint a more relaxed picture where the supply seems likely to fill one's expected needs.

Formalized and longer range manpower planning will require more recordkeeping, such as running accounts on attrition by occupation and grade level, why the employee left, where he went, whether or not the vacancy was filled, how, and by whom. The manager's personnel office and headquarters office will want periodic staffing reports from him.

Neither work force planning nor manpower forecasting will call for clairvoyance on the part of the manager, but both will require a lot of spadework and systematic, educated "guesstimating."

THE CHANGING MANAGER

Today's manager is a highly skilled combination of many things. He manages people, money, and materials—and assures the proper combination and application of each to perform a given task.

But already he is pressured by change to become something more—innovator, management analyst, employee-management relations adviser, educator, and so forth.

He must look to his own self-development, but he cannot make of himself all these things. The organization has to help.

About a year and a half ago, Dun's Review polled 300 top executives across the country with the question: "Which are the 10 best-managed companies in U.S. industry, and what is the most outstanding ability of each one?" In the 10 companies cited as best managed, six common threads ran brightly and clearly through their operations. One of them was: "An active training program that keeps new managers continually pressing to the fore and established managers on their toes." The other common characteristics had to do with abundant working capital, corporate structure, good communications, high executive salaries and employee benefits, and willingness to risk money on product research.

Government training programs for managers are definitely on the upswing but, generally speaking, they haven't yet reached the point where they keep "new managers continually pressing to the fore and established managers on their toes."

More and more, however, the Federal manager will find "timeout" called on him: timeout for skills retreading in a changing environment, and timeout to pursue broader knowledge, understanding, and a wider operating perspective. For, as the future rushes in upon him, he will be concerned increasingly with national purpose as well as national programs. He will be more concerned with people, especially his own: their motivational needs, performance incentives, utilization and productivity, job satisfactions and recognition, long-range potential, and career development. And he will become increasingly involved in the master-servant relationship between men and machines.

Change is not just the hallmark of our times—it has become our only constant. Like the environment in which we live, the changing Federal service is replete with challenges and opportunities that are unprecedented. The Federal manager must not allow himself to be jostled along or smothered by change. He must anticipate, plan for, and adjust to change. He must take charge of change. The stakes are tremendous in any terms we state them. The manager's vision and his capacity for innovation and leadership can have crucial effect on our world position, our power for peace, the attainment of national goals—even man's future on this planet and worlds beyond.

NATIONAL CONFERENCE ON BAIL AND CRIMINAL JUSTICE

Mr. STENNIS. Mr. President, I have a statement prepared by the Senator from North Carolina [Mr. ERVIN], with an article appended thereto from The Nation, entitled "Bail Too Often Means Jail."

I ask unanimous consent that the Senator's remarks together with the article referred to appear in the RECORD at this point.

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

NATIONAL CONFERENCE ON BAIL AND CRIMINAL JUSTICE

(Statement by Senator ERVIN)

Tomorrow, May 27, will mark the first day of the National Conference on Bail and Criminal Justice. The conference, which will conclude Friday, is sponsored jointly by the Department of Justice and the Vera Foundation, under a grant from the President's Committee on Juvenile Delinquency and Youth Crime.

This will be the first national conference ever held in this country to evaluate bail problems; and among those attending will be Federal, State, and local law enforcement officials, judges, prosecutors, defense lawyers, bondsmen, probation officers, juvenile authorities, law professors, and representatives of community organizations.

An article entitled "Bail Too Often Means Jail," appearing in the May 24, 1964, edition of the Washington Post, highlights the background of this important conference and some of the problems to which the conferees' attention will be directed. The article refers to three bills concerning bail, S. 2838, S. 2839, and S. 2840, which I introduced on May 14 on behalf of myself and Senators HRUSKA, FONG, BAYH, WILLIAMS of New Jersey, JOHNSTON, LONG of Missouri, and KENNEDY. As I stated at that time, these bills should go a long way toward ameliorating the inequities that now exist for the poor defendant under existing Federal bail

laws. However, as the article points out, these bills only apply to Federal courts. And even there I do not maintain that these measures offer a final solution, although they should offer a focal point for those considering reform.

The response to the eighth amendment's mandate that "excessive bail shall not be required" has been long in coming, but the National Conference should be an important step in achieving it.

In order that my colleagues may become more familiar with the objective of the National Conference on Bail, I attach the article to which I have referred, "Bail Too Often Means Jail," for printing at this point in the RECORD:

"BAIL TOO OFTEN MEANS JAIL—HAVE OUR JUDGES FORGOTTEN THERE IS A CONSTITUTIONAL PURPOSE FOR SETTING BAIL FOR ACCUSED PERSONS?

"(By James E. Clayton)

"No one knows where or when the idea of releasing defendants on bail pending their criminal trials originated. But a good many people are convinced that the bail system in use in the United States today just doesn't work.

"As a result, 400 lawyers, judges, bondsmen, court officials, and policemen will meet here this week to talk about the system and its problems.

"Before them will be such matters as the case of Sylvester Pendarvis, an 18-year-old New Yorker who was charged with a crime he did not commit and spent 13 months in jail because he was too poor to raise $1,300 bail—either out of his own funds or from a bondsman.

"Ironically, New York City spent about $2,300 keeping him in jail.

"The situation Pendarvis encountered is not unique. A recent survey of four Federal district courts showed that 28 percent of the defendants who needed only $500 to get out of jail pending their trials could not raise it. Only half the defendants whose bond was $2,500 or less could raise it.

"In most instances, the failure of a man to raise bail means he loses his job as well as his freedom.

"One example often cited is that of another New Yorker who was charged with robbery and held in lieu of $10,000 bail. His wife could not raise the money (he earned only $50 a week) and he sat in jail for 55 days.

"In those 55 days, he lost his job and his wife felt obliged to move from their apartment because of the comments of neighbors about her 'jailbird' husband.

"It turned out that the police had picked up the wrong man and the charges against him were dropped. But that restored neither his job nor his apartment.

"These are the kind of facts that led Attorney General Robert F. Kennedy to call the National Conference on Bail and Criminal Justice. Its purpose is to get the public interested in reform and to get officials thinking about the problems.

"Some of these problems arise because many judges have forgotten the basic reason for the bail system. The Constitution provides that 'excessive bail shall not be required' but no one thought much about that phrase until recent years.

"There is general agreement now, however, on two basic propositions. One is that the Government should rarely require a man to stay in jail before he is convicted; the presumption is that every man is innocent until proven guilty.

"The second basic proposition is that the purpose of bail is to insure that defendants appear for their trials. If a defendant fails to appear, the bail money is forfeited.

"Thus, a man charged with a capital offense may be denied bail on grounds that he might flee the country. He might decide that his life was worth more than the forfeiture of any amount of money.

"One the other hand, a man who is well-established in his community and who is charged with a minor crime may be released without putting up any bail. The odds that he will run away are small.

"If the basic purpose of the bail system is kept in mind, it seems obvious that among the relevant factors concerning the amount of bail are the seriousness of the crime, the background of the suspect, his financial status and his standing in the community.

"One would think, for example, that a highly paid business executive charged with income tax evasion would show up for trial without monetary spur. If he failed to appear, that would constitute a separate offense. Yet, bail is often required because setting of bail has become routine.

"A visitor to almost any courtroom in the Nation can see bail set for prisoners based solely on the crime charged against them. Any man charged with larceny may need $2,500 to get out while one charged with armed robbery may need $10,000.

"The logic of setting bail on such a system is nonexistent, unless bail is used for purposes other than that for which it was intended.

"Tied in with the problems of setting bail at a reasonable and proper amount is the way the bail bond system operates. Most persons who are released pay a bondsman for putting up the bail.

"The theory is that the bondsmen help the courts by keeping track of defendants and making sure they appear at the proper time. Bondsmen contend they take the risk of losing their money if a man fails to appear.

"There are many cities in the country, however, in which the bail bond business is a racket. Cash is not actually forfeited when prisoners disappear; court aids take kickbacks for steering business to particular bondsmen.

"Typically, a bondsman will accept only those persons he regards as good risks. Then he requires them to pay a premium ranging up to 10 percent of their bail and, in addition, put up collateral for the full amount. A man who has little cash or property doesn't have a chance to get a bond.

"Several experiments designed to change the bail situation are underway. The two most important are in New York City and Washington where prisoners are being released on their promise to reappear.

"These experiments are being conducted under close controls and few defendants have skipped town.

"Perhaps as important to reform as these experiments, however, are three bills introduced in the Senate last week with bipartisan support. All want to make it easier for persons without money to get out of jail before their trials.

"Such bills, however, would apply only in the Federal courts and changes in the bail system are already underway there. More than a year ago the Justice Department ordered its attorneys to take the initiative in recommending the release of defendants without bond if there is no substantial risk they will flee.

"A study by a committee of leading lawyers and judges, headed by Prof. Francis A. Allen of the University of Michigan Law School, was behind that directive. It is also behind the conference to be held here this week and the Attorney General's recent comment that 'there can be no equal justice when persons are forced to stay in jail before their trials not because they are poor risks, but because they are poor.'"

INVESTIGATION OF ROBERT G. BAKER BY COMMITTEE ON RULES AND ADMINISTRATION

Mr. CASE. Mr. President, as I said during my appearance before the Senate Rules Committee this morning, there has been universal press support for the demand that the committee continue its inquiry of the Bobby Baker case until the job is done. I now ask unanimous consent to have printed in the RECORD at this point both my statement delivered to the committee today and more evidence of this press support.

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

TEXT OF STATEMENT BY SENATOR CLIFFORD P. CASE, BEFORE THE SENATE RULES COMMITTEE, SENATE CAUCUS ROOM, MAY 26, 1964

I appreciate the opportunity to appear before the committee while it is considering its recommendations pursuant to Senate Resolution 212.

I am here to urge as strongly as I can that the committee recommend legislation embodying a requirement for regular public disclosure by Members of the Congress and top legislative staff (as well as high officials in the executive branch) of their financial interests and transactions. Such a requirement is contained in S. 1261, a bill sponsored by myself and Senators NEUBERGER, CLARK, and HART, which is presently pending before the committee. The bill is identical to one which I first introduced in 1958 and in every Congress since then. I urge also adoption of a second, equally important part of our bill which would require that all communications, oral or written, to regulatory agencies, from a Member of Congress or any other person outside the particular agency, with regard to a particular case, be made part of the public record of that case.

Public disclosure is, I have long been convinced, the most effective way to protect the integrity of the Congress and the legislative process.

The need for such a requirement rests on a simple fact, which is, I think, universally recognized—outside of Congress. That is the fact that Congress is not going to police itself. One need look no further than to the current inquiry.

The vigor with which Congress exposes errors and failings in the executive branch is signally wanting with respect to the legislative branch. This reluctance may not be unnatural. It may be quite understandable—I am not now interested in discussing whether Congress should or should not exercise active surveillance over its own Members—the point I do want to make is Congress has not done, and will not do, this job.

Further, this reluctance is fortified by the protective instinct which any majority party has for the interests of the majority, or any administration party has for the interests of the administration. And both majority and minority, administration and opposition, are understandably reluctant to explore paths which might involve the highest official of the land, be he Republican or Democrat.

And yet, we should not delude ourselves—if we do, we shall be the only ones who are deluded—that the good name of the Senate and public confidence in its integrity can be restored by still another proclamation of high principles without any real sanction or other means of assuring their observance.

I remind the committee that in 1958 the Congress adopted a "Code of Ethics for Government Service." It set out 10 tenets to which "any person in government service" should adhere. The tenets set forth are unexceptionable. The precepts include:

V. "Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties."

The code concludes:

X. "Uphold these principles, ever conscious that public office is a public trust."

The code is fine as far as it goes, but clearly it did not go far enough to deter Bobby Baker.

No code will deter anybody, except those who don't need deterrence, unless there is some way to call to account those who violate its terms. To those who would point to the Senate's power to censure or expel as a means of enforcement, I can only repeat that history shows the Senate will not effectively police its Members.

We have had the power of censure and expulsion from the beginning, yet the most remarkable aspect of our possession of this power is the rarity with which it has been used.

Of the more than 250 cases involving Senate elections, expulsions, and censures summarized in a study compiled for your Subcommittee on Privileges and Elections in 1962, by far the greater number concerned a challenge of credentials or charges of election irregularities. Only a handful involved the conduct of the office of Senator and in few of these cases was censure either recommended or, if recommended, voted by the full Senate.

This 1962 study did not include an inquiry made in the 1890's, which is relevant, I believe, to the current proceeding. In 1894, certain newspapers in New York and Philadelphia published reports indicating that efforts had been made to influence certain Senators, by bribe, offers of campaign contributions or otherwise, to vote against a pending tariff bill. On the basis of the press stories, a special committee was established to investigate and report. Several of the chief witnesses declined to answer the committee's questions. The special committee called at least 78 Senators, who, under oath, responded to uniform questions as to their financial interest in the tariff bill.

The 1894 committee investigation came to my attention only after my recent appearance before your committee. I recognize that the committee's interest today is primarily in recommendations for legislation dealing with the future. Yet, I would, I think, be derelict in my duty to the committee and to the Senate if I did not point out that the 1894 inquiry, in which a special committee of the Senate addressed identical questions to more than 85 percent of the entire membership of the Senate, was a direct precedent for the suggestion I made to the committee some time ago and pressed again during my testimony 2 weeks ago.

Though I did not know it at the time, my suggestion was not novel. The method had been employed before and, so far as the record shows, no Senator raised any objection to being interrogated by the committee of inquiry.

Before I return to my recommendations in regard to future legislation, I once more urge the committee to reconsider its decision to close the investigatory phase of its work. The committee should not close the books on the Bobby Baker case without investigating the incidents involved in headlines such as these:

" 'Secret Senator' Has Vast Power—Majority Leader's Secretary Can Make or Break Members"; "Senator Says He Barred Cash Tied to Oil Vote"; "Senators Charge Baker Worked a Doublecross"; "Democratic Senators Claim Baker Betrayed Them on Legislation"; and "How Can the Committee Fail To Respond to the Request by the Majority Whip of the Senate That It Investigate Charges That Mr. Baker Deceived the Democratic Steering Committee in the Allocation of Committee Assignments?"

Since my recent testimony, there has been universal newspaper support for the demand that the committee continue its inquiry until the job is done. I have placed a number of these editorials in the CONGRESSIONAL RECORD, and additional ones come in from all over the country. It is significant that every editorial referring to this matter supports the position that the inquiry should not be prematurely closed.

And, so far as the matter of remedial legislation is concerned, the 1894 Senate inquiry is the best possible example of the Senator's recognition in those days of the efficacy of public disclosure. As I indicated, the Senate reports do not indicate any objection to the committee's procedure by any individual Senator. Apparently, the Senators recognize that public disclosure was their best defense against the suspicion of wrongdoing.

This is not the only committee of the Senate to take this view. In 1951, a special subcommittee of the Committee on Labor and Public Welfare, under the chairmanship of the distinguished Senator from Illinois [Mr. DOUGLAS], undertook exhaustive hearings on ethical standards in Government.

The subcommittee strongly recommended institution of a disclosure requirement. Its report noted:

"Disclosure is like an antibiotic which can deal with ethical sicknesses in the field of public affairs. There was perhaps more general agreement upon this principle of disclosing full information to the public and upon its general effectiveness than upon any other proposal. It is hardly a sanction and certainly not a penalty. It avoids difficult decisions as to what may be right or wrong. In that sense it is not even diagnostic; yet there is confidence that it will be helpful in dealing with many questionable or improper practices. It would sharpen men's own judgments of right and wrong since they would be less likely to do wrong things if they knew these acts would be challenged."

As the Douglas report indicated, the approach of disclosure avoids problems inherent in any attempt to prescribe specific do's and don'ts.

While Congress has made no real attempt to do so, it is doubtful that it is possible to frame statutory prohibitions which would adequately safeguard against conflicts of interest in the infinitely broad and varied situations with which Members of Congress and congressional staff have to deal.

All of us would agree, I believe, that it would be impracticable and unrealistic to require Members of Congress and top legislative staff to divest themselves of all financial interest which might conceivably be affected by legislation or by action of executive agencies under the purview of a committee on which a Member serves or the staff member is employed.

A sharpened judgment of the individual in any particular situation, would be, I believe, one of the most salutary effects of a disclosure requirement, both with regard to financial interests and dealings with regulatory agencies or interested parties thereto. At the least, it would heighten concern not only to be right but to seem right. With such a requirement in effect, I am certain there would be a decline both in proffers and acceptances of such valuable gifts as deep freezes, vicuna coats or stereo sets.

Public disclosure as a statutory requirement is not a new principle. Preventive rather than punitive in approach, it already applies, in part, to the area of campaign contributions and expenditures. It is the principle behind the requirement that lobbyists register and report expenditures to the Congress.

Another application of the principle was discussed in the 1963 Judicial Conference. The Conference adopted a resolution forbidding any Federal justice or judge from serving as an officer, director or employee of a corporation organized for profit. While it disapproved of a Senate bill to require each judge to submit regularly complete financial reports open for inspection by any member of the judicial council of each circuit, the action was taken on the ground that "regardless of the merits of the proposal, judges should not be singled out from other officials of the U.S. Government to make such reports."

Public disclosure is particularly appropriate in an area where flat prohibition might raise questions of infringement upon the right of the people to elect the representative of their choice. Certainly, it would help to give the electorate a better basis on which to judge.

For the Congress as a whole and for the individual Members of it, a requirement for disclosure of financial interests would help to dispel the cynicism and disdain with which so many citizens view the political practitioner. This attitude is, I am convinced, for the most part unfair. Yet it certainly has historical, and even some contemporary, basis.

Support for the principle of disclosure is growing. One evidence is the action of several candidates for high office in making public in one form or another their financial worth. At this time, more than 30 of us in the Congress, including the majority leader, have voluntarily made public a financial statement.

To accomplish the objective. however, disclosure should, as the Judicial Conference report suggests, apply equally to all, and to the same extent. And it should include income and gifts from all sources.

Our bill, S. 1261, would provide that each Member of the Congress and each employee in both the legislative and executive branches at the $15,000 level and above, submit annually in such form as the Comptroller General provides, a financial report to be maintained by the Comptroller General as a public record.

The reports would include:

(1) The amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from any relative or his spouse) received by him, or by him and his spouse jointly, during the preceding calendar year which exceeds $100 in amount of value; including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, and other facilities received by him in kind;

(2) The value of each asset held by him, or by him and his spouse jointly, and the amount of each liability owned by him, or by him and his spouse jointly. as of the close of the preceding calendar year;

(3) All dealing in securities or commodities by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year; and

(4) All purchases and sales of real property or any interest therein by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year.

If press reports are accurate, the counsel of the committee has stated that public disclosure of private wealth represents each Senator's best defense against suspicion of wrongdoing. I would add that it is the best assurance the public interest in the integrity of the Congress as a whole will be served.

[From the Montclair (N.J.) Times, May 14, 1964]

FIGHTING FOR THE FACTS

Senator CLIFFORD P. CASE has waged a valiant but so far losing fight to get his fellow

Senators to disclose their dealings with Bobby Baker.

The fact that very many highly placed individuals at the top levels of Government appear to be involved with the former secretary to the Senate majority makes it all the more imperative that an investigation find out how much fire there was behind all that smoke.

New Jersey can be proud of its senior Senator's efforts to get at the facts. If few of his fellow Senators are willing to disclose their dealings with Mr. Baker, at least we in New Jersey can be assured that we are represented by a man who had nothing to hide. It is certainly to be hoped that a goodly number of his colleagues will follow his example. The voters can remember the others at the appropriate time.

[From the Miami (Fla.) Herald, May 16, 1964]

THE BAKER HUSH-UP WON'T—AND SHOULDN'T

The Senate of the United States has done itself a disservice by refusing to investigate its own Members. The vote was 42–33 against broadening the Bobby Baker inquiry to cover "activities involving the giving or receiving of campaign funds under questionable circumstances."

The extension was proposed by Senator JOHN J. WILLIAMS, Republican, of Delaware, who first turned the spotlight on the $2 million fortune amassed by the $19,000-a-year secretary to the Senate majority.

As Senator WILLIAMS pointed out, one witness already has told of seeing $30,000 or $40,000, mostly in $100 bills in Baker's office. This never has been explained.

Besides, Senator CLIFFORD P. CASE, Republican, of New Jersey, said that Baker once boasted: "I have 10 Senators in the palm of my hand."

The implications are inescapable. By refusing to get to the bottom of the matter, the Senate leaves many unanswered questions in the minds of citizens.

The negative vote will enlarge the Bobby Baker scandal as an issue in the forthcoming political campaign. Republicans won't let voters forget that Baker was a protege of President Johnson when he was Senate majority leader.

The party line was drawn on the rollcall. Not a single Republican was among the 42 Senators who killed WILLIAMS' proposal. All 42 are Democrats, including Senator SPESSARD L. HOLLAND, of Florida. (No vote on the question was recorded from Florida's other Democratic Senator, GEORGE A. SMATHERS.)

By contrast, 9 Democrats voted with 24 Republicans to pursue the matter. That would have been the only way to dissipate the cloud which the majority has anchored firmly not only over the Senate but specifically over its Democratic masters.

We consider the decision a political mistake and just plain wrong. If any Senators, past or present, were involved in Bobby Baker's questionable activities, the American people have **a right to know.**

[From the Roll Call (Washington, D.C.), May 20, 1964]

The SENATE AND THE BAKER CASE

The draft of the report on the Bobby Baker investigation released this week will do little to salvage respect or prestige lost by the Senate in the past 6 months.

As we predicted, the report condemns Baker for improprieties committed during his term as secretary to the Senate majority, but states the former page boy violated no conflict-of-interest laws.

Although he got the roughest goingover in the 6-month ordeal, Baker himself pales into insignificance when measured against the immeasurable disrespect earned by the Senate as a body, and many of its individual Members.

The Senate for too long has smugly slithered by in its rarified club atmosphere. Behind its legislative curtain its Members were above suspicion, above reproach. Dirty linen was never washed in public. It just wasn't washed.

But the sorry machinations of the investigating committee and the even sorrier performance of the Senate last week has revealed an ugly picture to the public.

The Democrats have furnished hard-pressed Republicans with a major issue—the majority irresponsibility in dealing with what smells like something very rotten in the halls of the Senate.

There are many odiferous byproducts, but the major area of wrongdoing is undoubtedly the relationship of legislators to unprincipled lobbyists for special interests.

We will explore this area further in subsequent editorials.

[From the Chicago Tribune, May 20, 1964]

COVERED UP BUT NOT FORGOTTEN

The Senate has turned down a chance to vindicate itself and pursue the Bobby Baker investigation to its proper conclusion. The rules committee is preparing to divert attention from its own wretched conduct in the affair by proposing a new "code of ethics" for all Senators. And we fully share the disgust of Senator JOHN J. WILLIAMS, of Delaware, the Republican who brought the scandal into the open and tried to keep it there.

"I will not sit back," he said yesterday, "and allow the results of the Baker episode to be brushed under the rug with the adoption of a high-sounding code of ethics and the pious statement that he was guilty only of gross improprieties and that there were no laws violated."

Only 75 Senators found it convenient to vote on Mr. WILLIAMS' latest resolution: 42 Democrats voted to kill it, and all 24 voting Republicans voted to keep it alive. In addition, nine Democrats including Senator DOUGLAS, of Illinois, put duty to Congress and country ahead of the fear of embarrassment to their party and voted with the Republicans.

Besides Senator DOUGLAS, they were Senators PROXMIRE and NELSON, of Wisconsin, BARTLETT and GRUENING, of Alaska, HARRY BYRD, of Virginia, CHURCH, of Idaho, HART of Michigan, and HARRISON WILLIAMS, of New Jersey. We commend them.

As for the code which the committee is said to have prepared, it would prohibit Senators from associating with people doing business with the Government and would require them to publish their financial dealings. In effect, such a code merely assumes that all Senators have questionable morals and that the existence of a new code—there are already others like it—will somehow set them aright. This is a shabby substitute for the courage to demonstrate that improprieties and dishonesty are not to be tolerated in the U.S. Senate and are the exception rather than the rule.

[From the Coast Advertiser (Belmar, N.J.), May 21, 1964]

SENATOR CASE PROTESTS

For all of us who are interested in getting away with something shady, we have just received an excellent illustration of doing it legally. Our teacher? The U.S. Senate.

Bobby Baker is a name uncomfortably familiar to the Senate. Because of blatant misconduct in his former position as secretary to the Senate's Democratic majority, the Senate observed the good practice of holding an investigation. But Bobby Baker would not incriminate himself, as is his privilege under the fifth amendment. With the formality of an investigation out of the way the Senate on majority vote declared that their little investigation was over without questioning Walter Jenkins, special assistant to the President, about a certain stereo, and without questioning any Senators. Officially then Capitol Hill can return to its routine as though nothing happened in the first place.

Admittedly, this is a bad year for investigations of public officials. It could influence the vote in an unjust way. But this action, of sweeping ethics under the rug, cannot be justified at any time and certainly not at a time when many Senators are going to the people for reelection. This is really the heart of the action that came before the Senate last week. Although the Senate did not vote against ethical restrictions they did vote against raising the question of ethics in connection with Bobby Baker. Either they assume, by this action, that Senators are above any breech of ethics, or that the question of ethical conduct can be raised only when it involves a minority party. It would be a travesty of injustice to see one party use this issue against another party per se but it would be a worse travesty of injustice to reelect individual men who are involved in misconduct. Something needs to be done about ethical procedure of men holding high office, and those who are living by ethically responsible standards cannot wait for a new incident to have their honesty vindicated.

Senator CLIFFORD CASE has proposed that the conduct of Members of the Senate and House will be justified by an annual disclosure of their sources of income. The proposal is simple enough in scope and should be welcomed by all officials as a vindication of their modus operandi. This suggestion was shouted down by Senator MANSFIELD who defensively suggested that the proposal carried innuendo of guilt. The Senate bursting with angry exchanges, Senator CASE was shouted down in schoolboy fashion with even the Chair hastily ignoring his "point of personal privilege." Party pitted against party, the Senate decided that this is no time to talk of ethics.

No one's honesty has been vindicated. The Senators will continue to do themselves and their people the same disservice until they distinguish between their public and private lives. The public needs to know how they use the privileges of their office. They must not be allowed to forget that their office is held by the graces of and for the benefit of the people they represent. Senator CASE, in the interest of the public, has made a step toward controls for the responsible use of high office. It is a shame that sensitive feelings kept his proposal from being considered intelligently. We trust that he has the fortitude to press the Senate again for proper ethical controls.

[From the St. Louis Post-Dispatch, May 21, 1964]

ETHICS IN THE SENATE

The "secret" report of the Senate Rules Committee staff proposing a stiff code of ethics for the Senate and its employees could hardly serve any purpose other than that of a second coat of whitewash for the Bobby Baker case. Even if the code should be adopted it would be a wholly insufficient substitute for a genuine investigation of the former Senate Democratic majority secretary's frenzied influence peddling and for corrective legislation to prevent a repetition of that disgraceful affair. Its authors furthermore ought to know that it is unadoptable as well as unworkable and unenforceable.

A deep and ugly stain has been left on Congress, and even on the Presidency itself, by the partisan defensive and shallow work of the Senate Rules Committee. As a result it may never be known how deeply some Senators were involved in Mr. Baker's abuse

of his official position or the nature and extent of Mr. Baker's involvement with President Johnson and with the Johnson family's Austin television monopoly, elsewhere under attack. Congress and the executive branch have sustained a loss in standing which would now seems irretrievable.

What legislation could do to prevent further erosions of respect and confidence in the future is at best debatable. Members of Congress operate at levels on which there is nothing that really can compensate for deficiency in a personal discipline of accountability. The least Congress can do in good conscience, however, it seems to us, is to apply to itself and its employees, including the staffs of Members, as fair and practical a law against conflict of interest as it has already applied to the executive branch.

Beyond that, it could work wonders in public esteem by taking a more serious view than it usually takes of its responsibilities to judge the qualifications of its own Members. But there again we come back to the question of self-discipline rather than lawmaking. Perhaps Congress deserves the comedown it has taken in the Baker case, as a true reflection of its quality. We do not like to think so.

[From the Daily Home News (New Brunswick, N.J.), May 21, 1964]

U.S. SENATE UNDER A CLOUD

In answer to a radio announcer's query whether he intended to drop his fight in the Bobby Baker mess after the cavalier treatment he received from the majority on the Senate floor the other day, Senator CLIFFORD P. CASE said, "Indeed I am not. I am not satisfied, and I don't think the American people are satisfied, with the passive role the committee (Senate Rules Committee) has taken."

CASE then added, "Press reports have appeared over and over again about Bobby Baker's relations with individual Senators. The committee cannot look away from them, nor can the investigation be buried by steamroller tactics. The reaction of the press and public makes this plain.

"No investigation of Bobby Baker can have any real meaning without an investigation of the relations of the Members of the Senate with Bobby Baker. The Senate's concern is with the Senate, its reputation and good name and that of its Members."

On Tuesday, CASE amplified this position in a statement on the floor of the Senate. He said, "There is no looking away from published reports that Bobby Baker dealt in campaign funds for Senators, and bragged that he had 10 Members of this body in the palm of his hand. I shall have more to say about this in the future."

We hope CASE will have plenty more to say about this. Much is at stake. The issue has tremendous import for the future of our Nation, import that transcends the future of Bobby Baker or a few Senators who may have accepted his largesse.

In a Nation such as ours, our freedoms and in fact our very life depend upon the respect of the people for their government, for their laws and for the people who make their laws.

