2172. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report to the House of Representatives pursuant to 10 U.S.C. 2304(e), listing certain required information with respect to contracts made by the National Aeronautics and Space Administration under 10 U.S.C. 2304(a) (11) (16); to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee on the Judiciary. Report on State taxation of interstate commerce (Rept. No. 1480). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 628. An act to amend the District of Columbia Redevelopment Act of 1945; with amendment (Rept. No. 1481). Referred to the Committee of the Whole House on the State of the Union.

Mr. ELLIOTT: Committee on Rules. House Resolution 781. Resolution for consideration of H.R. 8954, a bill to amend section 409 of title 37, United States Code, to authorize the transportation of house trailers and mobile dwellings of members of the uniformed services within the continental United States, within Alaska, or between the continental United States and Alaska, and for other purposes; without amendment (Rept. No. 1482). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 782. Resolution for consideration of H.R. 9124, a bill to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes; without amendment (Rept. No. 1483). Referred to the House Calendar.

Mr. ELLIOTT: Committee on Rules. House Resolution 783. Resolution for consideration of H.R. 10314, a bill to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes; without amendment (Rept. No. 1484). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 784. Resolution for consideration of H.R. 10322, a bill to extend the provisions of the act of August 11, 1959, Public Law 86–155, as amended (74 Stat. 396) to provide improved opportunity for promotion for certain officers in the naval service; without amendment (Rept. No. 1485). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 785. Resolution for consideration of H.R. 11579, a bill making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes; without amendment (Rept. No. 1486). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BECKWORTH:

H.R. 11592. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. BENNETT of Michigan:

H.R. 11593. A bill to provide for the issuance of a special coin honoring the copper country of Michigan; to the Committee on Banking and Currency.

By Mr. COHELAN:

H.R. 11594. A bill to authorize the Secretary of the Navy to convey to the State of California certain lands in the county of Monterey, State of California, in exchange for certain other lands; to the Committee on Armed Services.

H.R. 11595. A bill to establish a National Commission on Automation and Technological Progress; to the Committee on Education and Labor.

By Mr. FULTON of Pennsylvania:

H.R. 11596. A bill 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; to the Committee on Post Office and Civil Service.

By Mr. GRANT:

H.R. 11597. A bill to provide micronaire readings of cotton; to the Committee on Agriculture.

By Mr. HALPERN:

H.R. 11598. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

H.R. 11599. A bill to provide that tips received by an employee in the course of his employment shall be included as part of his wages for old-age, survivors, and disability insurance purposes; to the Committee on Ways and Means.

By Mr. SCHADEBERG:

H.R. 11600. A bill relating to the tariff treatment of parts designed for use or chiefly used in agricultural or horticultural implements or in tractors suitable for agricultural use; to the Committee on Ways and Means.

By Mr. ABELE:

H.R. 11601. A bill to protect American Indians from the flooding of their lands by any department or agency of the United States before suitable provision has been made for their relocation; to the Committee on Interior and Insular Affairs.

By Mr. COHELAN:

H.R. 11602, a bill to authorize and direct the conveyance of certain property in the county of San Diego to the regents of the University of California; to the Committee on Government Operations.

By Mr. CRAMER:

H.R. 11603. A bill to amend the Immigration and Nationality Act to authorize, in the national interest, restrictions on travel by nationals of the United States in certain designated areas of the world; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 11604. A bill to authorize and direct the conveyance of certain property in the city of San Diego to the regents of the University of California; to the Committee on Government Operations.

By Mr. SHEPPARD:

H. Con. Res. 313. Concurrent resolution to endorse the concept of World Farm Center; to the Committee on Agriculture.

By Mr. UTT:

H. Res. 780. Resolution to inquire into the financial or business interests of any present or former Member, officer, or employee of the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of Louisiana, memorializing the President and the Congress of the United States to preserve the Atchafalaya River Basin from destruction by the U.S. Corps of Engineers, which was referred to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LENNON:

H.R. 11605. A bill for the relief of Pola Bodenstein; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 11606. A bill for the relief Christine Johnson (also known as Christine Cayenne); to the Committee on the Judiciary.

By Mr. PRICE:

H.R. 11607. A bill for the relief of Antoni Stanislaw Blicharski; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 11608. A bill for the relief of Jozefa Pietka; to the Committee on the Judiciary.

By Mr. RIVERS of South Carolina:

H.R. 11609. A bill to authorize the Secretary of the Navy to convey real property of the United States to the Navy-Marine Resident Foundation, Inc., as a site for a permanent home or resident foundation, to be known as Vinson Hall; to the Committee on Armed Services.

By Mr. TOLL:

H.R. 11610. A bill for the relief of Harry J. Alker, Jr., and the estate of Alfred A. DuBan, deceased; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

925. By the SPEAKER: Petition of Stanley P. Budrys, secretary, Racine branch, Lithuanian American Council, Inc., Racine, Wis., relative to the Soviet Union occupying, by force of arms, the countries of Estonia, Latvia, and Lithuania, and thereby depriving them of their independence; to the Committee on Foreign Affairs.

926. Also, petition of Marchant D. Wornom, executive vice president, Virginia Bankers Association, Richmond, Va., relative to requesting that the officers of the Federal Government, the Members of Congress, and the judiciary are admonished to leave to the States the powers reserved to them under the 10th amendment, whether or not the States choose to exercise them, because the election of the States not to do so is not in itself tantamount to the granting of new powers to the Federal Government; and because the system of Federal subsidies to States, localities, and individuals is wrong in principle, no new subsidy programs should be established, and others should be reduced from time to time so that the Federal Government's deficits may be ended, and its expenditures reduced to a point where the income tax as a source of revenue will not be further abused; to the Committee on the Judiciary.

927. Also, petition of Henry Stoner, Avon Park, Fla., requesting Congress to appropriate adequate funds to restore Alaska to its recent prequake status; to the Committee on Appropriations.

928. Also, petition of Henry Stoner, Avon Park, Fla., requesting Congress never to consider an amendment to the U.S. Constitution which exempts or cuts out Congress in the process of amending the U.S. Constitution; this would be a vicious proposal and delete Congress from the amendment process; to the Committee on the Judiciary.