Today the U.S. Senate stands tarred with the brush of rumor, but rumor which persists and is widespread and appears backed by some fact. The rumor seems supported by the fact that Bobby Baker had taken the fifth amendment to protect himself against answering questions about his relationships with Senators. The rumor can't be downed by Baker testimony, because he won't testify. The answer must be found from the Senators themselves, and the Senate Rules Committee adamantly refuses to submit entirely proper questions to the entire Senate membership, questions that no honest man need fear answering.

For one reason and another, public esteem for the Congress certainly does not stand at an alltime high today. Public esteem for the Senate must drop grievously if the Baker case is not cleared up.

As things now stand, all the Members of the Senate are under a cloud of suspicion. CASE wants that cloud dispelled. Certainly the great majority of the Members of the Senate should be standing with CASE today.

[From the Newark (N.J.) Star Ledger, May 22, 1964]

THE BAKER CASE, CONTINUED

The Baker case has had its share of sensational disclosures. But revelations and disclosures are transitory and illusory; and they serve little purpose unless they bring remedial actions.

One of the most disheartening aspects of the Baker case is the pervasive feeling that most of the Senators are not particularly upset by the dirclosures. They seem to be disturbed primarily over the fact that the activities were disclosed to the public.

The U.S. Senate is a fraternity where most lodge brothers immediately close ranks when any of their colleagues are exposed to criticism or charges. The House of Representatives is another example of hypersensitivity to criticism.

The Baker case, by its very sensationalism, has created an aperture in the Senate cloak, an involuntary opening that is extremely distasteful to these legislators.

A secret draft report by the Senate Rules Committee, which looked into the financial affairs of Robert Baker, former secretary to the Democratic Senate majority who quit under fire, says the Senate has lost heavily in respect and prestige as a result of the Baker disclosures.

As for Baker himself, the report maintains that he was guilty of gross improprieties and fraudulent practices but, significantly, not legally guilty of conflict of interest. There is a thin line here between moral conduct and a patent disregard for ethical standards.

What the Senate group is saying is that the Government does not have legal grounds for criminal proceedings against Mr. Baker. But it makes it clear that Mr. Baker callously disregarded his trust to further personal interests.

True, there is no legal redress available to the Government, but there is an excellent opportunity for preventive measures by the Senate itself. The Senate should take some positive, corrective action to restore its lost prestige and respect.

The most positive step is an obvious one * * * a code of ethical conduct for the Senators and their employees, a rigid code that would make a repetition of the Baker case possible only in an atmosphere of extreme hazard.

One committee proposal that seems reasonable calls for Senators to disclose periodically all sources of outside income.

Another recommendation, however, appears too restrictive and unrealistic. It would bar intercession by a Senator with any governmental agency on behalf of a corporation doing business with the Government. This would seriously impede a legislator in performing a legitimate and necessary service for his constituent.

The committee has recommended a code of ethics as a "necessity for protecting the good and faithful public servant against a minority who would take advantage of every opportunity to engage in all manners of moneymaking and influence-peddling schemes."

This is far reaching and unprecedented legislation. It has been stoutly resisted in the past by the lawmakers. Now there are factors present that should dissipate opposition to a code of official conduct.

Perhaps it's impossible to legislate high moral conduct. Even the most stringent code cannot guarantee a completely ethical performance. But it can help assure the public that lawmakers are committed to a high standard of moral conduct.

[From the Philadelphia (Pa.) Inquirer, May 24, 1964]

FEATHER DUSTER IS NOT A BROOM

(By Roscoe Drummond)

WASHINGTON.—The inadequacy of the Senate investigation of the Bobby Baker case is coming home to roost. It is putting the Democratic members of the Senate Rules Committee—and of the Senate itself—in an acutely embarrassing and untenable position.

What has happened is that the Rules Committee, after shrinking from questioning any Senator about his relations with Baker—financial or otherwise—has received from its chief counsel a stern proposal that in the future all Senators make such a total disclosure of income and business associations as to protect them from future suspicion.

The primary purpose of a congressional investigation is to provide the evidence, the documentation, and the reasons for new legislation.

But the investigation of Baker has been so feather-dusterish and restricted that it has provided no basis for the strongest proposal of its chief counsel—full disclosure of income and professional and business contacts, a conflict-of-interest code almost as exacting as Congress applies to the executive branch of the Government.

UNTENABLE POSE

Is seems to me that the position of the Rules Committee is particularly untenable for this reason:

Its chairman, Senator B. EVERETT JORDAN, Democrat, of North Carolina, has sternly held to the line that "it was not investigating Senators" and Counsel Lennox P. McLendon backed him up by contending that the committee was powerless to question them. When this issue came to the floor of the Senate recently 42 Democrats said in effect: "That's the way we like it."

Therefore, no Senators have been questioned by the committee concerning their relations with Baker, when he was secretary to the Senate Democratic majority and the committee has produced no evidence on which to base a recommendation that any conflict-of-interest law should be passed to govern Senators.

Surely the conclusion which these circumstances require is that either the committee failed to discharge its responsibility by not questioning Senators or McLendon exceeded the evidence the committee developed by proposing that Senators should be stopped from doing what the investigation has failed to show they were doing.

LOGICAL CONCLUSION

I submit that if the staff report to the committee proposing a new code of conduct and ethics for Senators is appropriate, then the failure to investigate the conduct and ethics of Senators in the Baker affair is inappropriate.

Is there any other logical conclusion?

How can the Democratic members of the Rules Committee vote to support the staff report urging that in the future "all Senators respond to requests from any committee to testify" when they all voted against the resolution specifically empowering the committee to question Senators in the Baker case?

Of course, the Democratic members of the Senate Rules Committee don't have to be consistent. They can be in favor of Senators testifying in theory and against Sen-

ators testifying in fact; that is, when it might be embarrassing.

And that is exactly what has happened. This fact is now visible for all to see.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1963

The PRESIDING OFFICER. 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. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 254 Leg.]

Aiken	Hart	Mundt
Allott	Hayden	Muskie
Anderson	Hickenlooper	Neuberger
Bartlett	Holland	Pell
Bayh	Humphrey	Proxmire
Beall	Inouye	Randolph
Bennett	Javits	Ribicoff
Bible	Johnston	Robertson
Boggs	Jordan, Idaho	Russell
Cannon	Keating	Saltonstall
Carlson	Kuchel	Scott
Case	Lausche	Smith
Church	Long, La.	Stennis
Clark	Mansfield	Symington
Cotton	McCarthy	Walters
Dirksen	McClellan	Williams, N.J.
Dominick	McGovern	Williams, Del.
Douglas	McIntyre	Yarborough
Ellender	McNamara	Young, N. Dak.
Ervin	Metcalf	Young, Ohio
Fong	Miller	
Gruening	Monroney	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment (No. 577) proposed by the Senator from Louisiana [Mr. LONG] to the amendment (No. 513) proposed by the Senator from Georgia [Mr. TALMADGE] for himself and other Senators, relating to jury trials in criminal contempt cases.

Mr. STENNIS. Mr. President, almost a year ago, upon the introduction of the bill which is now pending before the Senate, and on my first reading of that bill, I was impressed more than anything else with the tremendous power that would be granted to the Federal Government in totally new fields of activity. One field would be that of industrial management, a field which the Government had never entered in this manner before, as well as other innovations and changes with reference to court procedures and the creation of three-judge courts, public accommodations, desegregation of schools, cutoff of Federal funds, and a host of other issues.

I was also impressed at that time that so much of the power would not only be new to the Federal Government but would take away from the local government—whether it be a city or school unit, a district or even a State—the power presently residing in the people, and transfer it to Washington to become a part of the Federal system.

What impressed me further at that time was the taking away of power from the people at the local level and transferring it to Washington and drawing it into the national elections—every 2 years, in the case of Members of the House, every 4 years in case of a President of the United States, and every 2 years for an election of a third of the members of the Senate.

I was also impressed with the fact that a great part of this power would be concentrated in the Attorney General of the United States. It makes no difference who may occupy the position of Attorney General today; there will be a different man tomorrow, or the next year, or in the next 4 years, or for any other given period of time. It does not refer to the present Attorney General alone but it refers to the Office of the Attorney General—not for this year alone but for all the years to come, should this bill be enacted into law and be upheld by the Court.

Another thing which impressed me was that the power which would be vested in the Attorney General, to be exercised largely by him, would not be power derived from elective office but from purely appointive office—that is, he would be appointed by the President of the United States. Everyone knows that the President of the United States cannot give his personal supervision to one-tenth of the power which is vested in Cabinet officers and heads of departments. He cannot possibly know or have personal knowledge of how that power is being exercised, even to the extent of 5 percent of it.

The Office of the Attorney General is not only not an elective office but throughout our system of government and its tenure it has been known largely as a political office, not a nonpartisan, not a bipartisan, but a political office.

I remember the first time I attended a session of the Supreme Court of the United States. A gentleman named Mitchell was being sworn in that morning as Solicitor General of the United States—later he became Attorney General. The Chief Justice of the United States, Mr. Taft, was the presiding officer of the Court that morning. He personally swore in Mr. Mitchell.

I remember quite well the remarks the Chief Justice made at the time. He pointed out to Mr. Mitchell that the Court looked to the Solicitor General of the United States to represent the Government before the Court. The Chief Justice told the Solicitor General, "Of course, the Attorney General is the nominal officer representing the Government in the Court, but," he said, "the Attorney General must spend a great deal of his time advising the President of the United States." Then, in his fine jocular way, with a broad smile on his face, he added, "Politically and otherwise."

The Chief Justice of the United States, not in a decree of the Court, but in a very solemn ceremony of the Court, a man who had been President of the United States, pointed out that the Office of Attorney General was a political office, and that a great deal of the time and effort and energy of the Attorney General was spent in advising the President of the United States on political matters.

Yet we are asked to put into that office, which is not a nonpartisan office, but a political office for the most part, and probably the most political office of any of our departments of Government, this vast power.

I called attention to this fact the first time I saw the bill, after reading it, when I spoke about it on the floor of the Senate. At that time I called it a vast grab for power. I believe that anyone, especially if he is a lawyer, who has read and studied the bill even in a hurried manner, must realize that it is a real grab for power.

One of the things which also impressed me then, and impresses me now, is that in addition to all this vast power, those who drafted the bill were so zealous on the subject that they even went over into what is almost settled law and sought to deny a jury trial, not merely in cases in which a person is guilty of civil contempt by not obeying a court's order—in such circumstances a jury trial should not be provided—but also in connection with criminal contempt, with respect to which the spirit of the Constitution demands a jury trial. The courts have almost gone far enough to say that trial by jury is a matter of right in criminal contempt cases.

The bill entered this field, however, contrary to the spirit, if not the letter, of the Constitution of the United States.

After almost a year, and this subject has been debated a great deal in the press and other news media, and also on the floor of the Senate and on the floor of the House during this time, I believe that still, right down to this very minute, the most impressive thing about the entire bill is the vast power it would put into the hands of the Attorney General, a political officer. It would go so far as to deny a jury trial in circumstances which I shall define and relate more fully in a few minutes by reading the amendment offered by the Senator from Georgia.

It is no surprise, even though there is political force, power, and pressure behind the bill, that this amendment, offered first by the distinguished Senator from Georgia [Mr. TALMADGE], providing for a jury trial in criminal contempt cases only, should arrest the attention of Senators and, in spite of all the pressure behind the bill, cause the Senate to move slowly before turning down the Talmadge amendment. The first vote bearing on the amendment was a tie vote; and on the second vote, about 30 minutes later, the margin of defeat was only one vote. I believe that in itself proved the seriousness of the situation and the concern of Senators with reference to this provision.

I find, too, that even though it has been gone over several times, because of the

complicated nature of civil contempt and criminal contempt, this subject is not fully understood by all Senators and by the public. The attempted answer of those who oppose the amendment is that the court should have control over the enforcement of its own decrees.

The Talmadge amendment, No. 513, which is the pending question, subject to perfecting amendments offered by the Senator from Louisiana and others, expressly sets out—and I shall take the liberty of reading that part of the amendment for the benefit of Senators and the RECORD—in no uncertain terms that the amendment would in no way encroach upon the power of a judge to require that his mandate, the order of his court, be obeyed. The judge would still have the power, if the amendment should become law, to send to jail, an offending party who does not obey the court's order; and he would have the power to keep that person in jail until he complied with the court's order. That is why it is ordinarily said in debate that the man who is sent to jail by the judge without a jury trial carries the key to the jail in his pocket, meaning that whenever he is willing to obey and does obey the order of the court, he can get out of jail.

This power is not only preserved to the judge in civil contempt proceedings with respect to acts committed in the court's presence, but also out of the court's presence, with respect to those who disobey in any way an order of the court. I read now from the amendment, begining at page 3, line 17:

> This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.

In other words, the section providing for a jury trial shall not apply to matters of that kind. I read further:

> Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury—

I repeat this for emphasis—

> without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violation of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

In that case, the words "power of detention" mean the power to put a person in jail. The last part of the provision clearly spells out that the power shall remain with the court to require anyone to carry out the order of the court and obey the judgment of the court.

So let it not be said any more—because if it should be said, it would be contrary to fact and contrary to the express words of this proposal—that the amendment offered by the Senator from Georgia would leave a presiding judge without full power, and without the intervention of a jury, to enforce compliance with his orders and decrees. A judge would have control over his court in the courtroom and in the immediate surroundings of the court. Regardless of what a defendant did that might violate some statutory law, he could be punished for failure to carry out the order or decree of the judge entered against him, and he could be punished by the judge without a jury.

The Talmadge amendment simply provides that if criminal contempt proceedings are instituted against the defendant because of the defendant's failure to comply with an order of the court, the defendant shall be entitled to be tried by a jury.

That is very simple. Such a right is guaranteed in the case of an alleged thief or murderer, one charged with false pretenses, an alleged robber or rapist, or one accused of any other crime. A person accused of any crime cannot be punished without a jury trial, unless he pleads guilty. He cannot be convicted of a criminal offense without a jury trial. No one proposes that, this guarantee should be repealed.

The right of trial by jury is the greatest civil right that any of us has. We are not talking about the benefit of a jury trial only for the person who may be in the wrong. The innocent man is included in this principle. The principle goes even further. The greatest good or benefit that comes from the principle that a man is entitled to a jury trial is the mere fact that he is entitled to it under the law. He is entitled to have the process of a jury trial. In that way, there is a protection against threats and persecutions. A jury trial affords a hindrance to oppression. It affords almost complete protection from wrongful prosecutions and oppressions.

I know from my experience in public life before coming to the Senate that the so-called average person, whatever he may do—whether he works in an automobile factory or on a farm or in a little store, or is a small merchant—has as his greatest civil right and strongest protection the principle of jury trial, which we are discussing. Without the right to a trial by jury, inroads would be made upon him in his local community, in his own county or State, and in his relations dealing with the Federal Government.

It is most unfortunate that there has grown up outside the principle of the right of trial by jury the field of law in criminal contempt proceedings, in which the courts have held that a jury trial is not absolutely mandatory.

Even so, the judges of many courts are greatly divided on the question, in spite of the precedents. In the most recent cases decided by the Supreme Court on this subject, four Justices said that regardless of precedent, regardless of everything else, there should be a jury trial as a matter of right in criminal prosecutions for contempt. Five Justices said that there is no absolute guarantee of trial by jury in such cases. But even those five said, in a footnote to the opinion, that if the punishment were to be beyond that for petty offenses, the court should grant a jury trial.

The five Justices who were in the majority also said that it was a matter for Congress to decide. By their footnote as to punishment, the majority of the Court virtually recommended that Congress consider the matter and provide for a jury trial in criminal contempt cases. That shows what a narrow margin the bill is on in denying a jury trial in these cases.

I submit that it has no margin to stand on, considering the spirit of the Constitution. I do not believe there is anything that would appeal more to most Americans than to have the Senate say: "This question has now been fully considered. It is a grave matter. It is more in the tradition of our institutions and the spirit of our Constitution to provide for jury trials in criminal contempt proceedings. By unanimous vote, we will write that provision into the bill."

Furthermore, I do not believe a single proponent of the bill would ever regret in any way having taken such a position. On the other hand, I believe that in years to come they would regret not having taken such a position. It will plague Congress; it will plague everyone. I wish no ill will to Members of Congress, politically or otherwise, but in future elections and in future years it will plague those who vote against providing for trial by jury in criminal contempt cases.

The failure to guarantee trial by jury will be further accentuated by enacting this law which has such sweeping consequences. This fact is underscored and accentuated because the bill would create a vast number of new actions out of which criminal contempt proceedings may arise. For example, this bill moves into the field of industrial management and attempts to prohibit discrimination in employment. It moves into the field of public accommodations, in which great areas of the country are totally unaccustomed to what is proposed by reason of their social pattern or way of life. An action for discrimination would be established in that field. Yet the bill does not define what shall constitute discrimination. In other words, the bill proposes to open up completely new fields of legal action and at the same time deny the right of trial for those who are accused of violating a court order in this undefined area.

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

Mr. STENNIS. I yield to the Senator from Louisiana. I know of his great interest in this subject, and his understanding of it, too.

Mr. LONG of Louisiana. Would not the matter of avoiding the crime of discrimination be especially difficult, in view of the fact that if a person is to lead a successful business life or a happy social life, he must discriminate hundreds of times every day? Is it not true that when a man goes into business, he must decide where he will locate his business; and does not that involve a matter of discrimination?

Mr. STENNIS. Yes.

Mr. LONG of Louisiana. He also has to decide whom he will hire—even if he decides that one-tenth of his employees will be Negroes, 1 percent will be Chinamen, one-half of 1 percent will be Japanese, 10 percent will be Anglo-Saxons, 2 percent will be Jews, and so forth,

or even if he selects his employees on the basis of a racial quota, as the bill called for in the beginning. Therefore, does not a businessman have to discriminate in that connection?

Furthermore, does not a businessman discriminate when he decided whether he will ship the products of his plant by land, by water, or by air, and also when he decides which carrier he will use, regardless of whether the shipment is by highway, by rail, by water, or by air; and is it not also true that the question of whether his business will fail or succeed depends on wise discrimination of that sort by him?

Furthermore, in order to have a happy social life, does not every person have to discriminate? In fact, is not wise discrimination in choosing one's spouse or mate with whom to live one's life the most important decision one makes in connection with the question of whether he will have happiness in his social life?

Therefore, under the provisions of the pending bill, would not the question be this: When does a person discriminate for his happiness and when does he discriminate for business advantage?

Furthermore, do not some existing laws require discrimination? For example, there is the veterans' preference law. If one is hiring someone to work for the Government, a veteran's preference or advantage must be given, and thus there is discrimination in favor of the veterans. There are also other laws which require discrimination in favor of one person or another based on the tests they take. In that connection I ask the Senator from Mississippi if it is not a fact that there is discrimination on the basis of those who have had a college education.

So would not some laws already in existence thus require discrimination; and, in addition, the law now proposed would result in their being put in jail because they had been discriminating.

Mr. STENNIS. That is correct.

Furthermore, it is a fact that many long-established social habits would be contrary to the requirements of the bill. The bill would make such habits a crime. There would be no defense from that charge, and the defendant would not be entitled to have a jury trial; and the Attorney General would be permitted to select two additional judges to serve on the bench with the judge of that district, and the bill would permit the two additional judges to say to the judge who had been serving there for a number of years, "We are wiser than you are, and we are also wiser than Congress." Certainly that would be most unfair to the citizens involved, and there would inevitably be a considerable backlash.

Furthermore, as the Senator from Louisiana has suggested, discrimination is involved when one determines where he will live or where he will locate his business—whether in one part or another part of a city or town, or whether in a town or in a large city. All those decisions involve discrimination. But after those choices are made in connection with the establishment of a business, the provisions of this bill would result in the prosecution of that person for engaging in discrimination.

For example, the public accommodations provisions of the bill not only would take from the owner of such a business the control of it, but also could result in the loss of his investment in it.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield further to me?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Is it not also true that no provision of the bill states that it will not be a crime to discriminate against members of the major race in the country—meaning persons of the Anglo-Saxon type, the first settlers in this country after the Indians; but all provisions of the bill which deal with discrimination on account of race say only that it will be discrimination, and will be a crime, if one discriminates against minority groups, meaning Jews and Negroes? Therefore, would not the bill encourage employers to lean over backward in that respect, and therefore hire too many Negroes?

Mr. STENNIS. Yes. Furthermore, this bill would not create any new jobs; so if new employees had to be taken in, some of those who had been working in a plant would have to be discharged. That is the way the bill would work; and Federal agents would force manufacturing plants to follow that pattern. The result would be that many persons would be thrown out of their jobs. That is one of the tragic aspects of the bill.

Mr. LONG of Louisiana. Is it not also a fact that in Louisiana—a State which I am sure the Senator from Mississippi knows well—and also in Mississippi and in other States in that part of the country, various contractors and business concerns by tradition and practice have hired Negroes almost exclusively? Does any provision of the bill state that such a practice is approved—namely, the hiring of only colored people to work on a construction job or on any particular projects for which the employers think colored citizens would best suit their needs and desires? Does any provision of the bill state that a colored contractor could hire only colored people, so as to make sure that by means of the bill colored people would not be denied the rights and privileges they had been enjoying up to this time, when they had been working for a contractor who hired only colored people?

Mr. STENNIS. No; there would be no protection of that kind, unless it were provided by ignoring the provisions of the bill or by having the enforcement officials close their eyes to what such a contractor or businessman was doing, for under the provisions of the bill a contractor or businessman who had been employing only colored workers might be required to discharge some of his colored employees if a white person applied for a job.

Mr. LONG of Louisiana. If the Negro mobs are successful in their insistence that the proposed law be passed by Congress, and if they are successful in making the President bend the knee and making the Attorney General bow to their will, what would there be to prevent the whites from taking to the streets, one of these days, and terrifying the President and the Attorney General, on the basis of very strong protests because of the fact that the bill would permit contractors to have only Negroes working for them and would not protect the whites? Can the Senator from Mississippi explain how the bill would benefit the Negroes, without hurting the whites?

Mr. STENNIS. There is no explanation.

I am glad the Senator from Louisiana has referred to the matter of the employment of colored people. I remember seeing, when I was a young boy, some very excellent workmen at the sawmills. There were many such mills in the timber country, and some of them employed colored workers almost exclusively. I admired those fine workmen as they operated the carriage, as it was called. Those men could handle that machinery in an excellent manner. The more skilled ones could saw a fine line of lumber. Colored men had most of the jobs. And they had the better jobs. There was some complaint about it among the white people of the community, to the effect that they could not get jobs at that mill.

No one dreamed of trying to enact a law to force the sawmill operator to give white men jobs at the expense of the colored men. The colored men were in the jobs. They were doing the job. They knew how to do the job, and they were good workers. And they were willing. They helped the owner make a profit.

Under the proposed law, that system would be destroyed. The Government would probably create a formula to place workmen on a mixed basis. The Government would see to it that they did things in a certain way, but the profit would not be there. It would be destroyed if the owner could not operate in the most efficient manner.

Mr. LONG of Louisiana. Does it not mean in the final analysis that the bill would give no right to the colored man and no right to the white man? It would take rights away from both of them and give them to the Government.

Mr. STENNIS. That is true. A regulatory power of the Government would proclaim that the people are not capable of selecting in their private business those who they might think would make the business profitable and create more jobs through the growth of the business. This bill proposes to take that civil right away from the owners, whoever they may be, and place it in the hands of the Government. The Government would exercise its opinion as to who would be the best employee, but the bill does not provide that the Government will underwrite any loss that may result to the employer.

The public accommodations title would also be very damaging. It would destroy many businesses. It is proposed to say: "We are not only going to take your civil rights away from you, but we are also going to create a pattern of employment. But you must still put up the capital. And you must still take the losses, if there are any losses."

I thank the Senator very much for his very fine illustrations. I am delighted that the Senator from Louisiana brought

up the matter of employment. I think we ought to change the name of title VII from "Equal Employment Opportunity" to the "Industrial Management Act." That is the effect of it. It is proposed to take over, to a large degree, the industrial management of the businesses of the country, except those with fewer than 25 employees, and except for those that are exempt under the terms of this far-reaching title.

More and more exemptions from the provisions of title VII, the so-called FEPC part, have been proposed in amendments which the proponents of the measure, including the Attorney General, have finally agreed upon, according to the press reports.

We are reaching the point now that a Senator from a State that has an FEPC law can write to his constituents and tell them: "It does not make any difference what is in the bill. It will not apply to us." I think that is a fair statement. They believe they have gotten out from under the provisions of the bill. Tied into that very point is a story—I hope it is only a story—or a report at least, that the proponents have picked up some votes for cloture on the bill.

When we hear reports that the provisions of the amendment package propose to take certain States out from under its operation, there is a rash of reports that the proponents have picked up some votes. It is a hard fact of life that the main effect of these amendments—the major parts of them—is to provide that many States, and virtually all of them that have an FEPC act of any kind, will not be affected by the operation of title VII. That, of course, attracts votes for cloture on the bill.

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

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Would it not be well to send word to the Negro mobs that have been demonstrating in Chicago that their Senator has succeeded in agreeing to a package which, in effect, means that there is nothing in the bill that will affect Illinois or Chicago one way or the other?

Mr. STENNIS. If they do not find out about it, they are certainly derelict. If their leaders do not advise them on the subject, they are not living up to their responsibility.

Mr. LONG of Louisiana. Would it not be fair to advise the Congress of Racial Equality chapter, the NAACP chapter for the city of New York, and that great State, that there is nothing in the bill to affect them one way or the other, that their interests have been completely removed from the bill?

Mr. STENNIS. That is certainly the effect of all these amendments. We bring that information out in the Chamber as best we can, and I hope we can inform all the Nation just what is in this bill. We do it to give them warning.

Mr. LONG of Louisiana. How about Dick Gregory? He has been telling humorous stories about integration. Should we not send word to him, wherever he may be, that every section of the country except the South has been completely dropped out of the bill?

Mr. STENNIS. I hope he finds it out. It is not exaggerating one bit to say that some of the strongest proponents of the bill in the Senate have said to the Senator from Mississippi—not in a speech, but in conversation—that they objected to the form of the amendments because they discriminated against the South. They say there is nothing left in the bill except the provisions that would be aimed on the Southern States.

Mr. LONG of Louisiana. We have been led to believe that Senators from the Northern States want to do something for their own people, rather than merely to try to whip the South. They want to do something to change the racial situation in their own States.

Mr. STENNIS. The movement started on that note. But many Senators have heard from home. Many protests have been made. Many of the public protests have been read into the RECORD. Some of our friends were writing to their constituents back home, saying, "Do not worry about the bill. It will not affect our State."

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

Mr. STENNIS. I yield.

Mr. RUSSELL. The Senator is eminently correct. Of course, the whole thrust of the bill is now directed at the South. Every one of the amendments is designed to build a wall along the Mason-Dixon line, below which the Department of Justice and all its agencies will continue political forays into the South. They cannot get into the Northern States. The Northern States have been protected.

The Senator from Louisiana referred to Dick Gregory. I read an article the other day in which he said that there was more hypocrisy in the North over the civil rights question in 5 minutes than there was in the entire South. He said that one could find out what the southerners said and what they did, but that in the North there is doubletalk.

They have not fooled all the Negroes about the bill. Even before these amendments were drafted, there was a meeting in Washington on Saturday, April 18. I read from the New York Times of Sunday, April 19:

MILITANT NEGROES FORM NEW GROUP—NORTHERNERS CRITICIZE RIGHTS BILL AND PROTEST LEADERS

WASHINGTON, April 18.—A dozen Negro leaders from New York, Chicago, and other northern cities denounced today the civil rights bill pending in the Senate and the preoccupation of the heads of national Negro organizations with its passage.

They said they were "not against" the civil rights measure. But they made plain that it was "not needed" and "not something we have asked for."

Their grievance against the national Negro leadership, they said, was the national organizations' anxiety "to please the white community" and thus promote passage of legislation that they declared would mean little or nothing to northern, urban Negroes.

The article contains a list of those who were present, including a Member of the House of Representatives, ADAM CLAYTON POWELL. James Farmer, national director of CORE, was criticized because he did not go along with some of the threatened demonstrations at the opening of the New York World's Fair. But a few of those present were listed.

The article continues:

He [POWELL] joined in the criticism of the civil rights bill as a measure whose "passage or defeat will not mean very much to two-thirds of the Negro people," particularly in the North.

"Protest demonstrations in the cities have been primarily directed at school segregation policies," Mr. POWELL said. "There is nothing in this bill that would take care of that."

The article continues:

Other spokesmen denounced the bill as having little or no effect on discrimination in housing or in limiting the economic exploitation of minority groups in the "high rent ghettos" of the urban centers in the North.

Of course, the Senator knows that some Members of this body are on the hotspot on the question of school integration and housing; when there is any question that is going to bring about a conflict between them and any of the voters in their States, they write an amendment that even denies jurisdiction to the Federal courts to deal with segregation in the schools brought about by the ghettos that are maintained in the northern cities. Yet they want to invade the South, where there are no ghettos, where the Negroes and white people live in the same block, and compel them to mix the races in the schools in those areas.

The demonstrations in the North have been directed against this very thing—racial imbalance in the schools—and Members of the Senate from those States have not had the courage to face up to the situation and tell the Negro leaders that they are closing the door to any prospects of having integration of the races in the schools and correcting racial imbalance there.

The same thing is true for housing.

The entire bill has been drawn and designed, and has been redrafted and redesigned, as a punitive thrust against the white people of the South.

One amendment which I saw in a copy that was in circulation deals with the section on voting; it provides that the Attorney General can write a letter to the attorney general of any State and say he does not think it is going to be necessary to enforce the literacy test provision in that State, and thereby exempt that State from the law. Who ever heard of any such thing in the United States—permitting the Attorney General of the United States to write a letter to the attorney general of a State saying, "This act of Congress does not apply in your State because I, the Attorney General of the United States, have so concluded"?