SENATE

MONDAY, JUNE 15, 1964

(Legislative day of Monday, March 30, 1964)

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

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

Our Father who revealest Thyself to us in all that is pure, and true, and lovely: we beseech Thee to help us make our hearts and minds the fitting audience chambers for Thy presence.

Give us the courage in all things to be masters of ourselves that we may be the servants of all. In meeting grave issues, growing out of the failures of our own democracy, and out of the human problems of the world so largely in the chains of bondage, reveal to us what is wrong with ourselves. Make us vividly conscious that we cannot meet and conquer prejudice, hatred, and rampant self-seeking at home, and aggression abroad, with material weapons only; but that our own hearts must be the homes of love and purity and honesty, if we are to become Thy instruments for transforming the world to Thy radiant purpose for all mankind.

In these crucial and creative days enable Thy servants here in posts of high public office to perform faithfully and well what Thou dost require, even to do justly, to love mercy, and to walk humbly with Thee, our God.

In the dear Redeemer's name we ask it. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, June 13, 1964, was dispensed with.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour for not to exceed 30 minutes, and that statements therein be limited to 3 minutes.

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

ORDER FOR RECESS TO 11 A.M., TUESDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock on Tuesday morning.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

ISSUANCE OF GUARANTEES BY THE EXPORT-IMPORT BANK IN CONNECTION WITH THE SALE OF U.S. PRODUCTS AND SERVICES TO RUMANIA

A communication from the President of the United States, informing the Senate that he had determined that it is in the national interest for the Export-Import Bank to issue guarantees in connection with the sale of U.S. products and services to Rumania; to the Committee on Appropriations.

REPORT ON CONTRACTS NEGOTIATED FOR EXPERIMENTAL, DEVELOPMENT, OR RESEARCH WORK

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., transmitting, pursuant to law, a report on contracts negotiated by that Administration for experimental, development, or research work, for the 6-month period ended June 30, 1963 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

REPORT ON REVIEW OF VOLUNTARY AGREEMENTS AND PROGRAMS

A letter from the Attorney General, transmitting, pursuant to law, a report on review of voluntary agreements and programs, as of May 9, 1964 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON INADEQUATE RELOCATION ASSISTANCE TO FAMILIES DISPLACED FROM CERTAIN URBAN RENEWAL PROJECTS IN KANSAS AND MISSOURI

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on inadequate relocation assistance to families displaced from certain urban renewal projects in Kansas and Missouri, administered by Fort Worth regional office, Housing and Home Finance Agency, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS TO THE GOVERNMENT IN LEASING OF ELECTRONIC DATA PROCESSING SYSTEMS BY AEROJET-GENERAL CORP.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs to the Government in the leasing of electronic data processing systems by Aerojet-General Corp., Sacramento, Calif., Department of Defense, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Public Works:

"HOUSE CONCURRENT RESOLUTION 14

"Concurrent resolution memorializing the Congress of the United States to preserve the Atchafalaya River Basin from destruction by the U.S. Corps of Engineers

"Whereas the Atchafalaya River Basin is comprised of some thirteen hundred square miles of unique, irreplaceable wildlife habitat in Louisiana and is a scenic, semiwilderness area without parallel in the production of fish and game; and

"Whereas the Atchafalaya Basin is the last of its kind in Louisiana or anywhere else and is one of the finest sport fishing, boating, hunting, commercial fishing, crawfishing, crabbing, trapping, and turtle catching areas in the Nation; and

"Whereas the overflow of the Atchafalaya River onto the floodplains is almost an annual occurrence which stimulates and is ideal for the production of fish and animal life; and

"Whereas the U.S. Corps of Engineers intends to end the annual inundation which has, throughout recorded history, made this bottomland one of the most interesting and productive in the world and in so doing has failed to give consideration to wildlife and recreation in the Atchafalaya Basin in pursuing its flood project; and

"Whereas a comprehensive plan for the development of the Atchafalaya Basin could be prepared which could equally benefit fish, wildlife, recreation, and the need for flood control and failure to provide and adopt such a program would be of great disadvantage, and would cause great economic and recreation loss to the citizens of Louisiana and the United States: Therefore be it

"Resolved by the House of Representatives of the Legislature of Louisiana (the Senate thereof concurring herein), That the Congress of the United States is hereby memorialized to adopt a fair Federal policy by requiring the U.S. Corps of Engineers to investigate thoroughly every conceivable alternative which could accomplish a multipurpose development of the Atchafalaya Basin for flood control, navigation, hunting, fishing, boating, and other forms of recreation and economic advantage without destroying the irreplaceable natural resources of this unique area; and be it further

"Resolved, That the members of the Louisiana delegation in Congress are hereby urged and requested to take appropriate action to accomplish the above and to do all things in their power to achieve the preservation of the Atchafalaya Basin in its present state; and be it further

"Resolved, That a copy of this resolution shall be sent to the President of the United States, to the presiding officers of each House of the U.S. Congress, and to each member of the Louisiana delegation in the Congress of the United States.

"VAIL M. DELANEY,
"Speaker of the House of Representatives.
"C. C. AYCOCK,
"Lieutenant Governor and President of the Senate."

A resolution adopted at the annual convention of the Virginia Bankers Association, relating to States rights; to the Committee on the Judiciary.

A resolution adopted at the annual meeting of the New York Conference of the United Church of Christ, at Albany, N.Y., relating to racial justice; ordered to lie on the table.

The memorial of Mrs. Kathatine Hayden Salter, of Madison, Wis., remonstrating against the enactment of the so-called civil rights bill; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McINTYRE, from the Committee on Banking and Currency, without amendment:

H.R. 8230. An act to amend section 24 of the Federal Reserve Act (12 U.S.C. 371) to

liberalize the conditions of loans by national banks on forest tracts (Rept. No. 1077).

By Mr. BEALL, from the Committee on Commerce, without amendment:

S. 2318. A bill to amend the joint resolution approved August 20, 1958, granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety (Rept. No. 1079).

FEDERAL CREDIT UNION ACT AMENDMENTS—REPORT OF A COMMITTEE — SUPPLEMENTAL VIEWS (S. REPT. NO. 1078)

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report favorably, without amendment, the bill (H.R. 8459) to amend the Federal Credit Union Act to allow Federal credit unions greater flexibility in their organization and operations, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the supplemental views of the Senator from Illinois [Mr. DOUGLAS].