Referring to the public accommodations section, part II, the proponents have picked on any little scrap of any law in any State that undertakes to prohibit the exercise by any owner of a business of a choice of those with whom he will do business, and allows a 90-day delay. They know, of course, that the Southern States do not have laws of that kind.

Mr. President, I measure my words when I say that not even in the days of

Charles Sumner and Thad Stevens was there ever a more bold-faced attempt in the Congress to pass a sweeping, comprehensive bill that would apply only to one section of the country. There never has been in my experience any previous occasion when such a sweeping bill as this was brought up. There has been a scurrying like that of rats for a hole to prevent this act from applying to certain parts of the country. There are those who beat their chests and say, "Oh, what a champion of civil rights I am. I am not going to help enact a civil rights provision that will help the black man in my State, but watch me make those southerners squirm. Wait until I get through with them. What a hero I am."

Mr. President, it is pathetic, it is sickening, it is almost nauseating to see how the bill has been worked upon and worked around until it has application only to the Southern States.

We knew before that it was designed to do that, but certain Senators do not even make a pretense of applying it generally all over the United States. Senators who have not said anything about States rights for 20 years now come out charging and saying, "Oh, we are for civil rights, but we have to protect our local laws and our State FEPC agencies." These agencies may not have decided two cases in 10 years, but they are going to protect their laws, and yet send out armies of Federal agents into the South to harass every form of business.

They say, "We have a perfect public accommodations law in our State." There may have been prosecutions of only four or five cases in years, but they say, "We have a perfect State law, but we will send the Civil Rights Commission, the Attorney General, and the public accommodations officials to prosecute any person in the South who attempts to transact business with those with whom he chooses to do business."

Mr. President, it is a sad day in this country when this bold-faced attempt is made to single out one section of the country for this kind of punishment, to send this kind of punitive expedition into that section, while building a wall around every other section of the country that happens to have any kind of little law that is more honored in the breach than in the observance. In some States it was not even known that such laws existed until a number of letters were received by Members of the Senate from their constituents expressing concern about this bill. Senators wrote back, "Do not worry. This provision does not apply to our State. We have section 444 which says that employers cannot practice discrimination on account of race, and things of that kind. So it does not apply to us."

But the bill is designed to apply solely and exclusively in the Southern States. We have something new in this country when the Attorney General can write a letter exempting a State from a provision of Federal law by saying, "From my lofty perch in Washington, I have looked out across the country and have decided that you are pure."

There are 24 States which have literacy provisions, and if this bill should be enacted into law it will not be 10 days before every State outside the South will be given a clean bill of health by the Attorney General. He will say, "You are pure. We will not investigate you." But Government agents will be swarming all over the Southern States to show the proponents of the pending bill what valiant defenders they are of the civil rights cause.

I regret having taken so much of the Senator's time, but I wished to point out that there are cases now in which the Negroes are not so foolish or so ignorant as not to see through the fraud which is embraced in the compromise.

I received a letter from the U.S. Chamber of Commerce on the FEPC section of the pending bill, suggesting seven amendments that it thought should be applied to the bill. Virtually all these suggestions are incorporated in the amended version of the bill that has been circulated among Members of the Senate.

The great liberals in the Senate followed the U.S. Chamber of Commerce right down the line. There was only one slight deviation. The U.S. Chamber of Commerce suggested that the word "willfully" should be inserted as a compromise.

But the troika used the word "intentionally." However, both are synonymous in every law dictionary.

Mr. STENNIS. To whom does the Senator refer when he mentions "troika"?

Mr. RUSSELL. We know that the troika consists of the Senator from Illinois [Mr. DIRKSEN], the Senator from Minnesota [Mr. HUMPHREY], and the Attorney General of the United States. They are the "troika."

Unfortunately, although the Senate is supposed to be a legislative body, the "lead horse" is the Attorney General, a member of the executive branch of the Government.

Mr. STENNIS. I thank the Senator from Georgia for his very fine contribution to this debate, and the illustration of the information in the hands of colored leaders.

Mr. President, these remarks bring to mind that in the industrial management of FEPC—and I say this with the greatest concern as well as modesty—the South has been engaging in more and more industrial development, building more factories and bringing in more industries. That progress has made the South, to a degree, a rival with other parts of the country. We do not have a great many regulations and restrictions of which industrial manufacturers are getting an overdose in other areas. That is one of the reasons why more and more factories are being built in the South, at least enough to manufacture many of the products which the South consumes. Undoubtedly, that is one of the underlying motivations for the existence of the bill, to place more regulations and restrictions on the thriving industries of the South.

To cite an illustration, I was visiting a small city in Mississippi a year or two ago, inspecting a newly built plant, and after the manager had shown me through it—he had managed plants in other States of the North and East—he referred to his assembly line and told me, which I state with modesty for these are his words, not mine, "That is the best line of workmen I have ever seen."

He was delighted that he had gone South and had opened up this plant and was getting fine results from people who had not done that kind of work for very long. I do not say this boastfully. I say it with humility. Both white and colored workers were employed at that plant. All the members of the community who could qualify on their merit were working there. The manager was glad to get away from the dictation, supervision, and control of some arm of the Government. He relished it, and he was happy there; and we want him to stay there.

I believe that it is the competition now offered by the South that is one of the reasons why some, at least, want to place us under the provisions and operation of the pending civil rights bill.

One further remark about the amendments which I understand will be submitted this afternoon in their final form.

I stated on the floor of the Senate a day or two after debate began that the bill—referring to the bill which had come over from the House of Representatives—was at its high water mark then, that it had more votes to support it then than it would have after the bill becomes exposed for what it is in debate.

I am certainly no prophet, but I have been in the Senate for some time. Events have substantiated that prediction, because the bill that was under debate then has now been abandoned. In effect, it has been withdrawn. One thing after another has been thrown overboard, as the Senator from Georgia has stated. One objection after another from other areas of the country has been taken care of. At present, it is a very different bill. Exception after exception has been taken to it. Under title I of the proposed amendments, for example, the Attorney General of the United States can write a letter to the attorney general of any State and say, "You are not subject to the law," and that State will not have to comply with certain provisions of title I.

Objections came in to balancing the schools, to busing little children from one area of the city to another.

Objection was heard outside the South to that provision, so it was thrown out, partly in the House of Representatives; but after it got to the Senate, the exception was not enough, so the proponents have written in another amendment in the package which is coming over this afternoon, which prohibits the court from signing an order to require the transportation by bus of children from one school to another.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield for a question?

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

Mr. LONG of Louisiana. Would it not be fair to state that the position of de facto segregation is just as strong as it ever was; in fact, in some respects it is affirmatively protected by the bill?

Mr. STENNIS. It is frozen. No judge, whatever he may think of the terms of

the law in its final form, so long as the amendment is retained, would be permitted to sign an order, taking into consideration any kind of imbalance which may exist in a school, even if it had one colored pupil in it and 999 whites. The judge cannot take into consideration the imbalance that may exist.

Mr. LONG of Louisiana. Is that not the very issue over which the terrible demonstration occurred in the city of Cleveland which led to the tragic event when a young preacher was run over by a bulldozer?

Mr. STENNIS. The Senator is correct.

Mr. LONG of Louisiana. The poor bulldozer operator, in order to avoid a group of demonstrators in front of him, backed his machine away from them and inadvertently ran over the young preacher who was lying down behind it.

Mr. STENNIS. The Senator is correct. It was one of the real tragedies. But the man was mistaken; they were not arguing about the integration of schools. They were arguing about the balancing of the schools, and the effort to balance the number of children of each color. The school had already been integrated. Still I remember a news item which was published next morning which stated, "Young Minister Loses Life in School Integration Crisis."

There was no crisis at all. A new building was under construction. There was no question of integration, because the school was already integrated.

Mr. LONG of Louisiana. Were they not protesting de facto segregation?

Mr. STENNIS. The Senator is correct.

Mr. LONG of Louisiana. Is it not correct that the bill would provide in the law that a judge cannot sign an order against the so-called de facto segregation?

Mr. STENNIS. The people in the North and East who want actual integration have been kicked in the face now, and the judge is even expressly prohibited from signing a court order undertaking to do anything about it.

Mr. LONG of Louisiana. Mr. President, can the Senator point to anything in the bill which would eliminate the ghettos we have heard about? Negroes live in ghettos in certain cities. What would happen to them? Is there anything in the bill to prevent the existence of ghettos?

Mr. STENNIS. Not so far as the Senator from Mississippi knows. There originally was a provision with respect to housing. Because of objections from certain areas, that provision was taken out of the bill, as the Senator knows.

Mr. LONG of Louisiana. I am sure the Senator is familiar with the beautiful passage in the Bible in which Jesus speaks about the mote in a person's eye, which is only a little speck of dust:

> And why beholdest thou the mote that is in thy brother's eye, but perceivest not the beam that is in thine own eye?

And of course the Senator knows that a beam is a big piece of wood.

Mr. STENNIS. Yes; the Senator has well quoted that passage.

Mr. LONG of Louisiana. I believe the passage goes on to quote Jesus as saying:

> Thou hypocrite—

I do not mean that the Senators who are advocating this provision are hypocrites.

Jesus said:

> Thou hypocrite, cast out first the beam out of thine own eye, and then shalt thou see clearly to pull out the mote that is in thy brother's eye.

Does not the spirit of that passage apply to this situation? The first thing that the proponents should do is to help pass a bill that will meet their own problems.

Mr. STENNIS. The Senator is entirely correct.

I am surprised, Mr. President, that there is such a running out on the groups which have been sponsoring these various provisions.

I should like to say a few more words about the FEPC part of the bill. Of course many States already have FEPC laws. As I said, they were passed because the people in those States felt that they wanted that kind of law. However, they should keep control of the problem through their Governors and legislators, who know the problems in those particular areas. The proponents would create a Federal FEPC law, and have it apply in areas of the country which do not have FEPC laws.

That brings to my mind some employment figures, to which reference has already been made. The only legitimate purpose that a provision like the FEPC provision could possibly have would be to give more jobs to minority groups, or to the nonwhite group. That is the only purpose that I have ever heard that was given as a justification for that provision; namely, that it would afford a better chance for people to obtain jobs.

I have before me some statistics furnished by the Bureau of the Census. The Senator from Louisiana has already placed certain figures into the RECORD. They purport to give the unemployment figures of the civilian labor force by color and by States. These figures were furnished by the Bureau of the Census, and were issued in April 1960, and are the latest figures that were made available by the Bureau of the Census. They give the percentage of nonwhite persons who are unemployed. I refer to the State with which I am most familiar, the State of Mississippi. In my State the rate of unemployment among nonwhite citizens was 7.1 percent. I will run down the list of States which already have an FEPC law. For example, on that date Rhode Island had a nonwhite unemployment rate of 10 percent. The great State of Illinois, represented by Senator DOUGLAS and Senator DIRKSEN, had a nonwhite unemployment rate of 11.5 percent, as contrasted with the rate in Mississippi of 7.1 percent.

We have the largest percentage of nonwhite residents of any State in the Union. I could read on through a list of other States. The great State of California, which has an FEPC law, has a nonwhite rate of unemployment of 10 percent.

Consider the great industrial State of Michigan. Ford, General Motors, and many other industries are located in Michigan. On the date in question, Michigan had a nonwhite unemployment rate of 16.3 percent. That is more than twice the rate in the State of Mississippi.

The State of Louisiana, on that day, had a nonwhite unemployment rate of 9.5 percent.

Almost every one of the Southern States, which do not have FEPC laws, but which generally have the highest percentage of nonwhite citizens, has a lower nonwhite unemployment rate than the industrial States, which have FEPC laws. As a matter of fact, 24 of the 25 States which have FEPC laws have a higher nonwhite unemployment rate than Mississippi, although Mississippi has the highest percentage of nonwhite residents.

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

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Is it not correct to say that if we compare the percentage of white persons who are out of work with the percentage of Negroes who are out of work, the ratio is much better from the standpoint of the Negroes, in the Southern States than it is in the FEPC States? Does that not mean that an FEPC law, rather than providing a poor colored man with a job, is costing him a job? It is worse for him in an FEPC State than it is in a Southern State. Is that not correct?

Mr. STENNIS. It is worse for him in an FEPC State. Yet, in trying to pass this proposed law, the proponents are taking themselves out from under its operation.

Mr. LONG of Louisiana. Based on cold figures, if Federal interference were needed to help a colored man to obtain a job, it is more needed in States which have FEPC laws than in Southern States. Is that not correct?

Mr. STENNIS. Yes.

I respond to the Senator from Louisiana further in this way: This is not the first day that these figures have been brought up. They were placed in the RECORD previously. Nevertheless I have not heard one attempt made to answer them. I believe the reason is not the lack of talent on the part of the proponents, but the fact that there is no answer to be given, except the one that is carried on the very face of the figures.

The lowest rate of nonwhite unemployment exists in our Southern States, and our States do not have FEPC laws.

Mr. LONG of Louisiana. Do not the figures show that in FEPC States, the employers succeed in discriminating against a colored man at least 50 percent or more than in the average Southern State?

Mr. STENNIS. The Senator is correct. Negroes are unemployed at a much higher percentage in FEPC States. In the State of Virginia, the nonwhite unemployment rate was 7.1 percent. The next State to it in the list is the State of Washington, where the nonwhite unemployment rate was 13.4 percent. That is almost 2 to 1 on a percentage basis.

We can illustrate that point from west to east, east to west, south to north, and north to south, in any way we wish. The figures prove that to be the case. I appreciate the questions asked by the Senator from Louisiana and the way he went into this subject.

A great deal has been said about the Attorney General having power to intervene. It is said that he would intervene in certain suits to see that justice is done.

I have some amendments to submit in a few moments. One has to do with the voting rights title of the bill. We talk about the authority of the Attorney General to bring suits, or to intervene in suits. My amendment would provide that in voting right suits the attorney general of a State also would have the right to intervene.

I shall read the operative part:

No proceeding under this section may be instituted in any district court within any State without notice to the attorney general or other chief legal officer of such State. Such officer shall be entitled as of right to intervene any such action as an interested party.

I have another amendment which would give the attorney general of the State authority to intervene when the defendant is an officer of the State:

Whenever the defendant in any such action is an officer or employee of a State or political subdivision of a State, the attorney general of that State may intervene in such action upon the same terms and conditions upon which intervention by the Attorney General of the United States is allowed in that action.

Mr. President, I ask unanimous consent that the amendments I now submit may be considered as read for all purposes as may be required under the rules of the Senate.

The PRESIDING OFFICER (Mr. BAYH in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. STENNIS. Mr. President, I also ask that the amendments be printed and lie on the table.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. STENNIS. I thank the Chair.

I continue with the discussion of the bill under the general outline of "a grab for power." I do not believe there is anything that goes further than title II, regarding public accommodations, in granting the Attorney General the authority, under the bill as now written, to roam at will. I have heard of roving ambassadors. The bill would make the Attorney General a roving Attorney General, with authority to proceed against any person or group of persons, not when he had cause to believe that a law is being violated; but the bill actually provides that he shall have authority to bring suits against persons if he has reason to believe that the law may be violated in the future.

It is not possible to obtain a search warrant to search even an illegal place of business until some officer makes oath that he at least has reason to believe that the law is being violated there.

But the public accommodations section of the bill would turn the Attorney General loose and permit him to go up and down the highways and byways, and merely by filing an allegation in court, in the form of a suit, that there is a prospect of a pattern of violation, or that it is his belief that a person will not comply with the law, be granted the power to bring into court dozens or scores or hundreds of people and make them defendants.

The danger and injustice of that situation are overwhelming. The Attorney General would have at his side and in his counsel and employment a large number of fine, experienced, smart, bright, talented legal assistants. He would also have at his beck and call all the resources and experience of the FBI, with all of its vast number of competent, capable investigators. He would also have at his command the vast resources of the entire Department of Justice, with its network of offices throughout the United States.

The public accommodations section is so rigged that the Attorney General could proceed almost at will against persons and put pressure upon them and intimidate them. We need not talk about the right of jury trial with reference to many of those people, because they would never get that far, even if the amendment should be adopted. They would be coerced, intimidated, and driven into a corner, and would literally be put out of business.

The owners of small cafes would not have the resources to fight such proceedings. They have only a thin margin of profit anyway.

Consider the little cafe operator. He is an American citizen. He owns a little property. He has worked for a long time and has saved his money. He has invested it and has also borrowed more money from the bank with which to buy appliances for his small cafe.

As the Senator from Louisiana [Mr. LONG] said, he was discriminating in selecting his location. He located it in an area where he would be among his friends and where his business would be convenient to them. They patronize him, and he carries on his business in accordance with the laws of his State and the customs of his community. He serves good food. The atmosphere is congenial and friendly, and his customers return frequently.

Then the order comes. The agent of the Attorney General enters his place of business. Under the terms of the bill, the Attorney General could run him out of business and take away his civil right to choose his customers—which is what the law of Mississippi provides on this subject. The law of Mississippi does not provide that he may not operate his cafe so that both races can eat together; it merely provides that the proprietor shall have the right to choose his customers.

The Federal agent could come in, take down the sign from the wall, and say, "No; the Federal Government will prescribe the pattern for your business and help you to choose your customers. Whether you want them or not, you will have to accept those people as customers." But they will not be real customers. They will not return again as patrons. They will not add anything to the business.

The situation would rapidly develop to the point where the customers that the little cafe formerly had would stop coming. They would leave the proprietor with his tables bare. He would quickly go out of business.

We need not talk about jury trials for such persons. Their cases would never get to a jury. They would be intimidated out of business.

That is one of the tragedies of the entire bill. The little person would have the business he built up over the years with his own money, his own effort, and his own sacrifice, jerked out from under him, so to speak, just as one would jerk a rug out from under a person. His customers would be scattered and gone. He would have nothing left except the notes at the bank, that he had signed and had been paying off, in order to pay for his equipment. He would have to pay them off as best he could.

There is the tragedy. There is the illustration of what could happen as a result of the grant of power that would be provided by the bill.

But even if he were able to compete and try to have his rights adjudicated in court, there would certainly be the coercive power, whereby he would know that for the least little infraction, if the judge were a man of whims and caprice, he could be tried, even on a criminal offense, without a jury.

I am not interested in the amendment from the standpoint of protecting someone from punishment if he were guilty of willfully violating a law. But it is the principle of the American system which has protected our rights, including the greatest right of all, the right of trial by jury, that must be maintained.

It is even emphasized and made more important because of what is now provided by section 302, in title III, which would give the Attorney General power to intervene in any proceeding if a denial of equal protection of the law on account of race or color is alleged. That provision is found on page 13 of the bill, as it is now written. I quote from that section:

SEC. 302. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action. In such an action the United States shall be entitled to the same relief as if it had instituted the action.

Now I read section 303:

SEC. 303. In any action or proceeding under this title the United States shall be liable for costs, including a reasonable attorney's fee, the same as a private person.

That section is buried in title III, which has to do with desegregation of public facilities. But this language is by no means limited to public facilities. This language is unlimited. It would apply to any kind of action instituted by any person, so long as it was alleged that there had been denial of equal protection of the laws, on account of race, color, religion, or national origin. This provision would allow the Attorney General

to intervene. So he could intervene as a plaintiff, regardless of whether the judge wanted him to intervene or not. In other words, the provision does not say the court may let the Attorney General intervene; the provision states that the Attorney General can intervene as a matter of right.

Now I read again the last sentence of section 302:

In such an action the United States shall be entitled to the same relief as if it had instituted the action.

That would make the United States the dominating plaintiff in the case. Under this provision—and what a grab for power this concealed section is; I call it "the sleeper"—all the Attorney General would have to do, would be to get some dummy to file the suit. Then the court would have to let the Attorney General intervene; and from then on, the Attorney General would dominate the suit. He would have the FBI and the Department of Justice and all their talent at his beck and call, and he would have the use of the funds of the United States. In addition, this provision very definitely would make the United States the plaintiff in the case; and, therefore, the defendant would not be entitled to a jury trial. It is deception and deceit and downright trickery to include this provision in the bill in this way.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield further to me?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. In addition, when the Attorney General came into the suit, not only would the defendant be denied the right of trial by jury, but in the event the Attorney General found that the case was to be tried before a judge about whose views he had some doubt, the Attorney General could bring in two other judges, presumably judges in whose views he would have more confidence; and the Attorney General could thereby get those two outside judges to dominate the case from the bench, could he not?

Mr. STENNIS. That is correct. Never before now has anyone had the audacity to propose such a plan and scheme and to seriously ask that it be enacted into law.

Mr. LONG of Louisiana. Does not the bill include a provision that if someone wishes to file a suit on the ground that he has been discriminated against, he can have a private attorney—any ambulance chaser in the country—file the suit, and then can have the court pay the attorney his fee for suing the defendant?

Mr. STENNIS. Yes. I have already referred to that point; I did so at a time when the Senator from Louisiana had to leave the Chamber briefly. As I have already pointed out, such a dummy plaintiff could even have the Government pay the cost of the attorney's fee.

Mr. LONG of Louisiana. Does the Senator from Mississippi know of any other provision of law by which the Government would pay the fee of the attorney who brought suit against someone?

Mr. STENNIS. No; certainly not.

Mr. LONG of Louisiana. Suppose the person being sued was completely innocent, had done no wrong of any sort: Does the bill include any provision which would result in having the Government pay the attorney's fee of such a defendant in such a prosecution?

Mr. STENNIS. No. But in that connection the Senator has an amendment which would be added to this part of the bill, so that at least there would be fair play if some attorneys' fees were to be paid in that way. If the Government would pick up that check, it should also pick up the check for the little fellow, the innocent defendant.

Mr. LONG of Louisiana. Indeed so. The least that could be done would be to give such a defendant an equal privilege.

Is there not a crime which is referred to as champerty—meaning a proceeding by which a person who is not a party to a suit bargains to aid in it or to carry on its prosecution, in consideration of a share of the matter in suit?

Mr. STENNIS. Yes. In most States that is a crime.

Mr. LONG of Louisiana. But would not the bill actually encourage persons to commit such a crime—in other words, to help someone sue, even though the person helping had no actual interest in the case?

Mr. STENNIS. Certainly the bill goes in that direction, and would encourage such litigation and would stir up litigation. So I think the Senator's point is well taken.

Mr. LONG of Louisiana. When the Senator from Mississippi was in law school, were civil rights at that time thought of as being the rights guaranteed and protected by the Bill of Rights to the U.S. Constitution?

Mr. STENNIS. Yes; civil rights were ordinarily considered to be the rights guaranteed by the first 10 amendments of the U.S. Constitution—in other words, by the Bill of Rights.

Mr. LONG of Louisiana. In that connection, let me refer to the Ten Commandments. The Ten Commandments set out the cardinal sins, but not all sins. Similarly, does not the Bill of Rights set out the cardinal civil rights?

Mr. STENNIS. Yes; and one of them is the right of trial by jury. That right is provided for in two places in the Bill of Rights.

Mr. LONG of Louisiana. Yes; it is guaranteed twice in the Bill of Rights, is it not?

Mr. STENNIS. Yes, as well as one place in the original body of the Constitution.

Mr. LONG of Louisiana. Therefore, would not the pending bill instead of actually being a civil rights bill, really be a bill which would repeal civil rights?

Mr. STENNIS. Yes, because it would end the right of trial by jury, which is one of the most important rights of the American people.

So the bill would circumvent the Constitution, would violate the Bill of Rights, and would nibble away at the edges of the Constitution itself.

Mr. LONG of Louisiana. The bill would actually destroy a considerable part of the Bill of Rights, would it not?

Mr. STENNIS. That is correct.

Mr. LONG of Louisiana. Does not the 10th amendment provide:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Mr. STENNIS. That is correct.

Mr. LONG of Louisiana. Can the Senator from Mississippi think of any power the Federal Government could be denied if it claimed all the powers that would be provided by this bill?

Mr. STENNIS. If the bill became law and were upheld, the result would be to "go overboard"; in that event, there would be an entire abandonment and reversal, so to speak, of the first 10 amendments to the Constitution, the Bill of Rights.

Mr. LONG of Louisiana. Did the Senator read the decision of the Supreme Court yesterday which undertook to say that a U.S. district court could levy a tax? The Court said that it could order a local governing body to levy and collect a tax. That is the same thing as saying that the court could levy a tax.

Mr. STENNIS. Yes. The Constitution of the United States was created by the States themselves. That is the source of all the legal power—the people being the basic source. The States then delegated certain power to the Federal Government to tax, but limited it to Congress. A tax measure must originate in the House of Representatives. But now the Court says to the parents: "We will levy a tax on your property, if you do not do thus and so."

Mr. LONG of Louisiana. Can the Senator think of any more supreme usurpation of power than for the Court to arrogate unto itself the power to tax? Is not that one power that all forms of government vest exclusively in the legislative branch insofar as our form of government is concerned?

Mr. STENNIS. Without any exception, so far as the Senator from Mississippi knows, that is true.

Mr. LONG of Louisiana. The legislative branch could delegate it to the legislative branch of the counties, the school districts, or other agencies. That shows how far this tendency has gone, without any word of the Constitution having been really changed with reference to such matters.

Mr. STENNIS. The Senator is entirely correct.

Mr. President, further in connection with section 302, as I understand, in the rewritten measure—the master amendments that are supposed to be submitted this afternoon—there has been a complete modification of this section 302 that I have referred to, so far as its location in the bill is concerned.

The entire section 302 has been stricken from the bill. It no longer appears in title III. But similar language has been carried over into title IX, and that language reads virtually the same as that which we have been discussing, except for the following provision:

* * * relief from the denial of equal protection of laws on account of race, color, religion, or national origin, based on the 14th amendment. Then the Attorney General for and in the name of the United States may intervene in such action.

So, even though on the face of it, the master amendment proposes to strike out section 302, as a matter of cold, hard fact, it has only been moved to another place in the bill, under a different title. The 14th amendment has been used as such in the language of the section, which does not detract from the power that the Attorney General would obtain under the section. I do not believe that the meaning of the section would be changed substantially. As rewritten, it has all the vices, all the power, and all the consequences that it had before. The only change is that it has been brought out into the open and placed under another title of the bill. It is not misleading so far as its location in the bill is concerned. It would prove to be among the most far-reaching provisions in the bill. It would prove to be the most arbitrary power that had ever been vested in any Attorney General under any circumstances.

As the Senator from Louisiana [Mr. LONG] pointed out, this process has gone so far that if the Attorney General had a mind to do it, he could find a judge whom he himself appointed, or recommended to the President, at least. Then if he were not satisfied with one or another of these judges, he could, merely by a wave of his hand, so to speak, create a three-judge court.

My complaint is not directed at the judges, or at the court. My complaint is directed at giving anyone such roaming, roving power as this without the limitations and restrictions that we ordinarily impose as a protection for the people. It goes beyond all reason, and is a dangerous precedent to establish.

The Senator from Mississippi believes that if this proposal were in any other bill than a civil rights bill, it would not be seriously considered for one moment.

AMENDMENTS NOS. 644 THROUGH 654

Mr. President, I have certain amendments in which I have an interest. I wish to submit the amendments and make a few remarks in connection therewith.

I ask for unanimous consent that I may do so.

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

Mr. STENNIS. I submit an amendment to title I with reference to voting rights, which would make it a Federal crime to incite, assist, or engage in riot, rebellion, disturbance of the peace, and so forth, "against the authority or laws of any State or political subdivision thereof," under color of any provision of the bill. It would also bar any person convicted thereunder from Federal office or employment.

Mr. President, I ask unanimous consent that the amendment may be considered as read, to comply with all the rules of the Senate, and that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and without objection, the request of the Senator from Mississippi is agreed to.

Mr. STENNIS. Mr. President, I offer an amendment to provide that whoever institutes or conspires to institute an action against the owner of a business, alleging a denial of equal protection of law, and knowing such allegation to be false, or maliciously with intent to injure such business, shall be liable for treble damages to such owner of a business for damages sustained.

It is an amendment to title III, but it is of general application.

Mr. President, I ask unanimous consent that this amendment be considered as read, to comply with all the rules of the Senate, and that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the request of the Senator from Mississippi is agreed to.

Mr. STENNIS. Mr. President, I offer an amendment to amend title III, section 302—title III being on public facilities—concerning the authority of the Attorney General to intervene, by adding a new subsection (b). The proposed subsection (b) would make it unlawful for any person to institute suit, or threaten to institute suit for the purpose of injuring any person in his business, profession, occupation, or governmental office, or employment.

Mr. President, I ask unanimous consent that this amendment also be considered as read in compliance with all the rules of the Senate, and that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the request of the Senator from Mississippi is agreed to.

Mr. STENNIS. Mr. President, I have another amendment that applies to title VII, which is the FEPC title. The bill authorizes reference by the Federal courts to a master to hear issues of fact presented by the pleadings. The parties in proceedings of such far-reaching importance should at least have the facts determined by a court.

This amendment deletes the authority for reference of FEPC matters to a master.

I ask unanimous consent that this amendment be considered for all purposes of the rules as having been read, and that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table; and, without objection, the request of the Senator is agreed to.

Mr. STENNIS. Mr. President, I have another amendment, to be numbered in the proper way.

The Attorney General must now receive a written complaint, sworn to, of voting violations, with full details, and make a full investigation and find probable cause for belief of violation before filing suit.

Present law only requires the Attorney General to receive the complaint.

I ask that this amendment be considered as read so as to comply with all the rules of the Senate, and that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table; and, without objection, the request of the Senator from Mississippi is agreed to.

Mr. STENNIS. Mr. President, I have another amendment, to be numbered properly by the clerk, which would abolish the three-judge courts as a statutory matter under title I of the bill.

I ask that the amendment be considered as read so as to comply with all the rules of the Senate, and that it be printed and lie on the table until further call.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table; and, without objection, the request of the Senator from Mississippi is agreed to.