The PRESIDING OFFICER (Mr. INOUYE in the chair). The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Alabama.

BILLS INTRODUCED

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

By Mr. DOMINICK (for himself, Mr. ALLOTT, and Mr. CURTIS):

S. 2914. A bill to exempt from taxation certain property of the United Supreme Council, 33°, Ancient and Accepted Scottish Rite of Freemasonry, southern jurisdiction—Prince Hall Affiliation; to the Committee on the District of Columbia.

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

By Mr. ALLOTT (for himself, Mr. ANDERSON, Mr. BENNETT, Mr. DOMINICK, Mr. MCGEE, Mr. MECHEM, Mr. Moss, and Mr. SIMPSON):

S. 2915. A bill to provide for the transfer of receipts of the Colorado River Development Fund to the Upper Colorado River Basin Fund, commencing with fiscal year 1967 and as long thereafter as necessary to reimburse said basin fund for its contributions to Hoover Dam powerplant deficiencies; to the Committee on Interior and Insular Affairs.

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

By Mr. KUCHEL:

S. 2916. A bill to authorize and direct the conveyance of certain property in the city of San Diego to the regents of the University of California; to the Committee on Government Operations.

By Mr. CANNON:

S. 2917. A bill to reduce the size of the Desert Game Range, Nevada; to the Committee on Commerce.

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

EXEMPTION FROM TAXATION OF CERTAIN MASONIC PROPERTY IN THE DISTRICT OF COLUMBIA

Mr. DOMINICK. Mr. President, recently the United Supreme Council of the 33° Masonic Order, southern jurisdiction—Prince Hall, has received from the Federal Internal Revenue Service an exemption from Federal income taxes. This group is now in the process of trying to construct a building, at a cost of $500,000 or $600,000, here in Washington, D.C.

Despite the fact that it has received an exemption from Federal income tax and that contributions to the organization have been ruled deductible, the District Commissioners are nevertheless reluctant to give them an exemption from District real estate taxes. The 33° Supreme Council spends all its funds for charitable purposes.

One of the numerous activities consists of integral scholarship program operating in 22 States and numerous communities.

Funds of the council are also expended to the following organizations: March of Dimes, Metropolitan Police Boys Club, American Red Cross, distribution of Thanksgiving baskets in 22 States and 75 communities, distribution of gifts to needy for Christmas in 22 States and 75 communities, National Tuberculosis Association, educational scholarships, homes for the aged, Boy and Girl Scout organizations, National Association for the Advancement of Colored People, the Urban League, National Association for the Study of Negro Life and History, United Givers Fund, and the United Negro College Fund.

By virtue of the situation in which they find themselves, they have requested me to introduce a bill. I am happy to do so. I send a bill to the desk for the exemption from the District of Columbia real estate taxation of certain property which they now own. The bill is cosponsored by my colleague, the senior Senator from Colorado [Mr. ALLOTT], and the Senator from Nebraska [Mr. CURTIS].

Mr. President, I ask that the bill be referred to the appropriate committee. I further ask that, prior to that action, the bill be held at the desk, as I feel there will be several Senators who would like to cosponsor the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie at the desk as requested.

Mr. DOMINICK. I request that it be held for the remainder of this calendar week.

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

The bill (S. 2914) to exempt from taxation certain property of the United Supreme Council, 33°, Ancient and Accepted Scottish Rite of Freemasonry, southern jurisdiction—Prince Hall affiliation, introduced by Mr. DOMINICK (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the District of Columbia.

HOOVER DAM POWERPLANT DEFICIENCIES

Mr. ALLOTT. Mr. President—

The wise man of Miletus thus declared: "The first of things is water."

We of the West know only too well the truth of Pythagoras' statement.

On May 11 of this year, the Secretary of the Interior announced the closing of the gates at Glen Canyon Dam in Arizona, marking the termination of the misappropriation of Colorado River water belonging to the Upper Colorado River Basin. This was indeed welcome news to the upper basin States and their delegations, which had fought vigorously to halt the further unlawful depletion of upper basin resources.

But, the Colorado River water thus preserved for the upper basin is being used by the Secretary to wash down a bitter pill. On May 11, the Secretary also announced his intention to charge the upper basin fund with the cost of furnishing deficiency power to the Hoover Dam power contractors. However, the Secretary failed to indicate the source of this claimed authority, and I have been unable to find any law granting him the authority to make such an arbitrary decision.

If the upper basin were withholding water beyond its legal entitlement, there might be some basis for the charge to the upper basin in equity, if not in law. But, the upper basin has already delivered to the lower basin nearly 20 million acre-feet of water in excess of its legal obligation under the Colorado River compact. What kind of justice would require the upper basin to pay for the privilege of keeping what lawfully belongs to it?

Mr. President, I send to the desk for Senators ANDERSON, BENNETT, DOMINICK, MCGEE, MECHEM, Moss, SIMPSON, and myself, a bill which is designed to help relieve the upper basin of this oppressive and unlawful burden, and ask that it be appropriately referred, and ask unanimous consent it be printed at the conclusion of my remarks. Mr. President, it gives me great pleasure to announce that the sponsors of this bill represent virtually the entire upper basin.

The effect of this bill is to charge the Hoover Dam power deficiencies to the special fund established by the Boulder Canyon Project Act entitled "Colorado River development fund," into which $500,000 per year is transferred from the Colorado River dam fund. The Colorado River development fund is presently authorized to be used for the "investigation and construction of projects" in the Colorado River Basin, including both the upper basin and the lower basin. I believe that this approach is both reasonable and equitable to all concerned; and, it is the hope of all of its sponsors that it will receive early and favorable consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2915) to provide for the transfer of receipts of the Colorado River development fund to the Upper Colorado River Basin fund, commencing with fiscal year 1967 and as long thereafter as necessary to reimburse said basin fund for its contributions to Hoover Dam powerplant deficiencies, introduced by Mr. ALLOTT (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(d) of the Boulder Canyon Project Adjustment Act, as amended (43 U.S.C., sec. 618a (d)), is hereby further amended to read as follows:

"(d) Transfer, subject to the provisions of section 3, hereof, from the Colorado River Dam Fund to a special fund in the Treasury, hereby established and designated the 'Colorado River development fund', of the sum of $500,000 for the year of operation ending May 31, 1938, and the like sum of $500,000 for each year of operation thereafter, until the purposes specified in this section 2(d) are accomplished. The transfer of the said sum of $500,000 for each year of operation shall be made on or before July 31 next following the close of the year of operation for which it is made: *Provided,* That any such transfer for any year of operation which shall have ended at the time this section 2 (d) shall become effective shall be made, without interest, from revenues received in the Colorado River Dam Fund, as expeditiously as administration of this Act will permit, and without readvances from the general funds of the Treasury. Receipts of the Colorado River Development Fund for the years of operation ending in 1938, 1939, and 1940 (or in the event of reduced receipts during any of said years, due to adjustments under section 3 hereof, then the first receipts of said fund up to $1,500,000), are authorized to be appropriated only for the continuation and extension, under the direction of the Secretary, of studies and investigations by the Bureau of Reclamation for the formulation of a comprehensive plan for the utilization of waters of the Colorado River system for irrigation, electrical power, and other purposes, in the States of the upper division and the States of the lower division, including studies of quantity and quality of water and all other relevant factors. The next such receipts up to and including the receipts for the year of operation ending in 1955 are authorized to be appropriated only for the investigation and construction of projects for such utilization in and equitably distributed among the four States of the upper division: *Provided, however,* That in view of distributions heretofore made, and in order to expedite the development and utilization of water projects within all of the States of the upper division, the distribution of such funds for use in the fiscal years 1949 to 1955, inclusive, shall be on a basis which is as nearly equal as practicable. Such receipts for the years of operation ending in 1956 to 1966, inclusive, are authorized to be appropriated for the investigation and construction of projects for such utilization in and equitably distributed among the States of the upper division and the States of the lower division. The terms 'Colorado River system', 'States of the upper division', and 'States of the lower division' as so used shall have the respective meanings defined in the Colorado River compact mentioned in the Project Act. Such projects shall be only such as are found by the Secretary to be physically feasible, economically justified, and consistent with such formulation of a comprehensive plan. Nothing in this Act shall be construed so as to prevent the authorization and construction of any such projects prior to the completion of said plan of comprehensive development; nor shall this Act be construed as affecting the right of any State to proceed independently of this Act or its provisions with the investigation or construction of any project or projects. Receipts of the Colorado River Development Fund for the year of operation ending in 1967, and for so many years thereafter as is necessary to accomplish the purposes hereinafter described, are authorized to be appropriated and transferred under the direction and control of the Secretary to the Upper Colorado River Basin Fund of the Colorado River Storage Project Act (70 Stat. 105), for the sole purpose of reimbursing that fund for all losses heretofore or hereafter occasioned to it by reason of allowances made to the Hoover Dam powerplant for deficiencies in firm energy generation at that powerplant, as such deficiencies are defined in the document entitled 'General Principles To Govern, and Operating Criteria for, Glen Canyon Reservoir (Lake Powell) and Lake Mead During the Lake Powell Filling Period', approved by the Secretary of the Interior on April 2, 1962 (27 F.R. 6851). The reimbursement to the Upper Colorado River Basin Fund shall include all monies expended from that fund, either directly or indirectly, for the accomplishment of such Hoover Dam powerplant deficiency allowances, and the value to the Basin Fund of any electrical energy delivered to satisfy Hoover Dam deficiencies which would otherwise have accrued to the credit of said Basin Fund, together with interest thereon at the rate charged to the reimbursable costs of Glen Canyon Dam, it being the purpose of this section to reimburse the Upper Colorado River Basin Fund to the full extent as though no Hoover Dam powerplant deficiencies had ever been assessed in the first instance. Transfers under this section 2(d) shall be deemed contractual obligations of the United States, subject to the provisions of section 3 of this Act."

REDEFINING THE DESERT GAME RANGE

Mr. CANNON. Mr. President, I send to the desk, for appropriate reference, a bill to revise the boundaries of the desert game range in southern Nevada.

This area was set aside by Executive order in 1936 to preserve and allow for the development of certain species of wildlife which are common to our great Western area. It is jointly administered by the Bureau of Land Management and the Fish and Wildlife Service.

At the time the desert game range was established it was unknown what acreage might be needed and since the State was so sparsely developed it was apparently deemed advisable to include every possible acre which might have any potential for wildlife habitat. The acreage set aside was considerably larger than the entire State of Rhode Island, amounting to over 2 million acres. This bill would reduce the size by about one-third, but I would point out that the reduced acreage would still give each Big Horn sheep over 200 acres on which to graze.

In almost 30 years of administration it has become possible to delineate the portions of the range which are actually utilized by the desert game and it therefore seems advisable at this time to redraw the boundaries to more realistically serve the function for which the game range was first established.

In addition to these reasons for a reduction in the size is the more important reason that the recreational demands have been increasing geometrically as the population of southern Nevada has expanded and as those residents have acquired more income and more leisure time for recreational use.

May I cite the following figures to emphasize the need in southern Nevada for expanded recreational development. At the time the desert game range was established, the population of Clark County in which most of the range is located was about 12,000. At the close of 1963 the county population had increased to 230,000. Needless to say every possible recreational site must be carefully preserved since the anticipated growth is equally as phenomenal as was past expansion.

In proposing a realinement of the boundaries, I have taken into consideration the location of the habitat of the estimated 6,000 Big Horn sheep which represent by far the predominate wildlife within the game range. I have not disturbed any of the other existing uses of the area. The acreage which my proposal would exclude leaves the function of the game range unimpaired but at the same time would return to the open public domain those sites with most potential for recreational development. As a matter of fact, the Nevada State office of the Bureau of Land Management has just completed a detailed survey of the area and has suggested a course of resource use and recreational development.

The unparalleled population explosion in southern Nevada requires that this legislation be labeled "urgent" and that expeditious action be taken to develop long-range planning for recreational use.

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

The bill (S. 2917) to reduce the size of the desert game range, Nevada, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on Commerce.