Mr. STENNIS. Mr. President, I have three other amendments, to be numbered properly by the clerk.

One refers to title V, the Civil Rights Commission, which provides that the FBI is to investigate reports that any organization active in promotion of civil rights or civil rights legislation may be Communist or Communist front, and to furnish the information immediately to the Attorney General, the Civil Rights Commission, and Congress.

The second amendment applies to title III, section 302, the broad authority of the Attorney General to intervene in any action involving a denial of equal protection of the laws.

This amendment would limit such authority, and provide that the Attorney General may only intervene "upon leave granted by the court upon a showing of good cause."

The third amendment relates to section 3691, title 18, United States Code, which provides for jury trial in criminal contempt cases arising in district courts, when the act done or omitted is also a crime under the laws of the United States or any State, except in cases in which the United States is a party.

This amendment would bring all of title I and all contempt proceedings under title I under section 3691 of title 18.

My request is that all the amendments be considered as having been read so as to comply with all the rules of the Senate, that they be printed, and lie on the table until further called.

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table; and, without objection, the request of the Senator from Mississippi is agreed to.

The amendments (Nos. 644 through 654), intended to be proposed by Mr. STENNIS, to House bill 7152, are as follows:

AMENDMENT NO. 644

On page 25, between lines 17 and 18, insert the following new section:

"SEC. 508. Whenever the Director of the Federal Bureau of Investigation receives information to the effect that any organization which has for one of its objects or purposes the advocacy or promotion of any legislation for the protection of civil rights, or the elimination of differentiation in the treatment of individuals under color of the assertion of right to the equal protection of the laws, may be a Communist organization, a Communist-front organization, or a Communist-infiltrated organization within the meaning of the Subversive Activities Control Act of 1950, as amended (50 U.S.C. 781), he shall transmit such information promptly to the

Attorney General who shall furnish promptly to the Commission on Civil Rights and to the Congress all available information concerning the identity, membership, objects, and control of such organization."

AMENDMENT No. 645

On page 13, line 8, immediately after the words "United States", insert the words "upon leave granted by the court upon a showing of good cause".

AMENDMENT No. 646

On page 5, line 24, strike out the closing quotation marks.

On page 5, after line 24, insert the following new paragraph:

"Proceedings for contempt arising from the provisions of this section shall be subject to the provisions of section 3691, title 18, United States Code."

AMENDMENT No. 647

On page 13, line 4, immediately after the section number "Sec. 302.", insert the subsection designation "(a)".

On page 13, between lines 10 and 11, insert the following new subsection:

"(b) It shall be unlawful for any person to institute or cause to be instituted, to attempt to institute or cause to be instituted, to make any threat to institute or cause to be instituted, or to combine or conspire with any other person to institute, cause to be instituted, or threaten to institute or cause to be instituted, said action under subsection (a) for the purpose of injuring any person in the business, profession, occupation, or governmental office or employment. The district courts of the United States shall have jurisdiction to prevent and restrain violations of this subsection. It shall be the duty of the several United States district attorneys, in their respective districts, to institute proceedings to prevent and restrain violations of this subsection."

AMENDMENT No. 648

On page 13, line 4, immediately after the section number "SEC. 302.", insert the subsection designation "(a)".

On page 13, between lines 10 and 11, insert the following new subsection:

"(b) Whoever institutes or combines or conspires with any other person to institute any action against any person in any court of the United States alleging any denial by the defendant of equal protection of the laws on account of race, color, religion, or national origin, with knowledge or with reason to believe that such allegation is false, or maliciously with intent to injure the defendant in his business, profession, occupation, or governmental office or employment, shall be liable to such defendant for threefold the amount of the damages sustained by such defendant directly or indirectly in consequence of the institution of such action and a reasonable attorneys fee. Such action for damages may be instituted in any court of competent jurisdiction. The district courts of the United States shall have jurisdiction to hear and determine such actions for damages without regard to the amount in controversy. Process of the district court for any judicial district in any action under this subsection may be served in any other judicial district of the United States by the U.S. Marshal thereof. Whenever it appears to the court in which any such action is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States. As used in this subsection, the term 'person' means any individual and any partnership, corporation, association, or other legal entity."

AMENDMENT No. 649

On page 5, line 24, strike out the closing quotation marks.

On page 5, after line 24, insert the following:

"Whoever, acting under color of any provision of this section or of the assertion of any right recognized or protected thereby, incites, sets on foot, assists, or engages in any riot, rebellion, insurrection, or other disturbance of the peace directed against the authority or laws of any State or any political subdivision thereof, or gives aid or comfort to persons engaged in or threatening any such riot, rebellion, insurrection, or disturbance of the peace, shall be fined not more than $10,000, or imprisoned not more than 10 years, or both, and thereafter shall be incapable of holding any office or employment under the United States."

AMENDMENT No. 650

On page 5, line 24, strike out the closing quotation marks.

On page 5, after line 24, insert the following new paragraph:

"No proceeding under this section may be instituted in any district court within any State without notice to the Attorney General or other chief legal officer of such State. Such officer shall be entitled as of right to intervene in any such action as an interested party."

AMENDMENT No. 651

On page 13, line 10, immediately after the period, insert the following new sentence: "Whenever the defendant in any such action is an officer or employee of a State or any political subdivision of a State, the Attorney General of that State may intervene in such action upon the same terms and conditions upon which intervention by the Attorney General of the United States is allowed in that action."

AMENDMENT No. 652

Beginning with line 14, page 4, strike out all to and including line 24, page 5.

AMENDMENT No. 653

On page 5, line 24, strike out the closing quotation marks.

On page 5, after line 24, insert the following:

"No action may be instituted under this section by the Attorney General on behalf of or for the benefit of any person unless such person has submitted to the Attorney General a written complaint, duly subscribed and sworn to under oath by such person, in which there is set forth a full and complete statement of the facts and circumstances relied upon by that person in support of his complaint, including the name, address, and official capacity, if any, of each individual as to whom complaint is made, and a description of each alleged act or omission of such individual which is believed to provide a basis for the institution of action by the Attorney General under this section. No action may be taken by the Attorney General upon any such complaint until the Attorney General has determined, upon the basis of a full and complete investigation conducted by him, that there is probable cause for belief that the violation of law alleged in such complaint in fact has occurred."

AMENDMENT No. 654

Beginning with line 17, page 42, strike out all to and including line 2, page 43.

Mr. STENNIS. Mr. President, at this time I have no further discussion to make on these particular provisions of the bill. Therefore, I suggest the absence of a quorum, and yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 255 Leg.]

Aiken	Hart	Mundt
Allott	Hartke	Neuberger
Anderson	Hickenlooper	Pell
Bartlett	Holland	Proxmire
Bayh	Humphrey	Ribicoff
Beall	Inouye	Robertson
Bennett	Javits	Russell
Bible	Johnston	Saltonstall
Boggs	Jordan, Idaho	Scott
Cannon	Keating	Smith
Carlson	Kuchel	Sparkman
Case	Lausche	Stennis
Church	Long, La.	Symington
Clark	Mansfield	Thurmond
Cotton	McCarthy	Walters
Dirksen	McGovern	Williams, N.J.
Dominick	McIntyre	Williams, Del.
Douglas	McNamara	Yarborough
Ellender	Metcalf	Young, N. Dak.
Fong	Miller	Young, Ohio
Gruening	Monroney	

The PRESIDING OFFICER. A quorum is present.

AMENDMENT NO. 656

Mr. DIRKSEN. Mr. President, I present an amendment, in the nature of a substitute, and ask that it be considered as having been presented and read for purposes of qualifying under the cloture rule.

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

Mr. RUSSELL. Mr. President, as I understand, the Senator from Illinois is merely sending the amendment to the desk, to be printed and to lie on the table, and is asking that it be considered as having been read, for all purposes, under the rule. Is that correct?

Mr. DIRKSEN. Yes; but it is not being called up now.

Mr. RUSSELL. That is the point I wished to have clear.

The amendment, in the nature of a substitute (No. 656), submitted by Mr. DIRKSEN (for himself and other Senators), is to strike out all after the enacting clause of the bill H.R. 7152 and insert in lieu thereof the following:

That this Act may be cited as "The Civil Rights Act of 1964."

TITLE I—VOTING RIGHTS

SEC. 101. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and as further amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), is further amended as follows:

(a) Insert "1" after "(a)" in subsection (a) and add at the end of subsection (a) the following new paragraphs:

"(2) No person acting under color of law shall—

"(A) in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;

"(B) deny the right of any individual to vote in any Federal election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or

"(C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual and is conducted wholly in writing, and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during which records and papers are required to be rationed and preserved pursuant to title III of the Civil Rights Act of 1960 (42 U.S.C. 1974–74e; 74 Stat. 88); provided, however, that the Attorney General may enter into agreements with appropriate State or local authorities that preparation, conduct, and maintenance of such tests in accordance with the provisions of applicable State or local law, including such special provisions as are necessary in the preparation, conduct, and maintenance of such tests for persons who are blind or otherwise physically handicapped, meet the purposes of this subparagraph and constitute compliance therewith.

"(3) For the purposes of this subsection—

"(A) the term 'vote' shall have the same meaning as in subsection (e) of this section;

"(B) the phrase 'literacy test' includes any test of the ability to read, write, understand, or interpret any matter."

(b) Insert immediately following the period at the end of the first sentence of subsection (c) the following new sentence: "If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election."

(c) Add the following subsection "f" and designate the present subsection "(f)" as subsection "(g)":

"(f) When used in subsections (a) or (c) of this section, the words 'Federal election' shall mean any general, special, or primary election held soley or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives."

(d) Add the following subsection "(h)":

"(h) In any proceeding instituted by the United States in any district court of the United States under this section in which the Attorney General requests a finding of a pattern or practice of discrimination pursuant to subsection (e) of this section the Attorney General, at the time he files the complaint, or any defendant in the proceeding, within twenty days after service upon him of the complaint, may file with the clerk of such court a request that a court of three judges be convened to hear and determine the entire case. A copy of the request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

"In any proceeding brought under subsection (c) of this section to enforce subsection (b) of this section, or in the event neither the Attorney General nor any defendant files a request for a three-judge court in any proceeding authorized by this subsection, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

"It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

TITLE II—INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

SEC. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

(b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunch room, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment; and

(4) any establishment (A) (i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

(c) The operations of an establishment affect commerce within the meaning of this title if (1) it is one of the establishments described in paragraph (1) of subsection (b); (2) in the case of an establishment described in paragraph (2) of subsection (b), it serves or offers to serve interstate travelers or a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce; (3) in the case of an establishment described in paragraph (3) of subsection (b), it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce; and (4) in the case of an establishment described in paragraph (4) of subsection (b), it is physically located within the premises of, or there is physically located within its premises, an establishment the operations of which affect commerce within the meaning of this subsection. For purposes of this section, "commerce" means travel, trade, traffic, commerce, transportation or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any States or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

(d) Discrimination or segregation by an establishment is supported by State action within the meaning of this title if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of the State or political subdivision thereof.

(e) The provisions of this title shall not apply to a bona fide private club or other establishment not open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

SEC. 202. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule or order, of a State or any agency or political subdivision thereof.

SEC. 203. No person shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 201 or 202, or (b) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by section 201 or 202, or (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 201 or 202.

SEC. 204. (a) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved and, upon timely application, the court may, in its discretion permit the Attorney General to intervene in such civil action. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the civil action without the payment of fees, costs or security.

(b) In any action commenced pursuant to this title, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs the same as a private person.

(c) In the case of an alleged act or practice prohibited by this title which occurs in a State, or political subdivision of a State, which has a State or local law prohibiting such act or practice and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no civil action may be brought under subsection (a) before the expiration of thirty days after written notice of such alleged act or practice has been given to the appropriate State or local authority by registered mail or in person, provided that the court may stay proceedings in such civil action pending the termination of State or local enforcement proceedings.

(d) In the case of an alleged act or practice prohibited by this title which occurs in a State, or political subdivision of a State,

which has no State or local law prohibiting such act or practice, a civil action may be brought under subsection (a): *Provided*, That the court may refer the matter to the Community Relations Service established by title X of this Act for as long as the court believes there is a reasonable possibility of obtaining voluntary compliance, but for not more than sixty days: *Provided further*, That upon expiration of such sixty-day period, the court may extend such period for an additional period, not to exceed a cumulative total of one hundred and twenty days, if it believes there then exists a reasonable possibility of securing voluntary compliance.

SEC. 205. The Service is authorized to make a full investigation of any complaint referred to it by the court under section 204(d) and may hold such hearings with respect thereto as may be necessary. The Service shall conduct any hearings with respect to any such complaint in executive session, and shall not release any testimony given therein except by agreement of all parties involved in the complaint with the permission of the court, and the Service shall endeavor to bring about a voluntary settlement between the parties.

SEC. 206. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) In any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it will be the duty of the judges so designated to assign the case for hearing at the earliest practicable date to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

SEC. 207. (a) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

(b) The remedies provided in this title shall be the exclusive means of enforcing the rights hereby created, but nothing in this title shall preclude any individual or any State or local agency from asserting any right created by any other Federal or State law not inconsistent with this title, including any statute or ordinance requiring nondiscrimination in public establishments or accommodations, or from pursuing any remedy, civil or criminal, which may be available for the vindication or enforcement of such right.

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

SEC. 301. (a) Whenever the Attorney General receives a complaint in writing signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the personal safety, employment or economic standing of such person or persons, their families, or their property.

SEC. 302. In any action or proceeding under this title the United States shall be liable for costs, including a reasonable attorney's fee, the same as a private person.

SEC. 303. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in any facility covered by this title.

SEC. 304. A "complaint" as used in this title is a "writing or document" within the meaning of title 18, United States Code, section 1001.

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

Definitions

SEC. 401. As used in this title—

(a) "Commissioner" means the Commissioner of Education.

(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 in order to overcome racial imbalance.

(c) "Public school" means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary school level, provided that such public school or public college is operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(d) "School board" means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

Survey and report of educational opportunities

SEC. 402. The Commissioner shall conduct a survey and make a report to the President and the Congress, within two years of the enactment of this title, concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States, its territories and possessions, and the District of Columbia.

Technical assistance

SEC. 403. The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems.

Training institutes

SEC. 404. The Commissioner is authorized to arrange, through grants or contracts, with institutions of higher education for the operation of short-term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation. Individuals who attend such an institute on a full-time basis may be paid stipends for the period of their attendance at such institute in amounts specified by the Commissioner in regulations, including allowances for travel to attend such institute.

Grants

SEC. 405. (a) The Commissioner is authorized, upon application of a school board, to make grants to such board to pay, in whole or in part, the cost of—

(1) giving to teachers and other school personnel inservice training in dealing with problems incident to desegregation, and

(2) employing specialists to advise in problems incident to desegregation.

(b) In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Commissioner shall take into consideration the amount available for grants under this section and the other applications which are pending before him; the financial condition of the applicant and the other resources available to it; the nature, extent, and gravity of its problems incident to desegregation; and such other factors as he finds relevant.

Payments

SEC. 406. Payments pursuant to a grant or contract under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine.

Suits by the Attorney General

SEC. 407. (a) Whenever the Attorney General receives a complaint in writing—

(1) signed by a parent or group of parents to the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived by a school board of the equal protection of the laws, or

(2) signed by an individual, or his parent, to the effect that he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion, or national origin, and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly achievement of desegregation in public education, the Attorney General is authorized, after giving notice of such complaint to the appropriate school board or college authority and after certifying that he is satisfied that such board or authority has had a reasonable time to adjust the conditions alleged in such complaint, to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the personal safety, employment, or economic standing of such person or persons, their families, or their property.

(c) The term "parent" as used in this section includes any person standing in loco parentis. A "complaint" as used in this section is a "writing or document" within the meaning of title 18, United States Code, section 1001.

SEC. 408. In any action or proceeding under this title the United States shall be liable for costs the same as a private person.

SEC. 409. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education.

SEC. 410. Nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion or national origin.

TITLE V—COMMISSION ON CIVIL RIGHTS

SEC. 501. Section 102 of the Civil Rights Act of 1957 (42 U.S.C. 1975a; 71 Stat. 634) is amended to read as follows:

"Rules of procedure of the commission hearings

"SEC. 102. (a) At least thirty days prior to the commencement of any hearing, the Commission shall cause to be published in the Federal Register notice of the date on which such hearing is to commence, the place at which it is to be held and the subject of the hearing. The Chairman, or one designated by him to act as Chairman at a hearing of the Commission, shall announce in an opening statement the subject of the hearing.

"(b) A copy of the Commission's rules shall be made available to any witness before the Commission and a witness compelled to appear before the Commission or required to produce written or other matter shall be served with a copy of the Commission's rules at the time of service of the subpena.

"(c) Any person compelled to appear in person before the Commission shall be accorded the right to be accompanied and advised by counsel, who shall have the right to subject his client to reasonable examination, and to make objections on the record and to argue briefly the basis for such objections. The Commission shall proceed with reasonable dispatch to conclude any hearing in which it is engaged. Due regard shall be had for the convenience and necessity of witnesses.

"(d) The Chairman or Acting Chairman may punish breaches of order and decorum by censure and exclusion from the hearings.

"(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony. In the event the Commission determines to release or use such evidence or testimony in such manner as to reveal publicly the identity of the person defamed, degraded, or incriminated such evidence or testimony, prior to such public release or use, shall be given at a public session and the Commission shall afford such person an opportunity to appear as a voluntary witness or to file a sworn statement in his behalf and to submit brief and pertinent sworn statements of others. The Commission shall receive and dispose of requests from such person to subpena additional witnesses.

"(f) Except as provided in sections 102 and 105(f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

"(g) No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than one year.

"(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission shall determine the pertinency of testimony and evidence adduced at its hearings.

"(i) Every person who submits data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that a witness in a hearing held in executive session may for good cause be limited to inspection of the official transcript of his testimony. Transcript copies of public sessions may be obtained by the public upon the payment of the cost thereof. An accurate transcript shall be made of the testimony of all witnesses at all hearings, either public or executive sessions, of the Commission or of any subcommittee thereof.

"(j) A witness attending any session of the Commission shall receive $6 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 10 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $10 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

"(k) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process except that, in any event, the Commission may issue subpenas for the attendance and testimony of witnesses and the production of written or other matter at a hearing held within fifty miles of the place where the witness is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process.

"(l) The Commission shall separately state and currently publish in the Federal Register (1) descriptions of its central and field organization including the established places at which, and methods whereby, the public may secure information or make requests; (2) statements of the general course and method by which its functions are channeled and determined, and (3) rules adopted as authorized by law. No person shall in any manner be subject to or required to resort to rules, organization or procedure not so published.

SEC. 502. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(a); 71 Stat. 634) is amended to read as follows:

"SEC. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $75 per day for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 732b-2; 60 Stat. 808)."

SEC. 503. Section 103(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(b); 71 Stat. 634) is amended to read as follows:

"(b) Each member of the Commission who is otherwise in the service of the Government

of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with the provisions of the Travel Expenses Act of 1949, as amended (5 U.S.C. 835–42; 63 Stat. 166)."

SEC. 504. (a) Section 104(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a); 71 Stat. 635), as amended, is further amended to read as follows:

"Duties of the Commission

"SEC. 104. (a) The Commission shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, or national origin or in the administration of justice;

"(3) appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, or national origin or in the administration of justice;

"(4) serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice;

"(5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of presidential electors, Members of the United States Senate, or of the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election; and

"(6) Nothing in this or any other Act shall be construed as authorizing the Commission, its Advisory Committees, or any person under its supervision or control to inquire into or investigate any membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club or any religious organization."

(b) Section 104(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(b); 71 Stat. 635), as amended, is further amended by striking out the present subsection "(b)" and by substituting therefor "(b) The Commission shall submit interim reports to the Preesident and to the Congress at such times as the Commission, the Congress or the President shall deem desirable, and shall submit to the President and to the Congress a final report of its activities, findings, and recommendations not later than January 31, 1968."

SEC. 505. Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975d(a); 71 Stat. 636) is amended by striking out in the last sentence thereof "$50 per diem" and inserting in lieu thereof "$75 per diem."

SEC. 506. Section 105(f) and Section 105 (g) of the Civil Rights Act of 1957 (42 U.S.C. 1975d (f) and (g); 71 Stat. 636) are amended to read as follows:

"(f) The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 102 (j) and (k) of this Act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman. The holding of hearings by the Commission, or the appointment of a subcommittee to hold hearings pursuant to this subparagraph, must be approved by a majority of the Commission, or by a majority of the members present at a meeting at which at least a quorum of four members is present."

"(g) In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce pertinent, relevant and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof."

SEC. 507. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended by section 401 of the Civil Rights Act of 1960 (52 U.S.C. 1975d (h); 74 Stat. 89), is further amended by adding a new subsection at the end to read as follows:

"(i) The Commission shall have the power to make such rules and regulations as are necessary to carry out the purposes of this Act."

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

SEC. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

SEC. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders, of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

SEC. 604. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

Definitions

SEC. 701. For the purposes of this title—

(a) the term "person" includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

(b) The term "employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, or a State or political subdivision thereof, (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided,* That during the first year after the effective date prescribed in subsection (a) of section 716, persons having fewer than one hundred employees (and their agents) shall not be considered employers, and, during the second year after such date, persons having fewer than seventy-five employees (and their agents) shall not be considered employers, and, during the third year after such date, persons having fewer than fifty employees (and their agents) shall not be considered employers: *Provided further,* that it shall be the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex or national origin and the President shall utilize his existing authority to effectuate this policy.

(c) The term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall

not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is (A) one hundred or more during the first year after the effective date prescribed in subsection (a) of section 716, (B) seventy-five or more during the second year after such date or fifty or more during the third year, or (C) twenty-five or more thereafter, and such labor organization—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended;

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employed" means an individual employed by an employer.

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

Exemption

SEC. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities or to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution.

Discrimination because of race, color, religion, sex, or national origin

SEC. 703. (a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

(c) It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to repel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Notwithstanding any other provision of this title, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(f) As used in this title, the phrase "unlawful employment practice" shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

(g) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if—

(1) the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive Order of the President; and

(2) such individual has not fulfilled or has ceased to fulfill that requirement.

(h) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin.

(i) Nothing contained in this title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

(j) Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of the race, color, religion, sex or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified, by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color,

religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

Other unlawful employment practices

SEC. 704. (a) It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this title, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

(b) It shall be an unlawful employment practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

Equal Employment Opportunity Commission

SEC. 705. (a) There is hereby created a commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, beginning from the date of enactment of this title, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) The Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2201–2209), is further amended—

(1) by adding to section 105 thereof (5 U.S.C. 2204) the following clause:

"(32) Chairman, Equal Employment Opportunity Commission"; and

(2) by adding to clause (45) of section 106(a) thereof (5 U.S.C. 2205(a)) the following:

"Equal Employment Opportunity Commission (4)."

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place. The Commission may establish such regional or State offices as it deems necessary to accomplish the purpose of this title.

(g) The Commission shall have power—

(1) to cooperate with and, with their consent, utilize regional, State, local, and other agencies, both public and private, and individuals;

(2) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(3) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or an order issued thereunder;

(4) upon the request of (i) any employer, whose employees or some of them, or (ii) any labor organization, whose members or some of them, refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or such other remedial action as is provided by this title;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to the public;

(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to advise, consult, and assist the Attorney General on such matters.

(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court.

(i) The Commission shall, in any of its educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities.

Prevention of unlawful employment practices

SEC. 706. (a) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based) that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the "respondent") with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year.

(b) In the case of an alleged unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no charge may be filed under subsection (a) by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State or local authority.

(c) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State, which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty day during the first year after the effective date of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

(d) A charge under subsection (a) shall be filed within ninety days after the alleged unlawful employment practice occurred, except that in the case of an unlawful employment practice with respect to which the person aggrieved has followed the procedure set out in subsection (b), such charge shall be filed by the person aggrieved within two hundred and ten days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

(e) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) (except that in either case such period may be extended to not more than sixty days upon a determination by the Commission that further efforts to secure voluntary compliance are warranted), the Commission has been unable to obtain voluntary compliance with this title, the Commission shall so notify the person aggrieved and a civil action may, within thirty days thereafter, be brought against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged

unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (b) or the efforts of the Commission to obtain voluntary compliance.

(f) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title.

Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the plaintiff would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

(g) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice). Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex or national origin or in violation of section 704(a).

(h) The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (29 U.S.C. 101–115), shall not apply with respect to civil actions brought under this section.

(i) In any case in which an employer, employment agency, or labor organization fails to comply with an order of a court issued in a civil action brought under subsection (e), the Commission may commence proceedings to compel compliance with such order.

(j) Any civil action brought under subsection (e) and any proceedings brought under subsection (i) shall be subject to appeal as provided in sections 1291 and 1292, title 28, United States Code.

(k) In any action or proceeding under this title the court, in its discretion, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee as part of the costs, and the Commission and the United States shall be liable for costs the same as a private person.

SEC. 707. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) The district courts of the United States shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, and in any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

Effect on State laws

SEC. 708. Nothing in this title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this title.

Investigations, inspections, records, State agencies

SEC. 709. (a) In connection with any investigation of a charge filed under section 706, the Commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to unlawful employment practices covered by this title and is relevant to the charge under investigation.

(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements and under which no person may bring a civil action under section 706 in any cases or class of cases so specified, or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

(c) Except as provided in subsection (d), every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purposes of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may (1) apply to the Commission for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief.

(d) The provisions of subsection (c) shall not apply to any employer, employment agency, labor organization, or joint labor-management committee with respect to matters occurring in any State or political subdivision thereof which has a fair employment practice law during any period in which such

employer, employment agency, labor organization, or joint labor-management committee is subject to such law, except that the Commission may require such notations on records which such employer, employment agency, labor organization, or joint labor-management committee keeps or is required to keep as are necessary because of differences in coverage or methods of enforcement between the State or local law and the provisions of this title. Where an employer is required by Executive Order 10925, issued March 6, 1961, or by any other Executive Order prescribing fair employment practices for Government contractors and subcontractors, or by rules or regulations issued thereunder, to file reports relating to his employment practices with any Federal agency or committee, and he is substantially in compliance with such requirements, the Commission shall not require him to file additional reports pursuant to subsection (c) of this section.

(e) It shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under this section prior to the institution of any proceeding under this title involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than one year.

Investigatory powers

SEC. 710. (a) For the purposes of any investigation of a charge filed under the authority contained in section 706, the Commission shall have authority to examine witnesses under oath and to require the production of documentary evidence relevant or material to the charge under investigation.

(b) If the respondent named in a charge filed under section 706 fails or refuses to comply with a demand of the Commission for permission to examine or to copy evidence in conformity with the provisions of section 709(a), or if any person required to comply with the provisions of section 709 (c) or (d) fails or refuses to do so, or if any person fails or refuses to comply with a demand by the Commission to give testimony under oath, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply with the provisions of sections 709 (c) or (d) or to comply with the demand of the Commission, but the attendance of a witness may not be required outside the State where he is found, resides, or transacts business and the production of evidence may not be required outside the State where such evidence is kept.

(c) Within twenty days after the service upon any person charged under section 706 of a demand by the Commission for the production of documentary evidence or for permission to examine or to copy evidence in conformity with the provisions of section 709(a), such person may file in the district court of the United States for the judicial district in which he resides, is found, or transacts business, and serve upon the Commission a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this title or with the limitations generally applicable to compulsory process or upon any constitutional or other legal right or privilege of such person. No objection which is not raised by such a petition may be urged in the defense to a proceeding initiated by the Commission under subsection (b) for enforcement of such a demand unless such proceeding is commenced by the Commission prior to the expiration of the twenty-day period, or unless the court determines that the defendant could not reasonably have been aware of the availability of such ground of objection.

(d) In any proceeding brought by the Commission under subsection (b), except as provided in subsection (c) of this section, the defendant may petition the court for an order modifying or setting aside the demand of the Commission.

Notices to be posted

SEC. 711. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts from or, summaries of, the pertinent provisions of this title and information pertinent to the filing of a complaint.

(b) A willful violation of this section shall be punishable by a fine of not more than $100 for each separate offense.

Veterans' preference

SEC. 712. Nothing contained in this title shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

Rules and regulations

SEC. 713. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of this title. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

(b) In any action or proceeding based on any alleged unlawful employment practice, no person shall be subject to any liability or punishment for or on account of (1) the commission by such person of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Commission, or (2) the failure of such person to publish and file any information required by any provision of this title if he pleads and proves that he failed to publish and file such information in good faith, in conformity with the instructions of the Commission issued under this title regarding the filing of such information. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this title.

Forcibly resisting the Commission or its representatives

SEC. 714. The provisions of section 111, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

Special study by Secretary of Labor

SEC. 715. The Secretary of Labor shall make a full and complete study of the factors which might tend to result in discrimination in employment because of age and of the consequences of such discrimination on the economy and individuals affected. The Secretary of Labor shall make a report to the Congress not later than June 30, 1965, containing the results of such study and shall include in such report such recommendations for legislation to prevent arbitrary discrimination in employment because of age as he determines advisable.

Effective date

SEC. 716. (a) This title shall become effective one year after the date of its enactment.

(b) Notwithstanding subsection (a), sections of this title other than sections 703, 704, 706, and 707 shall become effective immediately.

(c) The President shall, as soon as feasible after the enactment of this title, convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this title to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this title when all of its provisions become effective. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of State and local agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, labor organizations, and employment agencies who will be subject to this title.