EXTENSION OF TIME DURING WHICH FEDERAL PAYMENTS MAY BE MADE FOR FOSTER CARE OF CERTAIN CHILDREN—AMENDMENT (AMENDMENT NO. 1054)

Mr. RIBICOFF submitted an amendment, intended to be proposed by him, to the bill (H.R. 10473) to extend the period during which Federal payments may be made for foster care in child-care in-

stitutions under the program of aid to families with dependent children under title IV of the Social Security Act, which was referred to the Committee on Finance and ordered to be printed.

VISIT BY ROCKY MOUNTAIN COLLEGE CONCERT CHOIR, BILLINGS, MONT.

Mr. MANSFIELD. Mr. President, I know it is against the rules of the Senate for Senators to give recognition to any particular group; but I feel as a Montanan, I would be remiss if, on behalf of the distinguished Acting President pro tempore, the junior Senator from Montana [Mr. METCALF], and myself, I did not take note of the fact that one of the outstanding choral groups of the Northwest, from Rocky Mountain College, a fine liberal arts institution in Billings, Mont., is at this moment in the Senate Gallery, and will shortly be meeting with the Montana Senators.

They have earned a splendid reputation during their tour, which began on the first of this month, shortly before the floods occurred in Montana; and they have been a most important asset to our State. We are very proud, indeed, of them.

THE MONTANA FLOODS

Mr. MANSFIELD. Mr. President, on Sunday, June 14, in company with Mr. Edward McDermott, Director of the Office of Emergency Planning, I left Washington at 3 a.m., Montana time, and arrived at Malmstrom Air Force Base, at Great Falls, at 8:30 a.m., and returned to the capital at 10 p.m. the same day.

During our stay in Montana we were able to cover seven counties east of the Continental Divide, and to inspect the flood damage in that part of my State. Due to the limitation on time, it was not possible to get west of the Divide to the Flathead and the Clark Fork Counties, but we were able to get firsthand reports of the damage which had been inflicted by the floods there. Col. George Budway, the commanding officer at the Malmstrom Air Force Base, placed at our disposal a helicopter under the command of Lt. Col. Thomas Beavers. It was by this means that we were able to see the terrible effects of the flood—the worst in Montana's history—at Southwest Great Falls, Vaughn, Choteau, Augusta, Birch Creek, Two Medicine, East Glacier, Holy Family Mission, Valier, Conrad, and all points between.

The aftermath of the floods, which began a week ago today, were awesome indeed. Mr. McDermott and I met with the Federal, State, county, and local officials; and we were impressed with the high degree of cooperation displayed, and, most especially, with the dedication to duty of the officers and men at Malmstrom Air Force Base. They saved and rescued hundreds of stranded people, through the use of thirteen helicopters assigned to Malmstrom; and they did so in close cooperation with the Montana Pilots Association, which operated light planes out of Cut Bank, Mont. We were also impressed by the come-back spirit of Montanans, who now are devoting themselves to the job of cleaning up and going forward. There was no defeatism on their part, but there was a recognition of the fact that there was a job to be done and that they would do it. They may have been down temporarily; but they were not out, nor do they intend to be.

I express my thanks to President Lyndon B. Johnson for his personal and continued interest in the Montana disaster; for sending his No. 1 disaster expert, Mr. Edward McDermott, to Montana; and for placing at our disposal a Presidential jet star, to enable us to undertake a survey between sessions of the Senate.

It is interesting to note that the big dams at Hungry Horse, Tiber, Canyon Ferry, and Holter played an extremely important part in controlling the water flow in their reservoirs, and thereby lessening the flood damage. Had these dams not been in operation, the disaster would have been far greater than has been the case.

I am happy to report that Secretary Udall; Philleo Nash, of the Bureau of Indian Affairs; and Floyd E. Dominy, of the Bureau of Reclamation, all went to Montana to survey the damage on the Blackfeet Reservation and the reclamation projects in the area affected.

The Montana State Highway Commission and the Bureau of Public Roads are putting forth extraordinary efforts to restore bridges, wherever possible; to rebuild bridges, where necessary; and also to restore and rebuild roads, as well.

There has been the utmost cooperation among the full Montana congressional delegation in doing all we can to be of assistance at this time; and there has been full cooperation between the delegation, the Federal Government, Gov. Tim Babcock, Acting Gov. Dave Manning, while he was in that office, and Generals Kendall and Foster, of the Montana National Guard. The Army Corps of Engineers was, as usual, alert to the needs and necessities of the situation; and Colonel St. Clair informs me that the Corps of Engineers is prepared to undertake a survey of the Sun River, for which it has $30,000 available. He also states that more funds would be needed to undertake this survey.

I asked him if he would, at his earliest convenience, let me know, through the corps, how much more would be needed, and assured him I would do my utmost, in cooperation with the rest of the Montana delegation, to get the funds required.

The ACTING PRESIDENT pro tempore. Under the morning-hour limitation, the time available to the Senator from Montana has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. MANSFIELD. Mr. President, I also discussed with the appropriate officials a flood-protection plan which had been submitted for the protection of the city of Great Falls by the Corps of Engineers in June of 1956. This project was authorized by the 1958 Flood Control Act. Twice in the last 11 years Sun River floods have hit Great Falls, and the losses have been very much in excess of $1 million, when the final figures are counted up. The Army Engineers estimated that the original flood control project would cost $2,750,000, of which $1,900,000 would be in Federal funds. Great Falls' share of the cost, and this would be for easements and rights of way, would have been under $900,000. I would hope that in view of what has happened, because of the rampage of the Sun River, the past week, this project could be revived; and to that end I am taking it up with the Senate Public Works Committee, and am asking that it immediately look into this matter.

Mr. President, despite the damage Montana has suffered, the State is still open, the highways will be repaired, and we do not want any of those who have been intending to visit Montana to detour because of the floods. We would like to have them come to Montana. The latch string is out to them; and they will find that Montana is all they anticipated, if not a little bit more.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD briefs prepared, at my request, by various Federal agencies, including the Department of Defense; and also excerpts from Montana newspapers, and correspondence I have had with various individuals and agencies downtown.