TITLE VIII—REGISTRATION AND VOTING STATISTICS

SEC. 801. The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, include a count of persons of voting age by race, color, and national origin, and determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe. The provisions of the section 9 and chapter 7 of title 13, United States Code, shall apply to any survey, collection or compilation of registration and voting statistics carried out under this title, provided, however, that no person shall be compelled to disclose his race, color, national origin, political party affiliation, how he voted, or the reasons therefore, nor shall any penalty be imposed for his failure or refusal to make such disclosure. Every person interrogated orally, by written survey or questionnaire or by any other means with respect to such information shall be fully advised with respect to his right to fail or refuse to furnish such information.

TITLE IX—INTERVENTION AND PROCEDURE AFTER REMOVAL IN CIVIL RIGHTS CASES

SEC. 901. Title 28 of the United States Code, section 1447(d), is amended to read as follows:

"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

SEC. 902. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws under the Fourteenth Amendment to the Constitution on account

of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action, if the Attorney General certifies that the case is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

TITLE X—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

SEC. 1001. (a) There is hereby established in the Department of Commerce a Community Relations Service (hereinafter referred to as the "Service"), which shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate for a term of four years. The Director is authorized to appoint, subject to the Civil Service laws and regulations, such other personnel as may be necessary to enable the Service to carry out its functions and duties, and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Director is further authorized to procure services as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55(a)), but at rates for individuals not in excess of $75 per diem.

(b) Section 106(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(a)), is further amended by adding the following clause thereto:

"(52) Director, Community Relations Service."

SEC. 1002. It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce. The Service may offer its services in cases of such disputes, disagreements or difficulties whenever, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either upon its own motion or upon the request of an appropriate State or local official or other interested person.

SEC. 1003. (a) The Service shall, whenever possible, in performing its functions, seek and utilize the cooperation of appropriate State or local, public or private, agencies.

(b) The activities of all officers and employees of the Service in providing conciliation assistance shall be conducted in confidence and without publicity, and the Service shall hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held. No officer or employee of the Service shall engage in the performance of investigative or prosecuting functions of any Department or agency in any litigation arising out of a dispute in which he acted on behalf of the Service. Any officer or other employee of the Service, who shall make public in any manner whatever any information in violation of this subsection, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000 or imprisoned not more than one year.

SEC. 1004. Subject to the provisions of sections 205 and 1003(b), the Director shall, on or before January 31 of each year, submit to the Congress a report of the activities of the Service during the preceding fiscal year.

TITLE XI—MISCELLANEOUS

SEC. 1101. (a) In all cases of criminal contempt arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided, however*, That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed thirty days. If the trial is by a jury, the procedure shall conform as near as may be to that in other criminal cases.

(b) Section 151 of the Civil Rights Act of 1957 (41 Stat. 638) is amended by striking out the third proviso to the first paragraph thereof, and inserting in lieu thereof the following: "*Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury the aggregate fine shall not exceed the sum of $300 nor any cumulative imprisonment exceed thirty days. If the trial is by a jury, the procedure shall conform as near as may be to that in other criminal cases."

SEC. 1102. Nothing in this Act shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States or any agency or officer thereof under existing law to institute or intervene in any action or proceeding.

SEC. 1103. Nothing contained in any title of this Act shall be construed as indicating an intent on the part of Congress to occupy the field in which any such title operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act, or any provision thereof.

SEC. 1104. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 1105. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Mr. DIRKSEN. Mr. President, this amendment represents not merely weeks, but months of labor. It goes back to the time when the bill was first introduced; namely, when it was the President's bill, in the Judiciary Committee of the Senate, and title II in the Commerce Committee of the Senate. It occurs to me that from that day on we have been fairly laboring with the bill, early and late. At long last, we awaited the results of the consideration of it by the House of Representatives. In due course, by an overwhelming majority, the House passed a civil rights bill, which was subsequently messaged to the Senate, and ultimately found its way to the calendar of the Senate.

I believe 16 days of discussion were had on the motion to take up the bill, before there finally was a vote. Since that time the bill has been before the Senate for discussion, long and short. I must confess that when I first looked at the House bill, I saw in it some inequities and imperfections and technical errors which did not satisfy me. I believed that the Senate would have to work its will upon this measure in order to develop what I thought was a measure at once practical, workable, equitable, and fair, and one which had a proper regard for what the States had done in a number of fields, notably in the accommodations field and in the field of equal employment opportunities.

The work has gone on, and we have been beating out the iron upon the anvil of discussion. In that discussion at least five conferences were held, consecutively, in my office, attended by Senators who represent all shades of opinion with respect to this measure. Included were Members on both sides, as well as staffs from both sides. Included also were the Attorney General, the Deputy Attorney General, and the Director of the Division of Civil Rights in the Department of Justice.

Prior to that time, along with the staff, I had drafted about 70 modifications in the House bill; and from time to time those have been presented and discussed in the policy committee of my own party.

As a result of the various conferences, and by the process of give and take, we have at long last fashioned what we think is a workable measure. I trust it will commend itself to the Senate and that, in due course, if that course is necessary, it will command sufficient votes ultimately to bring debate to an end, in the sense that the cloture rule provides.

If my memory serves me correctly, this is the 64th day that the Senate has been considering the bill. The Senate has been fairly immobilized, except for minor and secondary bills which have been permitted to be considered. We have now reached the point where there must be action; and I trust that there will be action. I believe this is a salable piece of work, one that is infinitely better than what came to us from the House.

In the House of Representatives, the bill was discussed for a period of 64 hours. In that period of time, the House considered 155 amendments, of which 34 were adopted. I would be the last person in the world to reflect upon the craftsmanship and workmanship of the House of Representatives. But I know it is a large body. I know that at times it must be a little unwieldy. I know the restrictive quality of the rules under which the House operates.

So we worked our will upon this measure. Frankly, I believe it is a good measure and would take us well down the road and will prove to be fair, equitable, and easy of administration.

At some future time—and I apprehend it will be next week—I expect to devote myself to this measure at some length. I shall not do so today. But I must indicate now that this proposal is being submitted for myself, for the majority leader, the very distinguished Senator from Montana [Mr. MANSFIELD]; for the deputy majority leader, the very distinguished Senator from Minnesota [Mr. HUMPHREY]; and for the deputy minority leader, the very distinguished Senator from California [Mr. KUCHEL].

As I look back now now upon the time that has been devoted to the bill, I doubt very much whether in my whole legislative lifetime any measure has received so much meticulous attention. We have tried to be mindful of every word, of every comma, and of the shading of every phrase. We have attempted to be fair in giving everyone an opportunity to present his cause.

In our own party conferences—four or five in number—over which the distinguished Senator from Massachusetts [Mr. SALTONSTALL] presided, we first went through the handiwork that we had put together. Everything in the bill was examined. Ultimately, Senators who had individual amendments to offer had a fair opportunity to present them and have them considered; and they were either acceptable or not. In many cases, by modifying the language, many of those amendments were made acceptable. So this is a well-rounded piece of work and is not unlike what happens in a smithy, where the blacksmith, early and late, carefully shapes a product. So on the anvil of controversy and discussion this amendment has been shaped. I am proud to present it for the sponsor and the cosponsors. I trust that at a reasonably early date it may come on for consideration. There is no disposition to cut short the time. We believe it ought to be before the Senate for a time, so Senators may examine it in detail. But a time will come, unless other measures fail, or unless other procedures are not adequate to our cause, when we may have to resort to a cloture motion. I do not peg the date. We do not want to be capricious or arbitrary about it. We believe every Senator should have an opportunity to study the proposal. The amendment in the nature of a substitute is obviously open to further amendment, because we do not want to close the door.

Mr. President, that is the story for the moment. At a later time, I shall wish to speak on the question at some length.

Mr. MANSFIELD. Mr. President, I wish to support what the distinguished minority leader has just said and to give him full credit for the leadership which he has undertaken in trying to prepare this amendment in the nature of a substitute which has just been laid before the chair. The amendment will not, of course, meet with the approval of every Member of this body. No such measure could. But it is the best that could be done through the combined efforts of such outstanding Senators as the distinguished minority leader [Mr. DIRKSEN], the deputy majority leader, the distinguished Senator from Minnesota [Mr. HUMPHREY], and the deputy minority leader, the distinguished Senator from California [Mr. KUCHEL].

We were ably aided by the staffs of both the Republicans and the Democrats. To them also should go a great share of the credit for hammering out on the anvil the proposal that has just been laid before the Senate.

Due to the fact that the bill, in one form or another, has now been pending before the Senate for close to 70 days, I express the hope that it will not be too long before an attempt is made to invoke cloture, because, in my opinion, that is the only way by which we can face the issue, an issue which I sincerely wish had come before my time or afterward. But the issue is here, and it cannot be evaded, dodged, or delayed much longer.

Furthermore, I would hope that no one would raise the question as to what the President should do concerning what is the Senate's responsibility. The President has made his position clear. The courts have made their decisions clear. The House has rendered its verdict. What happens now is up to the Senate, and to the Senate only. It is not up to the executive branch, but to the legislative branch of the Government.

I hope, along with the distinguished minority leader, that before too long the Senate will face the issue and will dispose of it one way or another.

Mr. DIRKSEN. Mr. President, I should like to particularize the services rendered by Charles Ferris and Kenneth Teasdale, on the majority side; and by Cornelius Kennedy, Bernard Waters, and Clyde Flynn, on the minority side. If ever I have seen a spirit of dedication in connection with any measure, they have exhibited that spirit day in and day out, not for weeks, but for months.

Mr. HUMPHREY. Mr. President, first, I wish to join the distinguished majority leader in commending the distinguished minority leader on his statesmanship, his cooperation, and his diligence in this effort to bring before the Senate a constructive and workable piece of legislation. I join also in the commendation of the staff members, not only those mentioned, but others who worked alongside these able members of the staffs of the majority and minority—the members of our own senatorial staffs. In particular, I would like to add to that list of able counsel cited by the minority leader my commendations to Gerald Grinstein, John Stewart, Ray Wolfinger, and Harry Schwartz, all of whose efforts and dedication were so exemplary of the type of staff we had assisting us. There are many other staff persons who should be mentioned.

Mr. President, we have sought to make the civil rights bill which came to the Senate not only workable in terms of its administration, application, and enforceability, but also acceptable, not only to Congress, but to the American people, as well.

Problems of civil rights will ultimately be settled at the community level. The Federal Government has its share of the responsibility, in the sense that all of us are citizens of the United States of America, but these are also human problems, economic problems, moral problems, and they become very much community problems.

Therefore, one of the improvements I see in the amendment in the nature of a substitute, which has been submitted by the Senator from Illinois [Mr. DIRKSEN], is the inclusion within the words and text of the amendment of provision for the responsibility of local and State authorities to seek compliance with the law, wherever possible, through voluntary methods; and, if voluntary methods fail, to seek compliance with the law through local enforcement. If voluntary methods and local enforcement should both fail, we then have the authority to seek compliance with the law through action by the Federal Government in the courts of law. This is a commonsense and just balance of Federal and State responsibility.

Mr. DIRKSEN. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. DIRKSEN. Mr. President, from time to time, in comments made in the press and elsewhere generally on the question of civil rights legislation, one might have been inclined to assume that we approached this task with the idea of watering down the bill. However, no such thought ever entered our minds.

It has been said by some that we sought to impair the bill; but we had no such intention.

It has been said by some that we sought to weaken the bill structurally. But, Mr. President, we had no such intention.

We had the fixed purpose and the fixed goal of arriving at a workable measure in every one of its titles, while giving proper regard to what the States already have done in this field. I yield to no one in my regard for the State legislatures, the State commissions, and the State criminal statutes in connection with public accommodations, because I have said over and over again that the primary and the exclusive jurisdiction, where those verities were involved, should begin at the State level; and it has been wholly our purpose to make this measure a fair and workable one.

Mr. JAVITS. Mr. President, will the Senator from Minnesota yield to me, to permit me to ask the Senator from Illinois one question on this point?

Mr. HUMPHREY. I yield.

Mr. JAVITS. I think that as this word goes out to the world, the Senator should make clear—because I know how he has labored on this measure; and it has been materially beaten out as on an anvil, as he has said—that not only was it his intention not to omit any title, but also that he affirms and stands ready to demonstrate that no title is omitted, and that he is willing to prove it by his amendments; and that no title has been emasculated; and that the fundamental structure of the bill remains.

Mr. DIRKSEN. That is a correct statement; and it is the attitude with which we approached this measure.

Mr. HUMPHREY. Mr. President, the Senator's clarification is indeed helpful. We have strengthened the responsibility for community action.

I repeat that the procedures thus outlined allow time to be used for the purposes of voluntary conciliation and mediation, so that reason, good judgment, and commonsense may be brought to bear upon these difficult problems of civil rights.

The procedures thus outlined provide time, so that men of good will, logic, and reason can work within a framework of law to seek solutions of these difficulties.

Furthermore, the amendments which now have been designed and placed before the Senate encourage the States and the local communities to take a greater share of the responsibility in carrying out the equal protection of the laws and equal rights within the laws.

Mr. President, I have said a number of times that I was prepared to do whatever I could, as one Senator, to work out a bill which would be a workable instru-

ment and would be a reasonable instrument and would be an enforcible instrument, and which, above all, would work to the common good in our Nation. I truly believe that what we have done is to include within the amendment which has been sent to the desk the spirit of reconciliation and conciliation and the spirit of a practical, commonsense approach to the difficult problems we face as a nation.

I also wish to emphasize that any Senator can offer amendments to this substitute amendment. No Senator is foreclosed from bringing additional matters to the attention of his colleagues for their consideration and vote. But let us soon come to the time where votes will be possible, where the Senate can begin to legislate instead of procrastinate. This fact needs emphasis and more emphasis.

The main amendments are to be found in titles II, V, VI, and VII. In each of them, and particularly in titles II and VII, local and State responsibilities are emphasized—not merely local and States rights. Both rights and responsibilities are clearly outlined and brought into play. I will discuss these amendments at greater length later this week. I hope all Senators will become familiar with these new proposals.

Therefore, it is my view that the Senate has before it legislative proposals which can represent a major breakthrough in what now appears to be an impasse. I hope that within a very reasonable period of time we shall complete our work in this area and shall come to a decision on civil rights legislation. This is a decision which is already far too long overdue. The hour is late. Let us delay no longer.

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

Mr. HUMPHREY. I yield.

Mr. RUSSELL. Mr. President, I have been seeking recognition.

Mr. HUMPHREY. Mr. President, I yield the floor.

Mr. KUCHEL. Mr. President——

Mr. RUSSELL. Mr. President, for some time I have been seeking the floor.

The PRESIDING OFFICER. The Chair understood that the Senator from Minnesota was yielding.

Mr. HUMPHREY. I was yielding; but then I understood there was objection.

Mr. RUSSELL. Mr. President, I did not object; but I believe I would be justified in objecting to the handing of the floor from one to another of the proponents involved in these historic negotiations.

However, I do not wish to be offensive. So if the Senator from Minnesota wishes to yield to the Senator from California I certainly will not object, but at least I hope several other Senators will not thereafter be yielded to before I have an opportunity to say a few words on this measure.

I realize that those who have participated in this historic gathering feel "it is all over now," except for counting the votes and sending the messages to the States that are not to be covered by the bill, and sending the emissaries of the FBI to the States that are to be covered by it.

Mr. HUMPHREY. Mr. President, those of us who have worked on this measure do not feel that way. We are most respectful of our colleagues. We feel there should be time to consider this measure.

I would yield to the Senator from California [Mr. KUCHEL], because he is one of those who have carefully and diligently worked to perfect this measure.

Mr. RUSSELL. Mr. President, I shall not object; but I have been seeking recognition ever since the minority leader concluded his remarks.

I understood the Senator from Minnesota to say he yielded the floor. If there is any doubt about that, I shall refer to the RECORD, and shall ascertain from it whether I correctly understood what the Senator from Minnesota said.

Mr. HUMPHREY. That is correct; I yielded the floor, because I did not care to have any question raised, even though just before that, I had yielded to the Senator from California. Certainly I wish to avoid any objection.

Mr. RUSSELL. The Senator from Georgia did not understand that the Senator from Minnesota had yielded to the Senator from California. Nevertheless, I am very glad to have the Senator from California proceed.

Mr. KUCHEL. Mr. President, the pathway to equal treatment under law for all Americans is a long and tortuous one.

I apprehend that before too many days or weeks have passed, the Senate bill will have passed another milestone in that journey. I shall never forget the opportunity that I have had in the past several weeks to sit around a conference table in the office of my Republican leader, where men of good will from both great American political parties serving in the Senate and men from the executive branch met and together tried to fashion a meaningful bill on this important subject and bring it to the Senate in the faith that not merely a majority of the Senate would support it, but that an overwhelming majority of the Senate would support it.

I salute the two leaders of the majority party for their indefatigable, fair, and worthwhile efforts in fashioning what is now presented to the Senate as an amendment in the nature of a substitute. I am sure that they would not in any fashion wish me to fail to say what I say now.

The distinguished leader of the minority has set a high standard. He gave of himself unselfishly. He has worked literally 7 days a week, 7 nights a week with an able staff, for whom I have the most unbounded respect. I likewise respect the able staff of the majority party in high degree. By reason of those conferences, followed by conferences in which Republicans alone participated—and which lasted for many hours, and over several days—I think I can say with some assurance that this represents a meaningful, effective, reasonable, and fair civil rights amendment.

As my colleague from Minnesota has stated, it recognizes the individual responsibility upon this free land of ours. And it recognizes also the responsibilities of States and of the American citizen. But it also recognizes the responsibility of the Federal Government. And thus, it has clothed the Federal Government, through the responsible Federal officials, with authority under the provisions of the bill to assist American citizens—black or white, Christian or Jew, rich or poor—in achieving equality of treatment and justice under the American Constitution. Thus, it will be a thrill that will live in my heart that I was able to participate in those meetings and listen to the discussion.

As I conclude, I repeat that I pay great tribute to the legislative skill, the legal ability, the monumental patience, and the desire to go forward which was represented in all the discussions by distinguished Senators on this side of the aisle.

This is not a partisan matter. This is a matter of American concern. When I say that I apprehend the Senate will put its imprimatur on this legislation, it will have done so because Americans in the Senate, Democrats and Republicans, will have united in approving it.

As the Senator from Illinois [Mr. DIRKSEN] stated, and as our Democratic colleagues have stated, the amendment in the nature of a substitute when it is made the pending business will be open to amendment by any Member of the Senate who may offer such amendments as he believes are necessary.

Thus, in the last analysis, the genius of this parliamentary system will have profited. Senators will have an opportunity to study any part or parcel, sentence, or phrase of the amendment in the nature of a substitute, in which I am glad to have joined as coauthor.

Mr. RUSSELL. Mr. President, I hope I may be pardoned for not opening my remarks by adding my bouquets to the praise that covers the distinguished Senator from Illinois [Mr. DIRKSEN]. I shall defer my bouquet until later, when I shall have had an opportunity to further study and analyze not only the amendment in the nature of a substitute, but also the statements that the Senator from Illinois has made from time to time about the proposed legislation.

I have been interested in following the activities of the distinguished Senator from Illinois with respect to the amendment in the nature of a substitute. As we pass out all these flowers, as we commend the leadership for what has been done, and as we call the Senator from Illinois the Senator of Senators for having finally come to rescue of the fair damsel just before the Indians seized her, I cannot help wondering what has happened to the Attorney General.

All I know about the various conferences that were held concerning the amendments to the bill is what I have read in the press. Day after day, the lead paragraph—as I believe newspapermen call it—of articles reporting on all these conferences has referred to the Attorney General's views. "The Attorney General said he would not accept this." "The Attorney General said he thought he might accept this, and that he was working to contrive language to

see whether he could accept what the Senator from Illinois had proposed."

I had thought that this marvelous legislative package would be brought down the aisle of the Senate by a great troika—the Senator from Illinois, the Senator from Minnesota, and the Attorney General. They were the three figures that we read most about in the press reports of the conferences on the bill.

From what I had read of the Attorney General's position, I had assumed that he was the center horse of the Troika, and had something to do with the history-making, earth-shaking, so-called compromise that has been brought forward.

Later I shall discuss in some detail some of the news articles. They caused me great concern. I am somewhat of a relic in the Senate. I can remember back in the days when people mentioned States rights, and did not use it as a smokescreen to cover up legislation to protect all of the States except the Southern States from punitive, political expeditions such as this bill proposes. I can remember when States rights meant something, when Senators defended the rights of their States and the rights of all States, because of the principle of government known as the separation of powers, or the division of powers.

Since I came to the Senate, committees of the Senate have requested the Attorney General to advise them with respect to legislative matters. In times past, before I came here, a branch of Congress had passed resolutions which requested the Attorney General to render an opinion as to some legal matter. The then Attorney General had stated:

No. Under the separation of powers, I am a member of the executive branch of the Government. I cannot advise the legislative branch by giving them an opinion.

He cited two sections of the code.

After reading of the Attorney General's activities with respect to the amendments to the bill, my concern was so great that I addressed a letter to the Attorney General under date of May 7. I wrote:

DEAR MR. ATTORNEY GENERAL: It has been my understanding that, up to the present time, the Department of Justice as a matter of policy as well as from lack of clear statutory authority has not rendered any legal opinions to the Congress or to individual Members thereof.

In recent days, Members of the Senate have read into the CONGRESSIONAL RECORD a number of opinions purporting to be from the Attorney General giving official interpretations of the effect of various provisions of H.R. 7152 as well as expressing your official views as to the limitations, effect and scope of the authority that would be granted by the Congress in the event this bill should be enacted into law.

This leads me to request from you an official statement as to your concept of the policy of your office in giving legal opinions in response to requests of individual Members of the Congress. I would also be glad if you would set forth what you regard as your official role in the conferences being reported daily in the press between the Attorney General and a number of his assistants with the leadership of both parties in the Senate as well as with other Senators.

I received a reply after a lapse of some days. The letter is dated May 12. The letter from the Attorney General reads:

I have your letter of May 7, 1964, and am pleased to answer your inquiries concerning the recent actions of this Department in furnishing information and legal analysis concerning H.R. 1752 to Members of the Senate.

You are correct in your understanding that the Department of Justice has traditionally declined to give official legal opinions to the Congress, its Members and committees. As pointed out by Attorney General Mitchell in a letter to the President of the Senate, dated April 25, 1932 (36 Op. A.G. 533), the relevant statutes (5 U.S.C. 303 and 304) do not authorize the Attorney General to give such opinions "except upon call of the President or at the request of one of the heads of the executive departments to enable him to decide a question pending in his own department for action."

Attorney General Mitchell's letter was written in response to a Senate resolution asking for his opinion on the question whether certain transactions of railroad companies were in violation of the antitrust laws. After discussing a number of precedents—

I may interpolate here to say that beginning in 1820 every Attorney General of the United States, with the exception of the present occupant of that Office, who has been requested to render opinions by Congress has stated he could not do so under the law and under the general concept of the separation of powers of our Government.

I realize that I am talking about something that does not mean anything in today's world—separation of powers. Senators say, "Why do you bring up some old, wornout theory such as that?"

Mr. President, we would not be here in this Chamber today, enjoying the glories of the United States, had it not been for the doctrine of separation of powers that is being eroded away today through the efforts of many men in high public office.

I continue to read from the Attorney General's letter:

After discussing a number of precedents, he properly informed the Senate of his obligation to decline its request. However, he was careful to distinguish between the resolution before him and congressional requests made to an Attorney General in connection with pending legislation:

And then he quotes one brief quotation from Attorney General Mitchell's letter. It is taken out of context, but states:

"When pending legislation affecting the Department of Justice has been referred to Attorneys General for comment or suggestion, it has been their practice to suggest such legal points as are pertinent and which ought to receive consideration by committees."

It is an ironic note in these proceedings to read those words, "to receive consideration by committees," when the bill we are considering—the most comprehensive and far-reaching bill to come before the Senate in many years—was not sent to any committee, except the troika committee, after it left the House of Representatives.

I continue to read from the letter of the Attorney General:

I believe that the action of this Department which has in part occasioned your inquiry—i.e., the transmittal of a number of legal discussions bearing on the provisions of H.R. 7152 in response to inquiries from Members of the Senate—clearly falls within the area of permissible conduct which Mr. Mitchell marked out.

I now invite the attention of the distinguished Senator from Montana [Mr. MANSFIELD] to the remainder of this letter, because he said the President has had nothing to do with the Senate's action on the bill. The Attorney General says he was sitting in the troika committee as a representative of the President:

Turning to my role, and that of my assistants, in the conferences with Senators to which you refer, I believe it is important to mention the constitutional duties of the President in the field of legislation. Article II, section 3 of the Constitution provides that the President "shall from time to time give to the Congress Information on the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient."

In furtherance of this basic responsibility, the executive branch necessarily presents its views to Congress and Members thereof, formally or informally, on bills recommended by the President, as well as other proposed legislation. Since the President cannot carry out his constitutional duties in the legislative arena by himself—

I am not sure the Attorney General is acquainted with the present power of the President of the United States, but at least it is theoretically correct to say that he cannot carry out his duties in the legislative arena by himself.

The letter continues:

he must rely to a great extent on his chief subordinates and their principal aids to discuss pending measures with members of the legislative branch.

Then he refers to a finding by the Hoover Commission Task Force on Departmental Management, which stated that a department head has a constitutional obligation both to consult with and to inform the legislature.

The letter continues:

It is in this role—

That is, as representative of the President of the United States—

that my assistants and I have been attending, at the suggestion of Senators MANSFIELD and DIRKSEN, the conferences on H.R. 7152 which you mentioned in your letter.

Mr. President, I ask unanimous consent to have printed at this point in my remarks a brief summary of the findings and letters from the various Attorneys General of the United States, beginning with Attorney General William Wirt in 1820, declining to be drawn into rendering any opinion to the Congress or any member thereof.

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

In 1820, Attorney General William Wirt, in a letter responding to the reference of a claim on which his opinion was sought, indicated that it was not his duty to give official opinions to the House of Representatives. He commented that, "If it was thought advisable to connect the Attorney General with the House of Representatives in that character of legal counselor which he holds by the existing law toward the Presi-

dent and heads of departments, a provision would be made by law for that purpose."

In 1832, Attorney General R. B. Taney wrote to the chairman of the Committee on Military Affairs, who had sought his opinion on the question of whether Congress had the power to review the sentence of a general court-martial. In deciding that he should not express an official opinion on this subject, Attorney General Taney said, "It is for Congress to consider and decide upon the extent of its power over a matter of this description; and it would hardly, perhaps, be deemed to be within the legitimate scope of the duties of the Attorney General, who is subordinate officer of the executive department, to attempt to mark out the limitations of the legislative power."

In 1852, Attorney General J. J. Crittendon held that it was not within the province of the Attorney General to advise the House Committee on Commerce as to the validity of a claim pending before it. He relied on the precedent of the 1820 opinion of Attorney General Wirt.

In 1861, Attorney General Edward Bates declined to render an opinion on a petition that had been referred to him by a Senate resolution. He cited earlier opinions of Attorney General Wirt and Attorney General Crittendon that, in the absence of any statutory authority to give official opinions to the legislative department of the Government, the assumption of such a power by the Attorney General would be in violation of his oath of office and of dangerous example.

In 1869, Attorney General William M. Evarts decided that he could not comply with a request from the Senate Committee on Naval Affairs for an opinion on a case referred by that committee. He said that, "It has been distinctly held by my distinguished predecessors, Mr. Wirt, Mr. Taney, Mr. Crittendon, and Mr. Bates that it was not competent for the Attorney General to give opinions concerning any matters pending in Congress upon the request of either of the Houses or of any committee."

In 1872, Attorney General George H. Williams declined to give advice to the House Committee on Foreign Affairs which had referred certain claims to him with a request for an official opinion on them.

In 1873, the Senate Committee on Indian Affairs directed the acting Secretary of the Interior to request an opinion from the Attorney General on a question of treaty construction. In declining to give this opinion, Attorney General George H. Williams stated that "Several of my predecessors have decided, and on three different occasions I have affirmed their views, that the Attorney General was not authorized to give his official opinion upon a call of either House of Congress or any committee thereof, as to any matter pending before Congress. * * * I fully recognize the right of the head of any of the departments to call upon me for an official opinion in respect to any question of law pending before the department by whose head the call is made, and I consider it my duty promptly to respond to such a call; but I cannot recognize the right of any committee of Congress to call for such an opinion for their use in matters of legislation; and if given for that purpose it would be entitled to no more consideration in Congress than the opinion of any other individual presumed to have a knowledge of legal matters."

In 1882, a Senate resolution directed the Attorney General to investigate and report on who were the owners of the land and water power at the Great Falls of the Potomac. A letter from Acting Attorney General S. F. Phillips to the President of the Senate indicated that any information on the subject in the records of the department would be gladly furnished, but that the investigation was not within the duties of the Attorney General as prescribed by law. He quoted opinions previously mentioned in this note to the effect that "it is not competent for the Attorney General, in the absence of a statutory requirement, to give opinions concerning any matter pending in Congress upon the request of either of the Houses, or of any committee."

In 1882, Attorney General Benjamin Harris declined to furnish to the Secretary of the Interior at the request of Senator Cockrell, of Missouri, an opinion on whether a bill to quiet title to lands in Missouri should be approved because the bill did not present "a question of law arising in the administration of your department." He quoted approvingly a statement from the opinion of Attorney General George H. Williams in 1873 that an opinion by the Attorney General to a congressional committee for its use in matters of legislation "would be entitled to no more consideration in Congress than the opinion of any person presumed to have some knowledge of the point in question."

In 1884, Attorney General Benjamin Harris Brewster informed the Speaker of the House that he could not furnish the legal opinion requested in a House resolution that he be asked to report on whether section 3738 of the Revised Statutes, which prescribed 8 hours of employment as constituting a day's labor for all laborers employed on behalf of the United States applied to the letter carriers of the United States. He indicated that the authority of the Attorney General did not permit him to give advice at the call of either House of Congress or of Congress itself and cited as precedence the opinions mentioned earlier in this note.