There being no objection, the briefs, excerpts, and letters were ordered to be printed in the RECORD, as follows:

SUMMARY OF ACTIONS TAKEN BY FEDERAL AGENCIES

I. OFFICE OF EMERGENCY PLANNING

As soon as news was received regarding a flood condition in Montana, the regional director, OEP, departed for the State. He consulted with Governor Babcock and the State officials and explained the operations of Public Law 875. Contact was made with the Federal agencies, and requests for damage assessments were made to the appropriate agencies. Due to disaster conditions in Alaska, a request was made to other regions for additional personnel. These personnel arrived Thursday, June 11. Emergency offices were set up at Great Falls and Kalispell. County officials from all affected counties have been contacted, and the Public Law 875 has been explained. Emergency health protective measures under Public Law 875 have been authorized by the regional director.

II. CORPS OF ENGINEERS

Under their own statutory authority, the corps has carried out flood fight measures, including river forecasting. This forecasting provided a warning period in many areas. OEP has requested the Omaha district of the corps to provide general damage figures east of the divide. These first rough-cut figures

will be available June 14. The Seattle district of the corps is carrying out similar functions west of the divide and damage figures in that area are expected about the same date. The Omaha district has been requested to remove health hazards, certified by the State, from Birch Creek. They are now conducting that service. At the request of OEP, the corps is assisting local communities to arrive at firm damage figures. The corps is also providing technical engineering assistance to local communities.

III. DEPARTMENT OF AGRICULTURE

Under their own statutory authority, USDA is prepared to assist individual farmers regarding rehabilitation of their property, including authorized financial assistance. The State and local agriculture disaster boards have met to survey agricultural damages and plan appropriate actions. County officials from affected counties have been briefed by USDA personnel regarding available USDA assistance. At the request of OEP, USDA has provided damage estimates on farm property.

IV. BUREAU OF PUBLIC ROADS

BPR is assisting the State highway department on repairing the Federal aid system. They have also briefed county officials on BPR's program and at the request of OEP are working with local officials to provide damage estimates and technical assistance on road repairs of the Federal aid system. It is expected that BPR will have a rough cut figure on road damage on or about June 14.

V. BUREAU OF RECLAMATION

Under their own statutory authority the Bureau of Reclamation has prepared damage estimates on their own irrigation projects. OEP has requested they conduct damage estimates on public irrigation facilities outside their jurisdiction (local irrigation districts). These are now being prepared. OEP has also informed the Bureau of Reclamation that they may be requested to assist local irrigation districts in repairs, if the proper resolution is passed by the local entity.

VI. PUBLIC HEALTH SERVICE

The Public Health Service has assigned two engineers to the disaster area. They are meeting with local officials on health and sanitation problems. DHEW will provide technical assistance to these local entities as well as carrying out repairs within their own jurisdiction.

VII. SMALL BUSINESS ADMINISTRATION

SBA has established an emergency loan office in Great Falls and may establish another in Kalispell. SBA officials have briefed county officials on their program.

VIII. BUREAU OF INDIAN AFFAIRS

BIA is providing assistance to the Indians located on Indian reservations.

IX. U.S. AIR FORCE

The Air Force provided tremendous emergency support, including rescue of many citizens. They also provided materials and equipment to meet emergency needs. The saving of many lives can be attributed to USAF.

X. RED CROSS

Although not a Federal agency, it should be mentioned that the Red Cross is doing an excellent job caring for those in need as a result of the flood.

341ST STRATEGIC MISSILE WING,
Malmstrom Air Force Base, Mont.,
June 14, 1964.

Memo to Senator MANSFIELD:

Upon general notification and awareness of the potential flood conditions in northwestern and central Montana, Brig. Gen. Lawrence S. Lightner, commander, 341st Strategic Missile Wing, Malmstrom Air Force Base, activated the Base Disaster Control Center at 2 p.m., Monday, June 8, 1964. The overall operation of the center was under the supervision of Col. George Budway, base commander, and Lt. Col. Harold C. Wise, vice base commander, Malmstrom Air Force Base.

True yeoman service was accomplished by the 341st Strategic Missile Wing Helicopter Section under Lt. Col. Thomas Beavers and his 13 assigned helicopters. Colonel Beavers personally rescued the largest share of the 194 Montanans rescued during the 3-day operation. Included in Colonel Beavers' "saves" were 11 people by hoisting them off their perch into the helicopter. One of these was an 81-year-old priest from the Browning area where he was working with the Blackfeet Nation.

Additionally, the fixed wing aircraft from Malmstrom were used to spot people for the helicopters to rescue. They also observed and reported danger areas to the disaster center for relay to the local civil defense agency in Great Falls. Additionally, they performed airlift of food, clothing, telephone equipment, generators and other miscellaneous cargo throughout the disaster area. All of the aircrews, ground crews, and support personnel put many hours of work and effort into the overall operation.

In the Great Falls area, Malmstrom Air Force Base assisted local civil defense agency and provided assistance in the evacuation of 112 families and their personal belongings from the disaster area. In addition air police provided security for personal belongings and controlled access to the flooded areas. The true extent of assistance cannot be calculated accurately as many Air Force personnel voluntarily offered their services and assistance outside the established organization. Further, the base hospital, transportation squadron, air police, supply activities, food service personnel, family services, Red Cross volunteers, and many other base agencies made extra special contributions to the flood disaster. The details of these contributions are attached.

341ST STRATEGIC MISSILE WING,
Malmstrom Air Force Base, Mont.,
June 14, 1964.

Summary of air operations

HELICOPTERS

Date	Missions	Rescued	Passengers	Cargo
Monday, June 8, 1964	1	9	0	0
Tuesday, June 9, 1964	24	185	0	0
Wednesday, June 10, 1964	12	12	27	7,700
Thursday, June 11, 1964	9	36	20	6,965
Friday, June 12, 1964	4	10	40	0
Total	50	252	87	14,665

NOTE.—Type helicopter used: CH-3C, CH-3B, H-43B, H-19, UH-1B (1 mission).
(2 H-43B helicopters stationed at Glasgow Air Force Base and assigned to Western Air Rescue Service (MATS) also assisted.)