After this opinion the House adopted a resolution that the Postmaster General should ask the Attorney General for his opinion on this subject since the law permitted the Attorney General to give opinions to the heads of executive departments.

In 1885 Attorney General Benjamin Harris Brewster declined to give the opinion to Postmaster General Frank Hatton because the request "though coming from the head of a department is to all intents and purposes an application by the House;"

In 1932 Attorney General William D. Mitchell was requested by a Senate resolution to inform the Senate of his opinion on the legality of some recent railroad mergers. In refraining from responding to this request Attorney General Mitchell quoted the opinions mentioned earlier in this note particularly the one by Attorney General Wirt in 1820 and commented that this opinion had stood unquestioned for 112 years and had been repeatedly followed in later rulings. He also stated: "Congress has accepted this long-standing interpretation of the law and has never attempted by law to enlarge the power or duties of the Attorney General so as to require him to give opinions to either House of Congress or to committees thereof. Having in mind the constitutional separation of the functions of the legislative, executive, and judicial branches of the Government, there has always been a serious question whether the principle of that separation would be violated by a statute attempting to make the Attorney General a legal adviser of the legislative branch, and as a matter of governmental policy the wisdom of constituting as legal adviser of either House of Congress an official of the executive department, who sits in the President's Cabinet and acts as his legal adviser, has always been open to doubt.

"When pending legislation affecting the Department of Justice has been referred to Attorneys General for comment or suggestion it has been their practice to suggest such legal points as are pertinent and which ought to receive consideration by committees, but their practice has never properly involved any formal legal opinions from Attorneys General and has no resemblance to a request for an opinion as to the effect of an existing statute."

In 1939, a Senate resolution requested the Attorney General to report on what executive powers are available to the President under his proclamation of national emergency. Attorney General Frank Murphy, in a letter to the President of the Senate, indicated that compliance with the resolution would require him to give an opinion to the Senate on legal phases of the subject matter of the resolution and that the precedents prevented him from doing so. He quoted extensively from the 1932 opinion by Attorney General Mitchell.

Mr. RUSSELL. Mr. President (Mr. McGOVERN in the chair), I believe it might be well to read from one or two of these brief statements.

In 1832 Attorney General Taney said:

It is for Congress to consider and decide upon the extent of its power over a matter of this description; and it would hardly perhaps, be deemed to be within the legitimate scope of the duties of the Attorney General, who is a subordinate officer of the executive department, to attempt to mark out the limitations of the legislative power.

Attorney General George H. Williams, in 1873, in a letter to the Congress, said:

I fully recognize the right of the head of any of the departments to call upon me for an official opinion in respect to any question of law pending before the department by whose head the call is made; and I consider it my duty promptly to respond to such a call; but I cannot recognize the right of any committee of Congress to call for such an opinion for their use in matters of legislation; and if given for that purpose it would be entitled to no more consideration in Congress than the opinion of any other individual presumed to have a knowledge of legal matters.

That was the position of the Attorney General back in the days when the Senate still entertained a rather high opinion of itself and thought that some of the lawyers in the Senate were fairly well qualified to pass upon constitutional questions.

Mr. President, I have referred to the newspaper accounts of the conferences on these amendments. It is not necessary for me to read all the clippings, but I would like to cite a few to illustrate the prominent role the Attorney General played in the conferences.

First, is a rather flaming headline from the Washington Evening Star of Wednesday, May 13 which states: "Leaders Support Rights Package." Its lead paragraph reads:

Democratic and Republican Senate leaders completed an agreement late today on a compromise civil rights bill which Attorney General Kennedy said "is perfectly satisfactory to me."

Senate Democratic Whip HUMPHREY concurred and announced that the next step would be to submit a compromise to separate conferences of all Democratic and Republican Senators, probably early next week.

Mr. President, I invite attention to this statement:

As he went into the meeting with Senate Republican Leader DIRKSEN today, Mr. Kennedy had said that while there is "general agreement on principles," there is still a lot of work to be done on the language. Then he added:

"We are not going to accept any changes that would destroy the effectiveness of the bill."

He thereby proclaimed a veto power in advance on the part of a representative of the executive branch over the actions of the leaders of the Senate.

Mr. President, I could read these articles by the hour. For example, here is a headline from the New York Herald Tribune: "Rights Vote Seen in June." This was May 14. "Bill Is Revised by Leaders and Bobby Kennedy." This is a Republican newspaper, so irreverent that it did not call him by his title of Attorney General.

The lead paragraph states:

Attorney General Robert F. Kennedy and Senate leaders of both parties yesterday completed work on a revised civil rights bill.

All parties thought the bipartisan compromise could be enacted into law next month and without further change.

"This bill is perfectly satisfactory to me"—

It was not one of the leaders, Mr. President.

Mr. Kennedy told reporters, after emerging from the final round of negotiations in the office of Senate Republican Leader EVERETT M. DIRKSEN.

"And it is to me," said HUBERT H. HUMPHREY, Democrat, of Minnesota, the bill's floor manager.

The writer goes on to say that the Senator from Illinois [Mr. DIRKSEN] has been striving to draft a modified section, and describes what had happened.

The following headline in big letters is from the Baltimore Sun of May 13:

Justice Department—

Not the Senate first, the Senate is merely incidental to this bill—

Justice Department, Senators Supporting Legislation Concur—Package Deal Announced by DIRKSEN.

That says practically the same thing that has been said in these other articles, that the Attorney General had agreed, and that the bill would now pass without any changes.

I could read similar headlines from practically all the newspapers in the country.

The Philadelphia Inquirer, which, I believe, is another Republican newspaper, gives credit to whom credit is due. It had a big headline, "Kennedy Approves Amendments to Rights Bill." It does not even mention the Senator from Minnesota or the Senator from Illinois.

I have a stack of similar headlines before me. It is in a sense ludicrous, but to me there is something tragic about all this. We have gotten so far away from the principle of the separation of powers as to give veto power in advance to the executive branch of the Government, not to the President himself, but to the Attorney General of the United States.

Mr. President, the Attorney General states that he gave answers only to Senators and Representatives who wrote him.

I ask unanimous consent to have printed in the RECORD a statement showing several different instances in which material was inserted by various Senators giving opinions, memorandums, and speech assistance, from the Attorney General or his staff.

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

Pages 6557–6558: Letter from Assistant Attorney General Burke Marshall, dated December 20, 1963, to Senator KUCHEL.

Pages 6559–6560: Letter of Senator KUCHEL of January 31, 1964, to the Attorney General; letter to Senator KUCHEL from Assistant Attorney General Burke Marshall; and letter to Assistant Attorney General Marshall from Senator KUCHEL.

Page 6726: Reference by Senator KEATING to a memorandum furnished to him by the Department of Justice.

Page 7207: Rebuttal to arguments of Senator HILL prepared, at request of Senator CLARK, by the Department of Justice.

Pages 7209–7210: Opinion rendered to Senator CLARK, as chairman of the Subcommittee on Employment and Manpower, by Deputy Attorney General Nicholas deB. Katzenbach.

Page 7218: Also reference by Senator CLARK to information furnished by the Department of Justice responsive to his inquiry re the costs incidental to title VII, as well as the number of new employees which the title would make necessary.

Pages 8244–8245: A memorandum of experience with present criminal sections of Civil Rights Act and letter to Senator JAVITS, dated April 14, 1964, from Assistant Attorney General Burke Marshall.

Pages 8978–8979: Two memorandums prepared by Senator HUMPHREY in cooperation with the Department of Justice.

Page 9767: Explanation of section 205(b) of title II, prepared by the Department of Justice at request of Senator HUMPHREY.

Pages 9126–9127, 10075–10078: Letter of Senator COOPER, dated April 21, 1964, to the Attorney General, and reply of the Attorney General, dated April 29, 1964, re title VI.

Page 11033: Statement by Senator BENNETT that the set of proposed amendments was worked out with the acting minority leader and with the Attorney General.

Mr. RUSSELL. I wish to cite one of them. The distinguished Senator from Kentucky [Mr. COOPER] wrote a letter to the Attorney General in which he specifically requested the opinion—not an answer—but the opinion of the Attorney General as to some 18 questions about various parts of the bill. And the Attorney General answered in detail as to all of them.

Mr. President, I ask unanimous consent that the letter from the Senator from Kentucky and the Attorney General's reply be printed in the RECORD at this point in my remarks.

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

Mr. COOPER. Mr. President, I have been very much interested in the speech of the Senator from Vermont, particularly the part directed to title VI.

On April 21 I wrote to the Attorney General of the United States asking him to comment on several questions which the Senator has raised today with respect to title VI. I have not yet received an answer to my letter but I do not believe that the Attorney General has had time to respond to questions I propounded. In view of the questions that have been raised by the Senator from Vermont, I should like to have the letter that I wrote to the Attorney General printed in the RECORD.

Mr. President, I ask unanimous consent that the letter of April 21 which I wrote to the Attorney General be printed at this point in the RECORD.

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

APRIL 21, 1964.

Hon. ROBERT F. KENNEDY,
Attorney General of the United States, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I have been devoting close attention to certain sections of H.R. 7152, now before the Senate, and I would appreciate very much if you would give me your opinion on the following questions:

TITLE VI

1. Title VI, section 602, provides in part that "each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity by way of grant, loan, or contract other than a contract of insurance or guaranty." Would you list the kinds of "contracts of insurance or guaranty" which would be exempted under section 602 from the coverage of section 601?

2. Does the term "recipient" on line 16 of section 602 apply to private individuals, or does "recipient" include only Federal departments or agencies, States, or subdivisions of States?

3. Would section 602 cover an employer who receives funds under a Federal program, and who discriminates in his employment practices?

4. Would section 602 apply to individuals who contract directly with a Federal agency? Would it apply to a corporation which contracts directly with a Federal agency?

5. Would title VI of the present bill supersede those arrangements which have been established under Executive Order No. 10925, March 6, 1961 (President's Committee on Equal Employment Opportunity)?

6. Are there any Federal agencies which now have regulations which prohibit discrimination in their programs or activities covered by title VI? If so, which agencies, what are the regulations, and to what programs are these regulations directed?

7. Would persons who receive payments under various agricultural support and marketing programs be "recipients" under title VI? If so, what type of discrimination by these "recipients" under title VI would be grounds for cutting off their participation in a program? Would it include employment practices?

8. Title VI would apparently enable each Federal department or agency to establish its own rules and regulations for cutting off Federal funds. How is it intended that a consistent set of regulations prohibiting discrimination in Federal financial assistance programs shall be established throughout all departments and agencies? What procedure is provided by title VI to secure consistent regulations pursuant to, and the uniform application of, title VI in each and every Federal financial assistance program?

9. Would you provide several examples of the kinds of discrimination in the administration of Federal financial assistance programs which have occurred? I would appreciate specific details and examples in this instance.

10. Is it intended that the act of a Federal agency under title VI in cutting off funds for a program will take place only if discrimination within that particular program has occurred? Or, would it be possible to cut off funds for a particular program to influence the termination of discriminatory practices by a State, which are not covered by the particular program?

11. Would this title authorize the termination of school lunch programs to influence the desegregation of public schools within the State?

12. Under title VI, could such programs as the Federal-State highway program, and

similar State aid programs, be terminated for the purpose of persuading or coercing the State or its subdivisions to end discrimination in public schools, public accommodations, or public facilities, etc.?

TITLE IV, SECTION 401(C)

Would a privately endowed college which received 51 percent of its money each year from Federal grants qualify as a "public college"—operated predominantly through the use of Government funds? What is the test which would bring a private school within this section?

1. Considering that H.R. 7152 would provide the Attorney General with authority to intervene in actions brought by individuals under titles I, II, and III (301), would section 302 provide the Attorney General with authority to intervene in cases arising under title VII?

2. To what type of action, other than those specifically authorized in H.R. 7152, would section 302 be applicable? Would section 302 embrace cases brought by individuals against State officials, or individuals against individuals, claiming the denial of equal protection of the law?

3. Would title III, section 302, permit the Attorney General to intervene in cases involving alleged denial of the first, fifth, and sixth amendments to the Constitution? If so, what criteria would be established for the intervention of the Attorney General?

4. In what respect does section 302 differ from the old title III of the original civil rights bill of 1957?

With kindest regards, I am,

Sincerely yours,

JOHN SHERMAN COOPER.

REPLY OF ATTORNEY GENERAL KENNEDY TO QUESTIONS RELATED TO CIVIL RIGHTS ASKED BY SENATOR COOPER

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

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the Senator from Kentucky with the same understanding under which I have previously yielded to Senators.

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

Mr. COOPER. I thank the Senator from Georgia.

Mr. President, several days ago I had printed in the RECORD a letter which I had written to the Attorney General of the United States. In my letter I asked for his comments on several questions that I addressed to him relating to titles III, IV, and VI of the pending bill. The Attorney General responded quickly, and I believe in a very informative and frank way. I ask unanimous consent that the letter of the Attorney General dated April 29 be printed in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., April 29, 1964.

Hon. JOHN SHERMAN COOPER,
U.S. Senate, Washington, D.C.

DEAR SENATOR COOPER: This is in reply to your letter of April 21, 1964, asking a number of questions relating to H.R. 7152. For convenience, I shall repeat your question and follow it with my answer.

TITLE VI

1. Question. Title VI, section 602, provides in part that "each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity by way of grant, loan, or contract other than a contract of insurance or guaranty." Would you list the kinds of "contracts of insurance or guaranty" which would be exempted under section 602 from the coverage of section 601?

Answer. Section 602 would not apply to any contracts of insurance or guaranty. Among the kinds of insurance and guaranty which are excluded from section 602 by the quoted language are insurance of bank deposits by the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation; Federal crop insurance; national service life insurance; Federal employees group life insurance; and FHA and VA mortgage insurance and guaranties.

2. Question. Does the term "recipient" on line 16 of section 602 apply to private individuals, or does "recipient" include only Federal departments or agencies, States, or subdivision of States?

Answer. "Recipient" means generally the person or entity to whom a Federal grant or loan is made, or with whom a Federal assistance contract is entered into. It includes a State or local agency which receives and administers funds; it is in the course of such administration that discrimination most often occurs, if at all, and it is to discrimination by such State and local agencies that title VI is basically directed. A private person or organization may also be the recipient of a Federal grant or loan, as in the case of a Hill-Burton grant to a hospital. I am not aware of any situation in which a Federal department or agency would be the recipient of a Federal grant, loan, or assistance contract.

3. Question. Would section 602 cover an employer who receives funds under a Federal program, and who discriminates in his employment practices?

Answer. Generally, no. Title VI is limited in application to instances of discrimination against the beneficiaries of Federal assistance programs, as the language of section 601 clearly indicates. Where, however, employees are the intended beneficiaries of a program, title VI would apply. Thus, for example, creation of job opportunities is one of the major purposes of the accelerated public works program. Hence construction employees would be deemed beneficiaries of such a program, and section 602 would require the administering agency to take action to prohibit racial discrimination against them in such a program. On the other hand, the Agricultural Adjustment Act and acreage allotment payments under it is a commodity program having nothing to do with farm employment. Farm employees are not beneficiaries of that program, and section 602 would not authorize any action to require recipients of acreage allotments to refrain from racial discrimination in employment. See CONGRESSIONAL RECORD, March 30, 1964, pages 6545–6546 for further discussion of this point.

4. Question. Would section 602 apply to individuals who contract directly with a Federal agency? Would it apply to a corporation which contracts directly with a Federal agency?

Answer. Title VI does not apply to procurement contracts, or to other business contracts which do not involve financial assistance by the United States. It does apply to grant and loan agreements, and to certain other contracts involving financial assistance (for example, those research "contracts" which are essentially grants in nature). In those cases in which title VI is applicable, section 602 would apply to a person or corporation who accepts a direct grant, loan, or assistance contract from the Federal Government. But, as indicated, the fact that the title applied would not authorize any action, except with respect to discrimination against beneficiaries of the particular program involved.

5. Question. Would title VI of the present bill supersede those arrangements which have been established under Executive Order No. 10925, March 6, 1961 (President's Committee on Equal Employment Opportunity)?

Answer. No.

6. Question. Are there any Federal agencies which now have regulations which prohibit discrimination in their programs or activities covered by title VI? If so, which agencies, what are the regulations, and to what programs are these regulations directed?

A. Yes. The following are some examples of the actions which have been taken to preclude discrimination in Federal grant and loan programs:

(a) Executive Order No. 11114, 28 Federal Register 6485, June 23, 1963, prohibits discrimination in employment on construction financed in whole or in part by Federal grants or loans.

(b) Executive Order No. 11063, November 21, 1962, 27 Federal Register, 11527, prohibits discrimination in residential housing provided in whole or in part, by Federal grants or loans, and in residential housing under federally assisted urban renewal projects.

(c) Applicants for grants under the Federal Airport Act are required to furnish an assurance that neither the applicant nor any other person occupying space or facilities at the airport "will discriminate against any person or class of persons by reason of race, color, creed, or national origin in the use of any of the facilities provided for the public on the airport."

(d) The Department of Health, Education, and Welfare has refused to enter into contracts for teaching institutes under the National Defense Education Act with segregated institutions. See CONGRESSIONAL RECORD, April 7, 1964, page 7102.

7. Question. Would persons who receive payments under various agricultural support and marketing programs be "recipients" under title VI? If so, what type of discrimination by these "recipients" under title VI would be grounds for cutting off their participation in a program? Would it include employment practices?

Answer. Farmers who receive Federal grants, loans, or assistance contracts would be "recipients" within the meaning of title VI. Title VI would protect such farmers, themselves, from being denied the benefits of such programs, or otherwise discriminated against under them, on grounds of race, color, or national origin. But, since such programs are basically commodity programs, and since individual farmers are the ultimate beneficiaries of such programs, title VI would not authorize imposition of any requirements on individual farmers participating in these programs. And, more particularly, it would not authorize imposition of any requirements with respect to farm employment, since farm employees are not beneficiaries of the programs referred to.

8. Question. Title VI would apparently enable such Federal department or agency to establish its own rules and regulations for cutting off Federal funds. How is it intended that a consistent set of regulations prohibiting discrimination in Federal financial assistance programs shall be established throughout all departments and agencies? What procedure is provided by title VI to secure consistent regulations pursuant to, and the uniform application of, title VI in each and every Federal financial assistance program?

Answer. Section 602 provides that each agency's rules and regulations must be approved by the President. The validity of such rules and regulations will be subject to judicial consideration in any judicial review proceeding. Any cutoff of funds must be reported to the appropriate congressional committees.

9. Question. Would you provide several examples of the kinds of discrimination in the administration of Federal financial assistance programs which have occurred? I would appreciate specific details and examples in this instance.

Answer. A number of examples, with supporting evidence, are set forth at CONGRESSIONAL RECORD, March 30, 1964, page 6543 (Mr. HUMPHREY); April 7, 1964, pages 7054–7057 (Senator PASTORE); April 7, 1964, pages 7100–7103 (Senator JAVITS); December 5, 1963, pages 23530–23531 (Senator JAVITS). Among them are the following:

Under the Hill-Burton Act, between 1946 and December 31, 1962, grants totaling $36,775,994 were made to 89 racially segregated facilities. Of these, $4,080,308 went to 13 all-Negro facilities; the remainder went to all-white facilities.

Large grants have been made for construction and operation of racially segregated public schools in federally impacted areas, under Public Laws 815 and 879. For example, for fiscal year 1962 the following grants were made for construction and operation of public schools in impacted areas in five Southern States: Alabama, $6,948,061; Georgia, $6,200,863; Mississippi, $2,161,945; South Carolina, $4,331,576; Virginia, $15,639,603; total for the five States, $35,282,048. Yet for the school year 1962–63 Alabama, Mississippi, and South Carolina had no Negroes and whites together in any type of school. Georgia had only 44 Negroes in integrated schools, and only about one half of 1 percent of Virginia's Negro children were in desegregated schools. Substantial Federal funds go to segregated schools in other States.

There is substantial evidence of exclusion of Negroes from training for higher skilled and better paid jobs under federally supported vocational training programs.

10. Question. Is it intended that the act of a Federal agency under title VI in cutting off funds in a program will take place only if discrimination within that particular program has occurred? Or would it be possible to cut off funds for a particular program to influence the termination of discriminatory practices by a State which is not covered by the particular program?

Answer. Funds could be cut off only under the particular program within which there is discrimination and only to the particular recipient who is doing the discriminating in this program. Section 602 makes this clear and express by providing, (1) that each agency responsible for a particular program of assistance adopt generally applicable rules, regulations, or orders with respect to discrimination in "such program," i.e., the particular program committed to its administration; and (2) that assistance may be terminated by such agency only for a violation of such a rule, regulation, or order, i.e., one relating to its own program and adopted with Presidential approval; and (3) that assistance may be terminated under a program only as to the particular recipient who is expressly found to have violated such rule, regulation, or order, i.e., to the person who is discriminating under a program in violation of a rule, regulation, or order applicable to that program. It would therefore not be possible to cut off funds under one program because of discrimination in another program, and assistance could be terminated only to the person or local agency which was discriminating. If only a single county in a State were discriminating, only that county could be cut off; there could be no cutoff to an entire State since the State had not violated any rule or regulation. It thus is clear from the present language of section 602 that any cutoff of funds must be limited to the particular situation in which discrimination has occurred, to the particular recipient who is discriminating, and to the particular program in which the discrimination exists. See House Report No. 914, part 2, pages 25–6; CONGRESSIONAL RECORD, April 7, 1964, pages 7059–7060 (Senators RIBICOFF and PASTORE).

11. Question. Would this title authorize the termination of school lunch programs to influence the desegregation of public schools within the State?

Answer. It would authorize termination of school lunch payments to segregated schools. However, in view of the availability of suits under title IV of H.R. 7152 as a means of achieving desegregation, it is not expected that such termination would occur. The intention is very clear that "fund cutoff is the last resort to be used if all else fails to achieve the real objective—the elimination of discrimination in the use and receipt of Federal funds." CONGRESSIONAL RECORD April 7, 1964 (Senator PASTORE).

12. Question. Under title VI, could such programs as the Federal-State highway program, and similar State aid programs, be terminated for the purpose of persuading or coercing the State or its subdivisions to end discrimination in public schools, public accommodations, or public facilities, etc.?

Answer. No. The reasons why this could not be done are explained above.

TITLE IV, SECTION 401(C)

Question. Would a privately endowed college which received 51 percent of its money each year from Federal grants qualify as a public college—operated predominantly through the use of Government funds? What is the test which would bring a private school within this section?

Answer. The intention by the "wholly or predominantly" phrase, is to include schools and colleges which are "private" in name only—i.e., to reach attempted evasions of the 14th amendment. If a school or college is genuinely "private" in origin and character, the fact that it received substantial Federal grants (for research, language institutes, text books, school lunches, etc.) would not bring it within section 401(c). It should be noted that title IV does not create new legal obligations; it merely authorizes suits by the Attorney General in those situations where private persons now have a right of action under the 14th amendment.

TITLE III

1. Question. Considering that H.R. 7152 would provide the Attorney General with authority to intervene in actions brought by individuals under titles I, II, and III(301), would section 302 provide the Attorney General with authority to intervene in cases arising under title VII?

Answer. No. Cases arising under title VII would be based on rights created by statute. Section 302 is limited to cases involving denials of the right to equal protection of the law under the Constitution. Intervention in cases brought under titles I and III could be possible because denials of the right to vote or of use of governmental facilities because of race, etc., is a denial of equal protection of the laws in violation of the Constitution. But, there would, under section 302, be no general right to intervene in cases brought by individuals under title II, except in instances in which there was sufficient State involvement in the conduct alleged to also violate the Constitution's equal protection clause.

2. Question. To what type of action, other than those specifically authorized in H.R. 7152, would section 302 be applicable? Would section 302 embrace cases brought by individuals against State officials, or individuals against individuals, claiming the denial of equal protection of the law?

Answer. Section 302 would allow intervention in cases commenced in Federal court seeking relief from a denial of equal protection of the laws only where such denial was on account of race, color, religion, or national origin. Such a suit would be based on the 14th amendment and would normally be brought against a State official. It could be brought against a private individual only if sufficient "State action" were involved to constitute a constitutional violation.

3. Question. Would title III, section 302, permit the Attorney General to intervene in cases involving alleged denial of the first, fifth, and sixth amendments to the Constitution?

Answer. No.

4. Question. In what respect does section 302 differ from the old title III of the original civil rights bill of 1957?

Answer. Part III of H.R. 6127 (85th Cong., 1st sess.) as passed by the House, would have authorized suits by the Attorney General for injunctive relief from any actions which would give rise to a cause of action under 42 U.S.C. 1985; it would have authorized the Attorney General to initiate law suits to vindicate a very broad range of Federal rights, including, according to the testimony of then Attorney General Brownell, the right to be free from unlawful searches and seizures, the rights included within the broad concept of due process of law and rights of free speech, press, and religion. Section 302 differs from that provision in the following respects, inter alia: (1) it confers only a right of intervention, and not a right to initiate litigation; (2) it extends only to denials of constitutional rights, and not to denials of the additional statutory rights created by 42 U.S.C. 1985; (3) it extends only to denials of equal protection of the law on account of race, color, religion, or national origin, and not to such denials on account of other considerations; and (4) it does not extend to denials of privileges and immunities. In short it is a much narrower provision.

I trust the foregoing will prove helpful in your further consideration of H.R. 7152.

Sincerely yours,

ROBERT KENNEDY,
The Attorney General.

Mr. RUSSELL. Mr. President, we can dress this issue up any way we please. We may talk all we wish about the American system, and say that we are going to accord rights and protect rights; but when we get down to the heart of the bill we strip away the original disguise from what from the beginning was a sectional bill, and reveal it for what it is.

I have previously stated that this is a political foray, a punitive expedition into the Southern States. Why do I say that? There are 31 or 32 States which have public accommodation laws. The Southern States, where people are old fashioned and believe that a man ought to have the right to do business with whom he pleases, and have the right to decline to do business with whom he might desire not to do business, do not have public accommodation laws. Therefore, they are immediately brought within the purview of the proposed law.

The same thing is true with respect to the so-called FEPC or fair employment provisions. Approximately 25 States have such laws. They vary widely in their extent, and there is even more variance in the application of such laws. However, every one of the States, whether the law is administered by a separate commission, or an industrial commission, or whether the provisions are administered by a State agency, as an additional function, is protected by the provisions of the proposed law. No Federal agents can go into such a State until the lapse of 90 days, and until the complainant has exhausted himself financially and physically in trying to obtain the redress he seeks.

But in the Southern States, the agents may move in immediately.

Mr. President, to me the most insulting of all these changes has to do with the voting provision; 24 or 25 States have literacy tests as a precondition for registering to vote. My State has such a test. I say the provision is not abused, and has not been abused. I say further that it is not administered any differently in the case of a registrant who is a Negro than it is in the case of a white registrant.

However, to take care of States outside the South, and to assuage the feelings of Senators from outside the Southern States which have literacy requirements for voting, the proponents have now brought forth a provision under which the Attorney General could waive the application of the law to any State which he desires by writing a letter to the attorney general of the State which is affected. There has never been any such monstrous provision brought forth in any legislative body. It puts Charles Sumner, Thad Stevens, and Ben Wade to shame. They could not bring up anything like that provision, under which the Attorney General can merely waive the application of a Federal law to a State by writing a letter to the attorney general of that State.

Mr. President, I shall reserve my bouquets for the distinguished Senator from Illinois. I have the greatest admiration for him. I regret that he has stepped out of the Chamber. He is without doubt the most accomplished thespian who has ever trod this floor. Ordinarily, I can see him in a Shakespearean role. This time, however, he has gone beyond that.

I read in a newspaper that he had said something had to be done and that he reached up into the heavens—or at least reached up and grasped the lightning. That is going pretty far. Shakespeare never wrote of anyone reaching up and grabbing lightning. This takes us back to Mount Olympus and the ancient Greek gods. This time, I assume, the Senator from Illinois is taking on the role of a Greek god. It cannot be Ajax. He defied lightning when he approached the couch of Cassandra. I believe there is a reference somewhere in mythology to Zeus, becoming exasperated with the people on earth, and starting to loose a lightning bolt toward the earth. But he changed his mind and reached out and caught it just in time before it reached the earth. That must be the mythological allusion to which the Senator from Illinois referred. But in the case of this bill I do not believe he caught the lightning bolt quite quickly enough.

Unless I am badly fooled, he has killed off a rapidly growing Republican Party in the South, at least so far as his party's prospects in the presidential campaign are concerned. He may not have defeated any Republican Representative from the South. They know on which side of the street to walk on this issue. But if he has not killed the chances that any Republican presidential candidate might have had in carrying any Southern State in November, I am badly deceived. We shall await the result with interest. I say that in spite of the fact that at least three Southern States of the Old Confederacy have gone Republican in the last three presidential elections.

Of course, I do not attribute any improper motive to the Senator from Illinois. He may have grown weary listening to the oratory on this bill. We all grow tired of hearing other Senators speak. I know I do. I am honest about it. We like to have the opportunity to break in and speak ourselves, and sometimes to break up another Senator's speech. Therefore I can understand the Senator's feelings. As I said, I shall withhold my little bouquet of flowers.

When the liberal press is through, and when the President writes a two- or three-page letter congratulating the Senator from Illinois for the salvation of this important part of his program, my tiny little bunch of flowers will not be noticed anyway in the presence of such majestic floral offerings as will be his.

I only say that I shall conclude for the time being by saying that the bill has now been stripped of any pretense, and that it stands as a purely sectional bill; that in order to get the votes, as the proponents conceive it, to impose a gag rule in the Senate, provisions have been written into the bill which would draw a monumental wall—a wall that would make the great Wall of China look like a toadstool—around all the States that are north of the Mason-Dixon line, and which could not possibly be scaled by the best engineer. The best FBI agent could not wend his way through the kind of thicket that has been erected to protect those States.

I must express the hope—I greatly fear it will be dashed to earth—that some of the recent converts to States rights will show the same devotion in the days that lie ahead that they have shown in drafting the proposed legislation in a proclaimed effort to protect the rights of States.

As one who lives in the South, as one who has never been ashamed of being a southerner, and as one who believes that the people of the South are as good citizens as people anywhere else in the country, I resent this political foray. It may be that the proponents will be successful in getting this measure through by gagging those associated with me in opposing this bill; but I will maintain always that I do not believe it is consistent with the fundamental principles of fair play to which all American citizens usually subscribe.

DASTARDLY RECORD OF SOVIET ACTIONS AND PERFIDY

Mr. THURMOND. Mr. President, a very timely warning for our country and its foreign policy planners appeared yesterday in the Washington Post in the context of a public survey advertisement by the International Latex Corp. As a nation, we have characteristically had short memories, and our foreign policy planners seem to have the shortest memories of all. Our foreign policy apparently ignores, for the most part, the dastardly record of Soviet actions and perfidy and its constant efforts to undermine freedom everywhere in the world. I ask unanimous consent that the article, entitled "Blunt Warning by 40 Ears," and published in the Washington Post of May 23, 1964, be printed in the RECORD.

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

BLUNT WARNING BY 40 EARS

(By A. N. Spanel, founder-chairman, International Latex Corp.)

Perfidy has been for so long a fixed element in the record and reputation of Soviet Russia that it has lost most of its earlier power to shock and anger its victims. Kremlin duplicities are by now accepted calmly, almost as if they represented a natural phenomenon.

Only that can explain the complacency with which the American public has received the State Department announcement that 40 microphones have been dug out of the walls of the U.S. Embassy in Moscow. But it is an ominous piece of news, one which we would do well to take seriously and ponder deeply.

The real danger is that, in our current eagerness to swallow Khrushchev's peaceful coexistence line, we may treat this latest evidence of Kremlin treachery too lightly—that we may ignore the grim warning it packs, for fear of disturbing the consolations of wishful thinking and self-delusion.

The discovery of the "bugging" of our Embassy, on a scale and for a duration without precedent even in the annals of Communist deceit, could be a blessing in disguise if it served to end the soporific myth that communism has changed its nature. It could be a reminder, perhaps in the nick of time, that the Red leopard, for all of Khrushchev's purring and meowing, hasn't turned into a pussycat.

WE HAVE BEEN WARNED

But if the reminder goes unheeded, if it does not compel us to reappraise the beguiling coexistence formula, we shall find ourselves more inextricably in the Soviet trap for America and the free world. We shall then be set up for another Pearl Harbor, this time of the nuclear variety.

Commonsense is our guarantee that if the Kremlin, for over 10 years has been eavesdropping on our Embassy staff, as well as on the conversations of visiting military men, scientists, and foreign diplomats, Khrushchev has been playing diplomatic poker with us, with marked cards. Unfortunately the stakes in this game are nothing less than the future, the very survival, of America and the Western civilization of which it is a part.

Only the naive, the blind, and the Communist-infected will minimize and wish away this decade-long exercise in treachery. It is their kind who once explained, in tones cultured and raucous, that we could do business with Hitler if only we "tried to understand the wave of the future."

The same voices are again being heard, pleading every imaginable argument with instant optimism dished up to whet our appetites for lucrative trade. There are, alas, too many in our Western World not only willing but eager to barter principles for the mirage of commerce with Communists, though a third of mankind is already in the bloody claws of Red tyranny. Under the spell of suicidal greed they close their eyes to the Kremlin's record of broken treaties. They forget that Moscow still refuses to pay even part of the $11 billion it owes the United States in war debts; on the contrary, they actually countenance plans for huge credits to Communist lands.

WORLD AWAITS U.S. RESPONSE

The immediate question, of course, is what to do about this new proof of Soviet betrayal. First things first, it would probably be the best part of wisdom to dismantle the U.S. Embassy building in Moscow brick by brick. Our staff must be assured the privacy to which an embassy is entitled by international law, tradition, and civilized behavior.

We might then build a new embassy with clear American glass bricks, not on the present site but on the original plot of ground on Manezh Square from which our Embassy was ousted by Stalin in 1952. (It is noteworthy that at the time, the British Embassy was determined not to be budged, and they weren't.) Beyond that, our course in policy vis-a-vis the Kremlin must be geared to firmness based on a realistic understanding of the immoral essence of communism.

We have a useful precedent for firmness in an episode on March 23, 1962, between Soviet Russia and France. On March 18 France was negotiating the Evian agreements with the FLN, recognizing Algeria's independence on condition that the natives of that French territory would confirm by referendum that the majority desired it as the FLN claimed. General de Gaulle declared that if any nation recognized the FLN as speaking for a "sovereign" Algeria before such a referendum took place, it would risk a break of relations with France.

Moscow violated this reasonable stipulation by recognizing the FLN only 5 days later though the referendum had not yet taken place. In retaliation for this piece of arrogance, General de Gaulle at once recalled his Ambassador, Mr. Dejean, from Moscow and on March 23 demanded that Soviet Russia recall its Ambassador from Paris. One week later Mr. Vinogradov, the Soviet Ambassador, left France and was not permitted by General de Gaulle to return to his post until July 28, after the Algerian referendum had already taken place.

FIRMNESS, NOT DISUNITY

From that day until this, Khrushchev has behaved most respectfully toward France and its determined head of state, while he has not hesitated to vilify the United States, Germany, and England. For he knows that he can get away with any obscene method of downgrading and degrading us before the whole of mankind. Indeed, he has gotten away with much, much more than that.

Recently we had occasion to write in these columns that, inspired and supported by the Kremlin, "a Communist fortress, Cuba, stands at the very doorstep of our own country and serves as the staging area for the spread of the new barbarism to the entire American hemisphere." Then we went on to say:

"The African Continent, having largely become 'independent,' is racked by horrifying tribal warfare and many of the new countries are subjected to despotisms far worse than the worst exploitations of the colonial past. From Zanzibar to Ghana the agents of communism prowl for prey amidst the chaos. A Communist-armed and Communist-oriented Indonesia reaches out for empire in the South Pacific. India, as a reward for its naive neutralism, is menaced by Red China; and Pakistan, once a stanch ally against communism, finds comfort fishing in Communist waters. Nasser brazenly works both sides of the street yet our dollars continue to feed his sinister war machine and power-mad ambitions.

"The inventory of dissolution and defeat could be extended without end. The frontiers of freedom are shrinking and violence has the right of way. Yet the nations of the West are more disunited than ever, openly putting commercial profit above common purpose. Not only have our alliances been weakened but the objectives for which they were formed are fading from memory.

"Indeed, the free world could be competing for its own destruction under banners of nationalism which in essence reiterate the sick pronouncement made a century ago by a European statesman: 'We have no perpetual allies and we have no perpetual enemies, our interests are perpetual.' "

"The very nations which thought they could do business as usual with Hitler are rushing to do business as usual with the Khrushchevs and Maos and Castros. The lessons of such recent history have been lost upon them. Those who thought they could buy peace by appeasing the Nazis—thereby making war inevitable—now unashamedly beg for the privilege of appeasing the Communists.

"Political leadership today," we ventured to warn, "is failing mainly because we have lost the compass of principle and are eager to compromise with evil."

The discovery of those 40 "ears" should bring the free world back to its senses, and especially our own country as its last bastion. Just as the microphones were built into the Embassy walls, perfidy is built into the Communist code of conduct, and the determination to bury us is built into the Communist ideology.

UNDERSTANDING THE VIEWS OF ARAB NATIONS

Mr. THURMOND. Mr. President, Khrushchev's much publicized trip to the Arab nations emphasizes the need for the United States to clearly understand the views of the Arab nations.

King Hussein of Jordan has been a longtime friend of the United States and is an articulate spokesman for the Arab nations. On his recent official visit to the United States, King Hussein made an address to the Citizens Committee on American Policy in the Near East.

I ask unanimous consent that the address by King Hussein be printed in the RECORD at the conclusion of these remarks.

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

ADDRESS BY HIS MAJESTY KING HUSSEIN I, OF THE HASHEMITE KINGDOM OF JORDAN, AT A LUNCHEON TENDERED BY THE CITIZENS COMMITTEE ON AMERICAN POLICY IN THE NEAR EAST, BLUE ROOM, SHOREHAM HOTEL, WASHINGTON, D.C., APRIL 15, 1964

I am deeply grateful to the Citizens Committee on American Policy in the Near East for giving this luncheon in my honor and, for affording me the opportunity to address myself to the American people through this friendly and sympathetic forum. My visit is one of good will, and I should like at the outset to convey to the American people the greetings and best wishes of my countrymen in Jordan and of my brethren in the Arab world at large.

I take it, by the very name of your committee—the Citizens Committee on American Policy in the Near East—that you have some concern about your country's policy toward our part of the world. It is a concern which I share, and about which I have had some very frank and friendly talks with your Government since my arrival in the United States. Consequently, I deem it my duty to set forth as objectively and as forthrightly as I can, the feelings, the policies and the aspirations of the Arab world in regard to current national and international problems.

I say the Arab world rather than Jordan intentionally because we do not regard ourselves as anything but a loyal and dedicated part of our greater Arab homeland. I feel it is imperative to give this reaffirmation because of the doubts which exist in some minds concerning the essential unity of the Arab nation.

The question is often asked by people not as knowledgeable about us as you are: Is the Arab world truly united or does its seeming unity stem from the temporary expediency of confronting a common danger and a common adversary? To answer this question I would only reply that the 100 million people of the Near East and north Africa, in territories which stretch from Syria in the north to the Sudan in the south and from the Atlantic Ocean in the west to the Persian Gulf in the east regarding themselves as Arabs; and in their striving to build their national life after centuries of disastrous stagnation and division, are now embracing Arab nationhood as the standard around which to rally their hopes and aspirations. When we talk therefore, about the Arab world, we do not talk about an alliance of states or, for that matter, an alliance of nations but rather about one nation which is bound inseparably together by community of language, historical traditions, customs, culture, common interests and above all by a sense of belonging to one nation.

The affirmative factors, therefore, which unite the Arabs long precede any contemporary problems or crisis situations; and they will certainly long outlive them. In the first half of the present century our energies and our aspirations were devoted single-mindedly to the achievement of national independence. The energies and the sacrifices in this sacred cause have not been made in vain. We are presently engaged in the process of national consolidation. We have been experimenting with various forms, and our efforts have met with varying degrees of success and failure as is only to be expected in a newly reawakening nation.

The question may be legitimately asked: Does the Arab world, in terms of cohesion, have anything to show in solid achievement? And the answer is undoubtedly "yes." This can be seen from the evolution of the Arab League over the past 19 years from a mere skeleton political organization comprising 7 Arab States into its present 13-state membership, and whose activities cover practically every phase of our national life.

When the Arab summit conference convened in Cairo recently, the conferees were not charting new territory but were giving their sanction to a large body of inter-Arab working agreements, in differing stages of implementation. These agreements cover such pivotal sectors as a unified defense command, an economic unity agreement, a common market, cultural cooperation, judiciary agreements, an Arab development fund, petroleum, shipping and airlines, and scores of other arrangements at both official and nongovernmental levels. This gradual, functional approach to unity has so far proved the most effective in achieving its aims while, at the same time, avoiding some of the disruptive influences which have become imbedded in our political and social systems during the long interlude which shattered Arab national life and witnessed its decline and stagnation.

Furthermore, unity in our view need not take the form of one single pattern in which there is no room for difference of opinion or even disagreement. But such differences of view as may have arisen in the past or which may arise in the future should not be misunderstood to mean that the unity of the Arab world is shaky and not durable any more than that disagreement between Democrats and Republicans be mistaken to mean that this great Union is in disunity. For it is the mark of a free people to be able to differ within the overall framework of a firm sense of unity, a common purpose, and a common destiny.

The common destiny which we envisage, and for which we have committed our energies and our resources is to forge ahead in the modern world, as speedily as we can, with a view to making the fullest contribution possible to the cause of world civilization, as we had done so abundantly in the past, and to partake in the movement of humankind to-

ward a richer and higher life for all. This is not, I assure you, a vain expression but rather a deepfelt yearning which draws inspiration and strength from our history, our traditions, and our sense of mission. The Arabs are probably one of the most history-conscious people in the world, and it is a history which is predominantly humane and creative, liberal and tolerant, and distinguished as much for its ability to learn as to teach. Our homeland has seen the dawn of civilization, it has also been the abode of its middle age. It is our challenge now to see to it that we contribute actively toward its full maturity and to the never-ending march toward new and undreamt of vistas of life.

In the very short period since our modern renaissance we have made far-reaching progress in every walk of life, in spite of the innumerable handicaps which confronted us as they inevitably do every developing nation. To give but one concrete example from the experiences of Jordan: In the 1930's and even 1940's, the number of students who went to colleges and universities could be counted in scores; today we have almost 18,000 students yearly in colleges and universities all over the world out of a population of less than 2 million. The number is increasing at an accelerated rate, year after year, and it compares most favorably percentagewise with some of the most advanced countries in the world.

However, across all of our hopes and accomplishments falls the shadow of Palestine and I feel certain that what drew you together as a committee was concern over this problem and your country's attitude toward it.

This great Nation of the United States has justly earned over generations past a pride of place as a Nation which adheres unwaveringly to the legal and moral principles in dealing with the rest of the world. We recognize with gratitude the humanitarian and the educational contributions which American citizens have generously and selflessly made since the 19th century toward our modern awakening. It is, therefore, the more distressing that such a legacy of good will and friendship should be affected as a result of a policy which in our view neither conforms to the American traditions of morality and legality, nor for that matter to the well-considered national interests of the United States, and they are quite substantial. It may well be that the tragedy of Palestine has resulted, in no small measure, from a failure in communication. And that the American people, if adequately informed, would not tolerate an injustice equal to any in modern times, being inflicted upon a small and innocent people. It is a tragedy which, if they knew, would weigh heavily upon the consciences of all peoples who believe in goodness, fairness, and justice.

The truth of the matter is that here is a people—an ancient hard-working and homogenous people—who have in the 20th century not only been denied the right to self-determination, but even the right to exist in the homeland in which their forefathers have lived and died from recorded history. They have been forcibly uprooted from their homes, their properties despoiled, and their means of livelihood cut off. One million in number, these men, women, and children, in town and in village, in refugee camps, and in forced dispersal under every sky, have been enduring their suffering for 16 long years. They are suffering morally, and physically, day in and day out, and ironically at a period which is boasted to be the era of mankind's greatest emancipation.

This is the problem which lies at the core of most of the turmoil, the tensions, and the international realinements which are occurring in our part of the world today. It is not, as the Zionists try assiduously to preach, a quarrel between the Arab States and the Jews. It is simply that the Israelis are refusing to restore the rights unlawfully wrested from the Arabs of Palestine; the inalienable right of those refugees to return to their ancestral homeland, to the properties that they had developed with the sweat of their brows, and to their normal means of decent livelihood. Over and above that, not many people realize that the Israelis presently occupy 30 percent more territory than was called for under the United Nations partition plan (unfair as the Arabs felt such resolutions were because of their violation of the principles of self-determination).

Partition itself is morally indefensible; and the existing situation is even worse, being in blatant defiance of the United Nations. But grave as these considerations are, they do not tell the whole story. For there is a deep-felt conviction amongst all Arabs that this foreign element which is Israel, which has been planted in their midst and which has geographically separated their Asian and their African domains is a real and ever-present danger to their national survival, and a base from which the Israelis would be enabled to commit further aggressions.

There must be some who retort: But how could 2 million Israelis threaten the security of close to 100 million Arabs? This ostensibly sounds like a plausible question, and the answer is that by themselves and in a long drawn-out struggle they could not.

But in order to appraise the gravity of the present and the continuing Israel threat as seen by the Arabs I could answer as follows: Two million Israelis, with massive assistance from the outside, maintain an armed establishment almost half that which the 50 million people of the Federal Republic of Germany possess, notwithstanding the fact that West Germany is the bulwark of Western defense against the Communist world.

Moreover, the Israelis, with substantial technological and financial assistance from the outside have, since 1950, been working on the development of atomic power and other media of mass destruction.

Not only does this activity run counter to the established U.S. policy of preventing a proliferation of the deadly weapons of destruction, it is also opening the floodgates of the whole Middle East to an accelerated armaments race in quality and in quantity with incalculable consequences to the peace not only of the area but of world peace as a whole.

The Arab world would certainly not have wished to spend countless millions on military defense every year when those millions are so sorely needed for development, progress, and social betterment, which is the avowed aspiration of the modern Arab renaissance. But when national survival itself is at stake, as I have tried earlier to explain, what choice are the Arabs left with?

I would like now to say a few words about the Israel plans to divert the waters of the river Jordan, sometime this year, because it is obviously a part of the overall issue of Palestine. I am sure you will readily agree with me that according to international law and practice the waters of a river may only be used for the irrigation of the river basin itself. What the Israelis are planning to do is to divert those waters unilaterally to an area several hundred miles away which has nothing to do with the Jordan watershed. They are planning to do so in order to bring in more immigrants and thereby increase the mortal danger which the Arabs already feel as a result of the existence of Israel. It is a prospect which we do not view lightly not only on account of its illegality, and the damage which it is already bringing to our farmers in the lower Jordan Valley but, equally importantly, because of its longrun threat to our national survival.

As for the political and the diplomatic realinements which have occurred and are still occurring in our part of the world, the hands of the Arabs are similarly being forced into courses of action which they might have otherwise not wished or chosen. And who is the beneficiary of all this? It is clearly not the United States of the free world, and the blame must be placed squarely upon a Zionist movement which evidently pays little heed to whatever happens provided it serves its ends.

Would the Jews benefit from a course of action which the Zionists claim is designed to serve them? I am firmly convinced that in the long run it would not, either in Palestine itself or in the countries throughout the world in which they reside and wish to continue to reside as good citizens.

As I said before the Arab world has no quarrel with those who profess one of the great religious faiths. On the contrary, the Arabs have for generations lived in amity with the Jews, and I need hardly remind my distinguished audience that during the bleakest periods when they were elsewhere subjected to persecution, it was the Arabs who gave them asylum and a place of dignity in their midst. After all we both belong to the same Semitic race.

It is clearly in the best interest of the adherents of the Jewish faith wherever they live to make a deep, soul-searching and, perhaps, an agonizing reappraisal of their attitude toward this whole problem of Zionism. For if they could only do that they would be able to make a far-reaching contribution toward solving a tragedy which threatens to engulf them and others in a senseless and ruthless calamity.

As for our American friends, I would merely urge that they have a new look at the tragedy of Palestine and its people, in harmony with their own great traditions of morality and legality, and make a true appraisal of their national and ideological interest in the area and, above all, the cause of world peace.

Thank you again, my good friends, for your warm hospitality and kindness and I sincerely look forward to welcoming you as our guests in Jordan—the Holy Land.

Thank you.

SUPREME COURT DECISION IN PRINCE EDWARD SCHOOL CASE

Mr. THURMOND. Mr. President, the decision of the Supreme Court in the Prince Edward School case handed down yesterday, marks another milestone in the long line of tortuous and inaccurate constitutional interpretations stemming from the original ruling in the Brown case of 1954. By ruling that Prince Edward County, Va., violated the equal protection clause of the 14th amendment to the Constitution by voluntarily closing down its public school system, the Court has contributed substantially to the already divisive effects of its original decision.

This decision transcends the bounds of legal logic and constitutional conformity to an extent difficult to imagine. In order to avoid a new trial on the merits of the question before a three-judge court, the Court first held that the matter involved only the single county, but in the end the decision seems to be applicable to all the counties of the State.

Mr. President, it must be remembered that all the public schools of the county were closed, not only the schools for colored children. Next, private schools were set up for the white children and were offered on the same basis to colored schoolchildren. Tuition grants in the same amount were available to all the schoolchildren of the county, not

only one class of them. There was equality of treatment and equal protection of the laws in every way possible.

Mr. President, the crux of the decision and that which is most to be dreaded is the language of the Court which reads as follows:

The district court may, if necessary to prevent further racial discrimination, require the supervisors to exercise the power that is theirs to levy taxes, to raise funds adequate to reopen, operate, and maintain without racial discrimination a public school system in Prince Edward County like that operated in other counties in Virginia.

The full import of this dictum needs to be carefully studied. By this one deft stroke of the pen, the Court has assumed upon itself a power previously reserved with the appropriate legislative body of the State. By this wording, the Court demands that taxes be levied and funds appropriated for a particular purpose. I know of no decision in the history of Anglo-Saxon jurisprudence which has usurped the prerogative and functions of the legislature to such a great extent.

NEGRO HEROES OF EMANCIPATION

Mr. JAVITS. Mr. President, I have before me a most interesting document, entitled "Negro Heroes of Emancipation," parts of which I hope will be of real interest to Senators, prepared by the National Association for the Advancement of Colored People. The booklet consists of biographies compiled by the association in connection with the yearlong observance in 1963 of the centennial of the Emancipation Proclamation. This booklet, which is beautifully illustrated with original drawings, is a fine contribution toward repairing the very substantial gap in most American's understanding of the role of the Negro in the history of our Nation. I ask unanimous consent that excerpts from the booklet be printed in the RECORD at this point in my remarks.

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

EXCERPTS FROM "NEGRO HEROES OF EMANCIPATION"

FOREWORD

This book is the unforeseen product of one of the activities conducted by the NAACP as part of its year-long observance of the centennial of the Emancipation Proclamation. Besides its nationwide essay contest among high school and junior high school students; besides the scores of meetings, rallies, and other commemorative activities undertaken by its branches throughout the country; and in addition to the monumental Negro history mural painting, "Our New Day Begun," which it commissioned, the association developed a weekly biographical series, "Heroes of Emancipation."

These biographical sketches were prepared and distributed as part of the association's regular press service to some 300 daily and weekly newspapers. There is no exact count of the number of newspapers which printed these narratives, but it is known to have been considerable, especially in the Negro press. The response to the biographies overwhelmingly justified the decision to undertake them and the many hours of research and writing which they demanded of Mildred Bond, who was their author. Expressions of appreciation and commendation were widespread, and a great many persons urged that we compile the series in a single volume for more general distribution. This we have done.

In publishing "Negro Heroes of Emancipation," we have again been fortunate in having at our disposal the rare talents of James I. DeLoache, the creator of "Our New Day Begun." Mr. DeLoache has illustrated the volume with original drawings which underscore the sense of excitement conveyed in the text. This has been a labor of love for Mr. DeLoache, who has had as a lifelong interest the visual depiction of the Negro's struggle for identity and achievement.

It is our hope that these biographies will inspire as well as inform; that they will reinforce for the knowledgeable, and engender for others that pride of heritage without which no people can aspire to greatness.

ROY WILKINS.

FEBRUARY, 1964.

BENJAMIN BANNEKER

Benjamin Banneker was born in Maryland in 1730, the grandson of an Englishwoman and an African. His grandmother, Molly Walsh, had come to America as an indentured servant, worked her time out, and bought a farm and two slaves. She had then freed the slaves and married one of them. Banneker's mother, Mary, was one of four children born to this union. His father was an African.

As a student at a county school in Maryland, young Banneker was given access to the large library of one George Ellicott. He mastered Latin and Greek, and gained a good working knowledge of German and French. One of the noted astronomers and mathematicians of his time, he also became the first American to make a clock. From 1792 to 1795 he published one of the earliest series of almanacs brought out in the United States. This publication was very much like Benjamin Franklin's "Poor Richard's Almanac." Banneker was appointed to the commission which surveyed and laid out Washington, D.C., the new Capital of the young Republic.

He boldly lashed out at the injustices of the age. In 1791 he wrote to Thomas Jefferson, reminding the author of the Declaration of Independence that words were one thing and slavery another. "Suffer me to recall to your mind that time, in which the arms of the British Crown were exerted, with every powerful effort, in order to reduce you to a state of servitude; look back, I entreat you * * * you were then impressed with proper ideas of the great violation of liberty * * * how pitiable it is to reflect that you should at the same time counteract His (the Father of Mankind) mercies, in detaining by fraud and violence, so numerous a part of my brethren under groaning captivity and cruel oppression, that you should at the same time be found guilty of that most criminal act, which you professedly detested in others."

Banneker's achievements made him so prominent that he was sought and received by some of the most famous and important men of the United States. Among these were James McHenry, once Vice President, and Thomas Jefferson, President of the United States. It was Jefferson who appointed Banneker to the commission that planned Washington. The case of Benjamin Banneker caused Jefferson to conclude that he was wrong in believing that "blacks * * * are inferior to the whites * * * ." He corresponded with Banneker regularly and wrote about him enthusiastically to the Marquis de Condorcet. "Perhaps," Jefferson concluded, 'their [the blacks] want of talent was after all only a result of their miserable circumstances."

Banneker, the devoted advocate of emancipation, was cited by many as proof of the equality of the races. He was thus regarded in America by the American antislavery leaders; in France; and in England by Pitt, by Wilberforce, and by Buxton. He died October 9, 1805, at the age of 75.

PHILLIS WHEATLEY

The first Negroes destined to win literary renown in America were Phillis Wheatley, Jupiter Hammond, and Gustavus Vassa. Phillis Wheatley was the most gifted and the most famous of the three. Every history of Negro America praises her talent and accomplishment.

At the age of 7, in 1761, Phillis Wheatley was kidnaped and brought from Senegal in a slave ship to Boston, where she was lucky enough to be purchased by John Wheatley, a prosperous tailor who trained her as a personal servant for his wife. As a result, Phillis quickly learned the English language and acquired the fundamentals of a classical education.

While still a child, she began writing remarkable verse. In an age in which few women—or men—read books, Phillis Wheatley wrote her first one when she was 20 years old. It was published in England, where she had been taken by her master's son because of her weak health. The book, "Poems on Various Subjects, Religious and Moral," was the first published volume by a Negro woman and the second by an American woman.

When George Washington was appointed Commander in Chief of the Continental Army, she celebrated the event in heroic couplets. Washington wrote her a letter dated February 28, 1776, in which he said, "Thank you for your polite notice of me * * * however undeserving I may be * * *. I would have published the poem, had I not been apprehensive that, while I only meant to give the world this new instance of your genius, I might have incurred the imputation of vanity." She subsequently visited General Washington and his staff and was warmly welcomed.

The antislavery societies published and sold "The Memoirs and Poems of Phillis Wheatley," which they used to illustrate the intellectual capacities of the Negro.

During her stay in London, Phillis was internationally acclaimed; but on her return to Boston, her fortunes began to decline. Following the death of her patroness, Susannah Wheatley, she married John Peters, a handsome colored grocer. The couple drifted from place to place, taking their two children with them. Phillis was finally reduced to earning her keep as a drudge in a cheap boarding house. Her two children died, and she separated from her husband before their third child was born. Although she had been considered a prodigy in her time, she died penniless in December, 1784, within a few hours of her third child.

Her reputation was kept alive by antislavery writers and publicists of succeeding decades, who well knew the symbolic value of an unmixed Negro slave girl from Africa who had displayed such literary talent, and who had been officially received and admired by no less a personage than Gen. George Washington.

JAMES FORTEN

The first and perhaps the greatest of the free Negro abolitionists was born in Philadelphia in 1766, and attended, until he was 10 years old, the school for colored children conducted by the Quaker abolitionist, Anthony Benezet. At 14, during the Revolutionary War, Forten joined the Navy as a drummer boy on Decatur's ship *Royal Lewis*. Later he was apprenticed to a sailmaker in Philadelphia. He subsequently became the owner of a sail loft, employing some 40 Negro and white men. Eventually, he amassed a fortune of more than $100,000.

Forten was a passionate foe of colonization. In 1814, together with Richard Allen and Absalom Jones, he raised a force of 2,500 Negro volunteers to protect the city

against the British. Like many of the white reformers and philanthropists of that era, he gave his time and wealth to a wide range of humanitarian causes. He was a major abolitionist angel. It was he who purchased enough subscriptions to enable William Lloyd Garrison to found the Liberator in 1831; and in 1834 he gave financial assistance to keep the paper going.

It was in the first issue of the Liberator that Garrison's famous editorial appeared: "I will be as harsh as truth, and as uncompromising as justice. On this subject—slavery—I do not wish to think, to speak, or write, with moderation. * * * Urge me not to use moderation in a cause like the present. I will not equivocate—I will not excuse—I will not retreat a single inch—and I will be heard."

When not crusading for temperance, peace, and women's rights, Forten worked as an organizer and wrote pamphlets for various campaigns for Negro progress. In 1831, in Philadelphia's African Methodist Episcopal Church, he presided over a meeting called to denounce the American Colonization Society. In that same year he was also responsible for assembling a national convention of free Negroes, the first of a far-reaching series, for the purpose of considering the plight of the Negro and planning for the social advancement of the race.

It is to Forten that historians credit the conversions of William Lloyd Garrison and Theodore Dwight Weld to belief in racial equality—two conversions which might well be considered the most important events in the antislavery crusade.

Forten, as a militant champion of Negro rights, played an important role in the shaping of our American tradition. At the age of 58, in the year 1842, he died in Philadelphia.

HEROES OF REBELLION

The argument that the Negro is innately docile and that he has always felt secure under white ownership is not borne out by history. On the contrary, the story of American slavery is a violent one, repeatedly punctuated by thwarted insurrections and bloody rebellions. In fact, some historians see the white man's old and choking fear of the violence he knew to be smoldering in the Negro breast as the basis of the tortured Negro-white relationship that exists in America today.