FIXED-WING AIRCRAFT

Date	Missions	Passengers	Cargo
Monday, June 8, 1964	0	0	0
Tuesday, June 9, 1964	25	27	19,300
Wednesday, June 10, 1964	13	18	29,300
Thursday, June 11, 1964	3	0	15,000
Friday, June 12, 1964	3	0	7,000
Total	44	35	70,600

NOTE.—Type aircraft used: C-123, C-47, T-33, U-6A, U-3A (2 C-123's from Hamilton AFB assisted in cargo movement).

Surface operations

EMERGENCY ISSUES IN SUPPORT OF FLOOD RELIEF (JUNE 8–10, 1964)

Item	Quantity	Destination
Sleeping bags	497	Choteau.
Blankets	200	West Junior High.
Do	300	Browning.
Do	173	Choteau.
GI cots	50	West Junior High.
Mattresses	166	Do.
In-flight rations	4,200 meals	Choteau.
Mae Wests	75	Great Falls.
Flashlights	30	Do.
Flashlight cases, batteries.	4	Do.
Recreation boats and motors.	8	Do.

SUPPORT OF FLOOD RELIEF (JUNE 8–10, 1964)

Item	Quantity	Destination
Sandbags (filled and empty).	4,200	Great Falls area.
Shovels	100	Do.
Personnel (plus aircrews).	748	Do.
Vehicles (various types) (432 dispatches).	32	Do.
Security guards	58	Do.
Medicine units (tyhoid serum).	8,000	Cut Bank-Browning area.

LIST OF KNOWN VERIFIED DEAD, JUNE 14, 1964

GLACIER COUNTY

1. Craighton, Stanford, 32, Cardston, Alta.
2. Williams, Ivan, 48, St. Mary's.
3. Grant, Rose, 84, Two Medicine Creek.
4. Grant, Robert, Jr., 3, Two Medicine Creek.
5. Guardipee, Alvin Merle, 3, Two Medicine Creek.
6. Guardipee, Elaine, Two Medicine Creek.
7. Guardipee, Keith, 13, Two Medicine Creek.
8. Colbell, Galea, 13, Two Medicine Creek.
9. Guardipee, Terry Lee, 2, Two Medicine Creek.

PONDERA

1. Bradley, Peggy, 10, Upper Birch Creek.
2. Thomas, Jerry Wayne, 4, Upper Birch Creek.

MISSING OR PRESUMED DEAD

1. Newbreast, Sam, Upper Birch Creek.
2. Newbreast, Ethel (wife), Upper Birch Creek.
3. Newbreast, Patricia, 3, Upper Birch Creek.
4. Lauffer, Ernest, 58, Upper Birch Creek.
5. Hall, Mrs. Tom, Jr., Upper Birch Creek.
6. Hall, Tom, 12, Upper Birch Creek.
7. Marjorie, 10 (Hall), Upper Birch Creek.
8. Martha, 8 (Hall), Upper Birch Creek.
9. Cathy, 6 (Hall), Upper Birch Creek.
10. Hall, Marlyn, 4, Upper Birch Creek.
11. Hall, Edward, 2, Upper Birch Creek.
12. Hall, Jody, 1, Upper Birch Creek.
13. Hanline, Joe, Upper Birch Creek.
14. Oberlock, Ralph, Upper Birch Creek.
15. Thekson, Bean, Upper Birch Creek.
16. Arnous, Linda, Blackfeet Reservation, Upper Birch Creek.
17. Long Time Sleeping, Lorraine, Two Medicine Creek.
18. Duckhead, George, Big Badger Creek.
19. Duckhead, Mrs. George, Big Badger.
20. Evans, Aloysious, Home Lake.
21. England, Gilbert.
22. Happy Tatsy.
23. Hall, Patrick Stinky.
24. Lewis, the Bob Lewis family, 5 people.
25. George Found Gean's Mother.
26. Westfield, Joe, Augusta.

Disaster flood of June 1964, northwestern Montana—Summary of community damages in 7-county disaster area within U.S. Army Engineer district, Omaha

County	Basin	Community	Estimated damage in thousands of dollars			County	Basin	Community	Estimated damage in thousands of dollars		
			Public	Private	Total				Public	Private	Total
Glacier	Milk River	St. Mary	10.0	260.0	270.0	Cascade	Sun River	Great Falls	[1] 2,650.0	4,600.0	7,250.0
Do	do	Babb	0	0	0	Do	do	"Big Sky Vista"	33.0	226.0	259.0
Do	Marias River	Browning	15.0	25.0	40.0	Do	do	Sun River	0	276.0	276.0
Do	do	Kiowa	0	0	0	Do	do	Fort Shaw	0	0	0
Do	do	East Glacier	65.0	5.0	70.0	Do	do	Simms	0	0	0
Do	do	Two Medicine	0	50.0	50.0	Do	Belt Creek	Belt	25.0	0	25.0
Do	do	Indian Village	0	20.0	20.0	Do	do	Raynesford	0	4.0	4.0
Total			90.0	360.0	450.0	Total			2,708.0	5,106.0	7,814.0
Toole	Maris River	Shelby	127.0	88.0	215.0						
						Chouteau	Missouri River	Loma	.2	.3	.5
Pondera	do	Dupuyer	0	6.0	6.0	Do	do	Fort Benton	.3	.2	.5
Do	do	Walier	0	0	0						
Do	do	Conrad	0	9.0	9.0	Total			.5	.5	1.0
						Lewis and Clark	Sun River	Augusta	0	55.0	55.0
Total			0	15.0	15.0						
Teton	Teton River	Choteau	120.0	910.0	1,030.0	Grand total			3,045.5	6,446.5	9,580.0

[1] Entire disaster estimate for Montana Power, Montana State Telephone, Great Northern RR., and Cascade County surveyor amounted to $1,700,000.