Counting only those uprisings involving at least 10 Negroes and then mentioned by a contemporary source, Herbert Aptheker has enumerated no fewer than 250 Negro revolts in this country. In his book "American Negro Slave Revolts," Aptheker traces the history of these uprisings back as far as 1526, when an insurrection occurred in the area now called South Carolina. He goes on to describe others, through the New York City rebellion of 1712 and the 1730 Negro plot in Virginia that prompted the Lieutenant Governor of that State to advise whites to arm themselves—even in church.

During the 17th century, fear of the Negro had been rampant among American slaveholders, and with the flood of revolutionary sentiments loosed by the American and French Revolutions in the 18th century, the situation worsened. After long years of harsh repression, years when any Negro was subject to whipping, burning, hanging, or shooting by any gang of whites, the close of the 18th century found an atmosphere ripe for explosion.

What was perhaps the igniting spark came in Haiti, where the rebellion led by an ex-slave named Toussaint L'Ouverture was so successful that by 1801 the entire island was under black domination. Though Toussaint was eventually captured and killed, his feat became legendary, and was apparently the flicker from which flamed the three most famous insurrections in the history of American slavery—the uprisings of Gabriel Prosser (1800), Denmark Vesey (1822), and Nat Turner (1831).

JOHN B. RUSSWURM

By 1860 the total population of the United States was 31,500,000. Of this number, slightly more than 14 percent, or about 4,500,000, were Negroes including nearly half a million free persons of color. A significant number of the Negroes could read as well as speak intelligently. These were the people for whom the pioneer Negro journalists wrote. Generally, their literature criticized the proslavery groups as well as the American Colonization Society and vigorously denounced the proponents of slavery.

Of this group of writers, John B. Russwurm was one of the most prominent. He was born in Jamaica, West Indies, October 1799, of a white American father and a native Jamaican mother. When the elder Russwurm moved to the United States, he sent his son to Canada. To conceal their relationship, he renamed him John Brown; but when he later married, his wife, who was white, insisted that the boy be taken into the family. Russwurm was educated in Canada and at Bowdoin College, where, in 1826, he became the United States first Negro college graduate. In March 1827 he established this country's first Negro newspaper, Freedom's Journal, which he renamed Rights of All in March 1828.

Russwurm was a stanch advocate of immediate emancipation, and the columns of Rights of All were used as a forum for the antislavery societies. Bold headlines proclaimed the various meetings of free Negroes held throughout the North to denounce the enemies of the antislavery movement. For 4 years Rights of All presented the program of the Negro in America in opposition to colonization. However, about 1830, Russwurm began to advocate colonization, and his paper carried a biography of Paul Cuffee, shipowner of Massachusetts, a colonizationist who had taken 30 Negroes to Sierra Leone. It was at this point that Russwurm's advocacy of colonization destroyed his influence among the Negroes. He subsequently joined the colonizationists and went to Liberia to become the first superintendent of schools there. For a time, he served as governor of the independent province of Maryland before it became a part of Liberia. Russwurm died June 17, 1851, at the age of 52.

FREDERICK DOUGLASS

"The noblest slave that ever God set free," as Douglass was called by W. E. B. DuBois, was born Frederick Augustus Washington Baily.

Douglass, the foremost of the Negro abolitionists, described his beginnings in the opening pages of his "Narrative": "In Talbot County, Eastern Shore, State of Maryland, near Easton, I, without any fault of my own, was born, and spent the first years of my childhood * * *. I suppose myself to have been born in February 1817 * * *. My only recollections of my mother are a few hasty visits in the night on foot * * * of my father, I knew nothing. I hardly became a thinking thing when I first learned to hate slavery."

As a boy of 10, Frederick had learned to read a little from his mistress—until her husband angrily interfered. In his early teens he taught at a little country Sunday school until white men broke it up, warning him not to "try to be another Nat Turner." Fred's master sent him for taming to a man who enjoyed the reputation of being "a first rate hand at breaking young Negroes." The first week under Covey, he was flogged so severely that he bore forever the scars upon his back. By resisting subsequent beatings, Frederick found that "when a slave cannot be flogged, he is more than half free."

On September 8, 1838, at the age of 21, Frederick escaped to New York disguised as a sailor. He married a free Negro girl and moved to New Bedford, Mass., where William C. Coffin, the abolitionist, heard him speak. Coffin invited Frederick to tell his story at an antislavery convention in 1841. When he finished, Garrison cried, "Have we been listening to a thing, a piece of property or a man?" The crowd answered "A man. A man." From that day, Frederick Douglass became a public figure. He toured with Collins, Garrison, and Phillips. He was attacked by mobs in Boston, Harrisburg, and Indiana. Enroute to Europe in 1845, some Southerners threatened to throw Douglass overboard for a speech he made aboard ship. He lectured in England for 2 years not only on slavery but also on women's suffrage. While there, he raised enough money to purchase his freedom and establish a newspaper on his return to the United States.

In 1847, in Rochester, Douglass founded the North Star. Its slogan was "Right is of no sex—truth is of no color—God is the Father of us all, and all we are Brethren." Douglass later changed the name of the paper to Frederick Douglass' Paper.

Douglass believed that he and other black abolitionists could make positive contributions by being activists in the antislavery movement. He said that "the man who has suffered the wrong is the man to demand redress * * * the man who has endured the cruel pangs of slavery, is the man to advocate liberty." His famous Fourth of July speech is an excellent illustration of the passion and brilliance he brought to the antislavery cause. Speaking in Rochester, N.Y., July 5 1852, he asked, "What, to the American slave, is your Fourth of July? To him, your celebration is a sham, your boasted liberty, an unholy license; your national greatness, swelling vanity; you invite to your own shores fugitives from abroad; but the fugitives from your own land you advertise, hurt, arrest, shoot and kill."

Week after week, in the crucial decades before the Civil War, Douglass traveled up and down, preaching, warning, and pleading. Long before Lincoln saw it, Douglass said the war couldn't be fought or ended without coming to grips with the problem of the Negro.

After emancipation, Douglass turned his mind to reconstruction. He demanded ballots and land for the freedmen. In 1883, he denounced the Negro's "so called emancipation as a stupendous fraud. America abandoned the Negro, left him an outcast man—in law, free; in fact, a slave." In this period he became an elder statesman. He was named marshal of the District of Columbia and Minister of Haiti; but he continued to press claims of Negroes. His battle cry was "Agitate. Agitate."

In February, 1895, the "noblest slave" died at Anacostia Heights, Washington, D.C.

HARRIET TUBMAN

The most famous Negro guide for the underground railroad was Harriet Tubman, who was called "the Moses of her people." John Brown once introduced her to Wendall Phillips as "one of the best and bravest persons on this continent." She was born a slave in Maryland about 1820, 1 of 11 children. She escaped in 1849 and was not heard from by her Maryland friends for over a year. Then one night in 1850, a cabin door in Maryland swung open, and a startled slave jumped to his feet. There in the doorway stood a woman who cried, "It's me, Harriet. It's time to go North." Thus began her heroic underground railroad journeys. She made 19 excursions into the slave States and led 300 slaves to freedom. She accomplished this remarkable feat as much by careful planning as by courage. She always started on Saturday night in order to be well on her way before an alarm could be sounded. Her trips back to Maryland were made only after she had saved enough money out of her

own wages to help finance them. She threatened to kill any fugitive who wanted to turn back; none ever did. In this way she avoided publicity and detection. When Harriet realized that the new Fugitive Slave Act meant that her charges actually were not safe even when she delivered them to Chester or Philadelphia, she decided to take them as far as Canada. By 1852 slaveholders were offering a total of $40,000 for her capture, dead or alive. Harriet Tubman became famous in the North as well, and was often called upon to appear at large meetings. Leaders like Garrison and even William Henry Seward, later Lincoln's Secretary of State, honored her with their friendship. Seward said of her, "a nobler higher spirit, or a truer, seldom dwells in human form." This magnificent escaped slave was perhaps the greatest conductor on the underground railroad. An abolitionist organizer, and a friend of John Brown, she also served throughout the Civil War, first as a nurse and then "as commander of several men who were scouts * * * under directions and orders of Edwin M. Stanton, Secretary of War, and of several generals." Harriet Tubman continued to work for the rights of Negroes until her death in 1913.

THE BLACK SOLDIER IN THE CIVIL WAR

"To everything there is a season, and a time to every purpose under the heaven:

"A time to be born, and a time to die; a time to plant, and a time to pluck up that which is planted; a time to kill, and a time to to heal; a time to break down, and a time to build up; a time to love, and a time to hate; a time of war, and a time of peace."

To the millions of slaves and black freemen living in America in 1862, these prophetic words of Ecclesiastes were suddenly a ringing truth. The time had come to make a choice—a choice that was not only to shape the destiny of the black man but also that of the Union. Following the fall of Fort Sumter, Lincoln issued a call for all men who loved the Union. Both blacks and whites rallied to this call. They drilled and formed military units like the Hannibal Guards of Pittsburgh, the Crispus Attucks Guards of Albany, Ohio, and similar groups in New York, Philadelphia, and Boston. The Lincoln administration, however, thanked these volunteers and sent them home, indicating that this was a "white man's war."

During the summer of 1862, though, as the tide of war began to go against the Union, three generals, without waiting for official approval, began organizing Negro regiments. David Hunter set up the first South Carolina Volunteers, and Jim Lane organized the first Kansas Colored Volunteers. In New Orleans, Ben Butler took over an organized regiment of 1,400 free Negroes which was to become the 1st Louisiana Native Guards, the very first Negro regiment to receive official recognition in the Union Army. On September 22, 5 days after the Battle of Antietam, Lincoln notified the South that all slaves would be freed on January 1, 1863. By the end of 1863, there were an estimated 50,000 black soldiers in Union ranks. Despite the fact that they were not accepted as equals, that they were offered monthly pay of $7 when their white comrades were receiving $13, black soldiers joined the war vigorously, fighting, before it was over, in over 400 battles, including Port Hudson, Milliken's Bend, Fort Wagner, Poison Spring, Nashville, Tupelo, Petersburg, and Richmond. In many instances, Negro soldiers who were captured as prisoners of war were sold into slavery. At Fort Pillow, Tenn., some 300 black soldiers, women, and children were murdered by General Forrest's rebel troops after the fort had surrendered. Some were nailed to logs and burned; others were buried alive.

Author Lerone Bennett relates that black soldiers deported themselves brilliantly during the summer of 1863. "At Port Hudson, an important Confederate fort commanding a stretch of Mississippi River, and at Fort Wagner commanding Charles Harbor these troops made seven of the most gallant charges of the war. Six times the 1st and 3d Louisiana Native Guards assaulted the fortifications of Port Hudson, only to be finally repulsed bacause of lack of support." It was during this battle that Capt. Andre Cailloux was conspicuous for his bravery. After his left arm was shattered by a bullet, he remained on the field and rallied his men for a final charge. "As he sprinted across the field," writes Bennett, "his voice could be heard above the thunder of battle." In English he shouted, "Follow me," and in French, "Suivez-moi." He fell mortally wounded some 50 yards from the fort.

The black soldiers were equally courageous at Fort Wagner, under the leadership of their white officer, Col. Robert Gould Shaw. Shaw had led his black troops across a half mile of sandy terrain where they engaged in a desperate last-ditch struggle with the defenders. During this battle, Shaw and a black sergeant who fought beside him were mortally wounded at the same time.

Ten days after the Port Hudson assault, during the first week of June, 1863, 2,000 Texans attacked the Union fort at Milliken's Bend, about 20 miles north of Vicksburg. The fort was held by a thousand soldiers, about 840 of whom were black. As the Texans advanced on the fort, they murdered the black soldiers they had captured. Enraged by these atrocities, the blacks rallied on the banks of the river and—with the last-minute assistance of a Union gunboat—black and white soldiers stood toe to toe and as they ran out of bullets, clubbed each other with musket butts and stabbed with bayonets; finally, the white Texans broke and fled. Thus, was the fort at Milliken's Bend saved.

Later, in 1864, when Ulysses S. Grant crossed the Rapidan River and began his bloody duel with Lee, a Negro division was with him. At the same time, Ben Butler marched on Richmond; accompanying him were some 5,000 black foot soldiers and 1,600 black cavalrymen. On June 15, Grant sent Gen. W. F. Smith to make an attack on Petersburg. The Negro division which spearheaded this attack opened a mile-wide hole in the Petersburg defenses, and captured 7 guns and 200 prisoners. Grant subsequently settled down for the 10-month siege which ended with the fall of Richmond and Petersburg in April, 1865. About 34 black regiments participated in this famous siege, and were prominent in the Battle of the Crater, and the battles at Darbytown Road, Fair Oaks, Deep Bottom, Hatcher's Run, New Market Heights, and Fort Gilmer. The 2d Division of the all-Negro 25th Corps was one of the Union divisions which chased Lee's army from Petersburg to Appomattox Courthouse. By the war's end, approximately 186,000 black soldiers had served in the Civil War.

With the surrender of Joseph Johnston and the defeat of Lee, black soldiers and civilians had something to cheer about. The Emancipation Proclamation and the 13th amendment gave meaning and reality to the freedom they had so long dreamed of. In the words of Ecclesiastes, it was "a time to laugh * * * a time to dance * * * a time to get, and a time to lose; a time to keep, and a time to cast away."

Mr. JAVITS. Mr. President, I hope that the excerpts which Senators read in the RECORD will interest them sufficiently to encourage them to obtain copies of the booklet itself. It will, I am sure, impress them with the beauty of its preparation, the strength of the personalities thereby revealed, the general pride shown by the Negroes of our country in their struggles to advance, and what their advance means to all our people and to all mankind. I think perhaps the last-mentioned is indeed the most significant of all the feelings engendered by this beautiful and interesting booklet.

TARGET FOR PITCHMEN: THE ELDERLY

Mr. HART. Mr. President, many Members of the Senate and many Members of the House are concerned about protection of the consumer. We are considering many new proposals to help customers get full information about products sold to them in the often bewildering marketplace of a great industrial nation.

Older Americans, in particular, should have the facts they need, in order to make important decisions. Many have worked for years for pensions or other forms of fixed income, only to discover in retirement years that even the wise planning of many years can be upset by a catastrophic illness or other unexpected expense. They have special reason for seeking full value from every dollar.

And yet, thanks to the investigations and hearings launched within recent months by a subcommittee of the Senate Special Committee on Aging, we now discover that the elderly in this Nation have become the special target of ruthless schemers, quacks, promoters of worthless products, and others who sell worthless services or products.

The subcommittee chairman, the Senator from New Jersey [Mr. WILLIAMS], has said the elderly have become the No. 1 target of "salesmen of sorrow and loss." His Subcommittee on Frauds and Misrepresentations affecting the elderly has already heard from dozens of witnesses who have given information on such subjects as health frauds and quackery, deceptive practices in the sale of health insurance, and mail-order land sales.

Through all this, the Senator from New Jersey and the other members of the subcommittee have tried to distinguish between reputable firms and shady firms. But they have also tried to show clearly that schemers are making a big business out of bilking the elderly.

The Senator from New Jersey and the other members of the subcommittee are performing a valuable service to the Nation by sounding this warning; and I should like to help them express that warning by asking unanimous consent to have printed in the RECORD an article from the May 17 issue of the Newark, N.J., Star-Ledger. It gives a good summary of the work done thus far by the subcommittee.

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

[From the Newark (N.J.) Star-Ledger, May 17, 1964]

TARGET: 600,000 JERSEYITES—SALESMEN OF SORROW ZERO IN ON THE ELDERLY

(NOTE.—Senator HARRISON A. WILLIAMS, Democrat, of New Jersey, is chairman of a Senate subcommittee now investigating frauds and misleading practices affecting the

elderly. The subcommittee has held hearings this year in San Francisco and in Washington, D.C., on health frauds and quackery. This month in Washington other witnesses described inaccuracies in some health insurance sales pitches. In this article, written especially for the Star-Ledger, the Senator describes the subcommittee objectives.)

(By Senator H. A. WILLIAMS, JR.)

WASHINGTON.—Watch out for slippery sales pitches aimed directly at the elderly.

Testimony now piling up in Washington indicates that heartless schemers—salesmen of sorrow and loss—have zeroed in on men and women past retirement age.

They're not playing for small stakes. In New Jersey alone, at least 600,000 persons are now past 65. Throughout the Nation 18 million persons in the same age group have a total buying power of from $36 to $38 billion.

MOST SKIMP

This is a big and growing market, even though individuals in that market often have only the bare essentials of life. Most of them need every cent they have.

But the Senate subcommittee on frauds and misrepresentations affecting the elderly has disheartening evidence that bilking the elderly has become big business.

More than that, it will almost certainly become bigger as the number of elderly increases—unless, that is, Americans spot the danger and head it off.

To help increase public awareness of the seriousness of the problem, the subcommittee I mentioned before has already held four hearings this year.

CHECK LAND SALES

Tomorrow we begin hearings on interstate mail order land sales. Witnesses will come from the West, Southwest, and East to tell about the bad—and the good—that results from the sale of retirement or investment sites in remote parts of distant States.

In this investigation, as in all the others, we're going to distinguish between the reputable dealer and the shady promoter who lives just within, as well as outside, the letter of the law.

Sometimes the distinction is easy to make. Take quacks, for example.

Usually they make offers that no reputable practitioner would make, and usually they claim that they have a "secret" cure. Always, their cost is high.

DEPEND ON HOPE

But people in pain want relief and the hope of cure. The quack or the peddler of phony "health products" or devices is prepared to cash in on that hope.

Arthritis is one of the most painful of ailments and there are 400,000 sufferers in New Jersey alone. At our hearings on quackery and health frauds a few weeks ago, we heard from two of them.

Their experiences—long and heartbreaking bouts with practitioners who promised everything and delivered nothing at all—should be read by anyone who is tempted by the glib claims of the unscrupulous.

FACTS FORGOTTEN

Sometimes, however a buyer is misled, not by distorted facts, but by the omission of facts. Earlier this month, at hearings on tactics used to sell health insurance, we learned that many elderly people do not know what is in policies sold to them by shady companies.

Several witnesses told us that policies were canceled, when needed most, because of a clause called "preexisting illness." This restriction, they said, had not been explained to them by anyone. And it would take a trained insurance analyst to understand the technical language used in some of the policies.

WIDE FIELD OPEN

How can protection be given in such cases? Usually, we can depend upon the reputation of the seller. Most health insurance firms honestly try to explain what they're selling. But many of the elderly have turned to tricky policies of fly-by-night companies simply because they can't afford the cost of adequate coverage.

The subcommittee has a wide field of inquiry. In the next 2 months we hope to look into investment and "career opportunities" schemes, as well as sharp practices in the sale or repair of hearing aids. We may have other announcements, too, in the near future.

But even though our field is varied, one common theme is taking shape. It's becoming more and more obvious, I think, that more regulation may be needed, but it is not the final answer.

Better consumer education programs, as well as a higher degree of public awareness, are essential, too.

Once the morality of the marketplace was summed up in just two words, "caveat emptor." The buyer, and no one else, had to look after the buyer's interests.

We've come a long way since then. Our food is almost always safe to eat; our weights and measures are generally accurate and we have volumes full of regulations about advertising and labeling.

With all that, "caveat emptor" has not yet disappeared. The difference now is sometimes that the huckster uses the law itself to help him. He finds ways to live up to inadequate laws while he violates the spirit of those laws.

More and more the key word for real protection in today's marketplace is morality—morality of the seller and the expectation of moral treatment by the buyer.

Until we reach that happy state of affairs, the subcommittee will have to be content to present the facts to the public.

If the buyer must beware, he should know of what to be wary. We're trying to give him that warning.

RECESS TO TOMORROW, AT NOON

Mr. HART. Mr. President, if there is no further business to come before the Senate at this time, I move that the Senate now stand in recess, under the order previously entered, until 12 o'clock noon, tomorrow.

The motion was agreed to; and (at 5 o'clock and 1 minute p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Wednesday, May 27, 1964, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 26 (legislative day of March 30), 1964:

POSTMASTERS

ALABAMA

Samuel W. Whitehead, Rogersville.
Janet F. Blackburn, Russellville.
William H. Davis, Vina.

ALASKA

William P. Koso, King Cove.

ARKANSAS

Edward T. Billingsley, Melbourne.
Buddy E. Hughey, Ratcliff.

CALIFORNIA

William P. Robinson, Rio Vista.
Elmer F. Porini, Smithflat.
Merlyn R. Smith, Tahoe Valley.
Thomas H. Theobald, Tujunga.
Eugene W. Hammack, Windsor.
John L. Woods, Yuba City.

CONNECTICUT

Joseph F. Glynn, Clinton.
William J. O'Brien, Taftville.
Theresa A. Morway, Thompson.

FLORIDA

Donald J. Stroup, Reddick.

GEORGIA

George W. Camp, Atlanta.
Pearl O. Hester, Conley.
Calvin A. Barfield, Jr., Douglasville.
Michael S. Dowling, Hoboken.
Jack W. Winn, McRae.
James L. Cline, Waleska.

IDAHO

Carol J. Nitz, Elk City.

INDIANA

Howard L. Ring, Anderson.
Herschel R. Ell, Cory.
Gerald N. Wilhems, Hartford City.
Raymond L. Hopwood, Memphis.
Gordon N. Strange, Plainville.
Wayne M. Renbarger, Sweetsers.
Lloyd S. Schafer, Winchester.

IOWA

Merland E. Buttolph, Bennett.
Rollis G. Jensen, Denver.
Earl F. McGrane, Ionia.
James M. Kennedy, Le Mars.
Dale W. Erickson, Lorimor.
Eugene K. Hamilton, Morning Sun.
Eugene A. McCarville, Perry.

KANSAS

Donald C. Ratcliff, Belle Plaine.
Harold E. Good, Wellsville.

KENTUCKY

Anna F. Farris, Clermont.
Samuel B. Norfleet, Jr., Nancy.
William A. Miller, Shelbyville.

MAINE

John C. Hayman, Danforth.
Clayton M. Dolloff, Mount Vernon.

MARYLAND

Francis J. Woodard, Chase.
John S. Parsons, Pittsville.

MASSACHUSETTS

Mildred E. Hazel, Harvard.
John E. Connor, Leominster.
Raymond L. Merrigan, North Adams.
Ann S. Hammatt, South Orleans.

MICHIGAN

Otto A. Hausler, Boyne Falls.
Lawrence J. Hunt, Howard City.
John A. Liberacki, Unionville.
Harry J. Herman, Weidman.

MINNESOTA

James J. Root, Donnelly.
Jeanette M. Lindeman, Stanchfield.
Ward K. Anderson, Wahkon.

MISSISSIPPI

E. Broughton Henderson, Jr., Greenville.

MISSOURI

Charles A. Bagby, Arbyrd.
John G. Schieber, Conception.
Donald A. Downing, Edina.
Robert E. Hahn, Flat River.
Kenneth J. Thuli, Morrison.
Russell L. Joiner, Trenton.

MONTANA

Philip E. Pings, Augusta.
Clayton R. Miars, Forsyth.
Helen L. Lucier, Frenchtown.
Mabel C. Beers, Judith Gap.

NEBRASKA

Owen Ted Borders, Gordon.

NEVADA

Myra A. Dinius, Gabbs.
Georgia E. Dunham, Mina.

NEW JERSEY

Edward J. Phipps, Chatham.
H. Pearl Hinshaw, Long Valley.

NEW YORK

Francis L. Marshall, Clayton.
Louise E. Seville, Congers.
Robert L. Callahan, Cooperstown.
George W. Stevens, Hobart.
Henry C. Schreiber, Long Island City.
George J. Posner, Mamaroneck.
Gary C. Babjeck, Philmont.
William A. Potskowski, Port Henry.
Timothy D. Sullivan, Scarsdale.
Herbert Strumpf, Selkirk.
Margaret B. Forbes, Smithtown.
James F. Murray, Valatie.

NORTH CAROLINA

Madeline S. Forrester, Bear Creek.
Roy B. Tucker, Marshville.
Jacob M. Nifong, Pfafftown.

NORTH DAKOTA

Stephen J. Urie, Cogswell.

OHIO

William T. Duke, Akron.
James P. Hanacek, Northfield.

OKLAHOMA

Donald R. Kardokus, Eakly.
Donald L. McKinney, Inola.
Sexson C. Longest, Ringling.
Parks E. Harlan, Spiro.

OREGON

Norman D. Baker, Port Orford.
Jesse C. Edington, Sisters.

PENNSYLVANIA

Harry D. Hess, Bangor.
Edward W. Snyder, Beach Lake.
Donald P. Fischer, Bethlehem.
John A. Reph, Jr., Danielsville.
Joseph Windish, Jr., Denver.
Robert K. Tabler, Echo Lake.
Martin T. Brittingham, Jr., Exton.
E. Glenn Kauffman, Gap.
Byron D. Cooper, Johnstown.
Harry R. Collins, McDonald.
Marian A. MacDonough, Marshalls Creek.
Luther D. Clewell, Nazareth.
Ernest W. Parsons, Pen Argyl.
Chester L. Shirk, Rothsville.
Glenn C. Boote, Swiftwater.
James L. Roney, Unionville.

SOUTH DAKOTA

Orval J. Lambertz, Canistota.

TENNESSEE

Mary K. Roberts, Counce.
William A. Barger, Huntington.
James E. Steadman, Mascot.
S. Jesse Simpson, Jr., Sweetwater.

TEXAS

Rosale M. Trammell, Big Wells.
Milton L. Routt, Chappell Hill.
Craft Harrison, Copperas Cove.
Jack P. Humphries, Edinburg.
Robert E. M. Gilbert, Harlingen.
Clairene R. Dunn, Highlands.
Dixie S. Odom, Karnack.
Samuel T. Toney, La Vernia.
Ora A. Smith, Wellman.

VERMONT

Donald J. Willcox, Peacham.

VIRGINIA

LeRoy Davis, Hallwood.
Conway F. Allen, Norge.
Mary S. Thaxton, Roseland.
Myrtle V. MacGregor, Stafford.
Warner R. Hargis, Jr., Tasley.

VIRGIN ISLANDS

Rupert A. Williams, Kingshill.

WASHINGTON

Bryce R. McNeely, Kelso.
Clyde M. Brown, Orcas.
Corrine J. Wilcox, Tokeland.

WEST VIRGINIA

A. Alvin Farmer, Bolt.
Phillip B. Jordan, Keyser.
Harry F. Weaver, Paw Paw.

Lois E. Skaggs, Victor.
Carl B. Miller, Winfield.

WISCONSIN

Jack E. Brown, Hager City.
Louis W. DeMark, Racine.
Joseph F. Strahan, Saukville.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 26, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

II Timothy 21: 19: *Nevertheless the foundation of God standeth sure.*

Eternal God, we are again turning unto Thee, conscious of our many needed blessings, but encouraged by every gracious invitation in Thy Holy Word and constrained by that love from which nothing can ever separate us.

Grant that in these times of tremendous social and economic upheavals and of strained international relationships, our moral and spiritual ideals may remain unshaken, for if these foundations are destroyed what can the righteous do?

May we be eager to extend and widen the horizon of understanding and sympathy and have a larger share in establishing the spirit of good will among all mankind.

Inspire us to engage in those great cooperative adventures and enterprises in which all the nations shall have an abundant opportunity for self-initiative and self-development.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

COMMUNICATION FROM THE KING OF GREECE

The SPEAKER laid before the House the following communication from the King of Greece:

THE ROYAL PALACE,
Athens, April 25, 1964.

Mr. Speaker, I was deeply moved by the unanimous resolution of the U.S. Congress of March 9, 1964, on the occasion of the death of the late King Paul, my beloved father.

The generous words of praise for my beloved father coming from such a noble and representative body were greatly heartening to us all.

Please accept and convey to the honorable Members of the House of Representatives the heartfelt thanks of Queen Frederika and myself, as well as those of my people.

CONSTANTINE R.

SPECIAL COMMITTEE ON HOUSING OF THE PUBLIC WORKS COMMITTEE

Mr. DAVIS of Tennessee. Mr. Speaker, I ask unanimous consent that the Special Committee on Housing of the Committee on Public Works may hold hearings on the so-called Appalachian bill and be permitted to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DECISIONS OF THE SECRETARY OF THE INTERIOR WITH REFERENCE TO THE LOWER COLORADO RIVER

Mr. UTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UTT. Mr. Speaker, the events of recent weeks on the lower Colorado River dramatically highlight the water crisis that faces the Pacific Southwest. On May 11, Secretary Udall made the difficult decision to resume filling operations at Glen Canyon Dam, even though it meant seriously reducing storage at Lake Mead downstream to the minimum level at which power can be efficiently generated at that installation. Later in the week, on May 16, he ordered a 10-percent reduction of all Colorado River deliveries to users in Arizona, California, and Nevada. Thus, the impending water crisis in the Southwest which we have long talked about but refused to face up to is on us, and decisive action is urgently needed.

There is a general consensus that the solution must come through a regional approach rather than on the piecemeal project-by-project approach of the past. However, agreement is still lacking on the specific structure of a regional plan, and Secretary Udall is seeking to reach a consensus on the essential elements of a regional plan before the administration makes any final decisions in this critical area.

The bill I am introducing today would authorize the kind of regional approach which all of the lower basin States could support. The proposal is sponsored by the 6 California public agencies which serve 9 million southern Californians with Colorado River water. It would utilize the basic components of the Interior Department's plan of January 1964, modified, however, to expand the scope of the water importation aspects of the plan and to afford protection to existing uses in Arizona, California, and Nevada against newly authorized projects until such time as the imported water is actually available to users in the basin. It affords an unprecedented opportunity to supersede the old wars on the Colorado with new cooperative efforts toward meaningful regional development.

SUPREME COURT DECISION ON THE PRINCE EDWARD SCHOOL CASE

Mr. ABBITT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.