Estimate of damages sustained by disastrous June 1964 flood in northwestern Montana

[In thousands of dollars]

Damage item		Cascade County	Chouteau County	Glacier County	Lewis and Clark County	Pondera County	Teton County	Toole County
Communities:								
Public		2,708.0	0.5	90.0	0	0	120	127.0
Private		5,106.0	.5	360.0	55	15	910	88.0
Rural (USDA):								
Buildings		750.0	50.0	166.0	50	250	500	130.5
Livestock		87.5	24.0	25.0	3	100	100	33.5
Crops		400.0	76.0	35.0	10	75	500	8.9
Livestock feed		200.0	5.0	10.0	5	25	100	59.0
Machinery, tools, etc		500.0	5.0	210.0	15	100	400	64.5
Household goods		150.0	5.0	30.0	2	30	500	29.5
Cars and trucks		0	0	0	0	0	200	0
Farm roads and bridges		0	0	30.0	0	0	500	0
Loss of productivity because of lack of water on irrigated crops		0	0	240.0	0	0	0	0
ASC (includes irrigation)		2,195.0	378.5	75.5	50	487	711	96.0
County roads bridge		500.0	500.0	700.0	100	1,000	1,600	100.0
Indian roads and bridge			0	750.0		0	0	
Other damage		380.0	0	3,025.0	60	0	0	135.0
State highway	$3,000,000							
Railroads	2,000,000							
Total, flood		12,976.5	1,044.5	5,746.5	350	2,082	6,141	871.9
Total damage estimate	34,212,400							
Public	7,554,500	3,208.0	500.5	790.0	100	1,000	1,720	227.0
Private	26,657,900	9,768.5	544.0	4,956.5	250	1,082	4,421	644.9

NOTE: All rural agricultural damages provided by the U.S. Department of Agriculture.

Tabulation of communities affected and damages sustained as a result of the disaster flood of June 1964 in western Montana within the jurisdiction of the Corps of Engineers, Omaha district

County	Basin	River	Tributary 1st	Tributary 2d	Name of community	Population (1960 census or later estimate)	Homes flooded	Business flooded
Glacier	Milk	Milk	St. Mary River	Divide Creek	St. Mary	100	20	19
	do	do	do		Babb	50	0	0
	Marias	Marias	Cut Bank Creek	Willow Creek	Browning	2,011	55	3
	do	do	do	South Fork	Kiowa	10	0	0
	do	do	Two Medicine Creek	Midvale Creek	East Glacier	400	17	
	do	do	do		Two Medicine	100	17	
	do	do	do	Lower Badger Creek	Indian Village		10	
Toole	do	do	A dry creek		Shelby	4,017	150	1
Pondera	do	do	Birch Creek	Dupuyer Creek	Dupuyer	125	30	0
	do	do	do	Lake Francis	Valier		0	0
	do	do	Pondera Creek	Pondera Coulee	Conrad	2,665	18	0
Teton	Teton	Teton River plus overflow via side drain			Choteau	1,966	530	9
Cascade	Sun	Sun			Great Falls	58,500	800	
	do	do			Big Sky Vista	265	28	0
	do	do			Sun River	100	57	8
	do	do			Fort Shaw	100	0	0
	do	do			Simms	200	0	0
	Missouri	Missouri	Belt Creek		Belt	757	0	0
	do	do	do	Big Otter Creek	Raynesford	50	1	1
Chouteau	do	do			Loma	125	1	
	do	do			Fort Benton	1,887	1	
Lewis and Clark	Sun	Sun	South Fork		Augusta	400	70	15
Total								

Tabulation of communities affected and damages sustained as a result of the disaster flood of June 1964 in western Montana within the jurisdiction of the Corps of Engineers, Omaha district—Continued

County	Public damages					Private damages			Total community damage	Community damage Total by county
	Streets	Water	Sewer	Utilities	Miscellaneous	Residential	Commercial	Miscellaneous		
Glacier	$10,000					$60,000	$200,000		$270,000	
									0	
	15,000					24,000	1,000		40,000	
									0	
	5,000	$60,000				5,000			70,000	
						50,000			50,000	
						20,000			20,000	$450,000
Toole		125,000			$2,000	75,000	10,000	$3,000	215,000	215,000
Pondera						6,000			6,000	
									0	
					1,000	8,000			9,000	15,000
Teton	60,000	25,000	$12,500	$15,000	7,500	535,000	345,000	30,000	1,030,000	1,030,000
Cascade	495,000	250,000	185,000	[1] 1,700,000	20,000	4,400,000	100,000	100,000	7,250,000	
	2,500	2,500	28,000			223,000		3,000	259,000	
					6,500	175,000	69,500	25,000	276,000	
								0	0	
								0	0	
					25,000				25,000	
						3,000	500	500	4,000	7,814,000
Chouteau					250	250			500	
					250	250			500	1,000
Lewis and Clark						39,000	15,000	1,000	55,000	55,000
Total										9,580,000

[1] Disaster area estimate from Montana Power, Mountain States Telephone, Great Northern (not complete), and Cascade County surveyor.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF EMERGENCY PLANNING,
Washington, D.C., June 10, 1964.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The President today declared that the damage in Montana caused by excessive rainfall and flooding was of sufficient severity and magnitude to warrant assistance under the Federal disaster assistance program (Public Law 81–875).

The Office of Emergency Planning, under delegation from the President, has responsibility for administering this program and for directing and coordinating disaster assistance by all Federal agencies.

Upon determination of the amount of funds necessary to cover immediate emergency needs, President Johnson will authorize an allocation from his disaster assistance fund.

The President has expressed his deep concern for the people afflicted by the disaster. I have instructed my director of region 8, at Everett, Wash., Mr. Creath A. Tooley, to keep in close contact with Gov. Tim M. Babcock and his staff and to do everything possible to provide relief and the temporary restoration of essential public facilities.

Mr. Charles Beal, Chief, Natural Disaster Division (code 128, x22247), or Mr. Gordon Gillis, congressional liaison (code 128, x22687), will be pleased to furnish any information you may desire. The enclosed Federal Disaster Assistance Handbook should be helpful in acquainting you with the provisions of the Federal disaster law.

Be assured of my solicitude for the welfare of the people of your State.

Sincerely,

EDWARD A. MCDERMOTT,
Director.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., June 10, 1964.

EDWARD A. MCDERMOTT,
Director, Office of Emergency Planning,
Washington, D.C.

DEAR ED: I would like to express my personal appreciation for the attention that you and your staff have given to the disastrous flooding in Montana during the past 48 hours. I know it is impossible to know to what extent damage has been done and that it will take some days before anything can begin to crystallize. However, at this time, I would like to bring to your attention the following items in view of the inquiries which I have received from the various areas. I would appreciate your coordinating these with the proper agencies for assistance under Public Law 81–875.

I have received a telephone call from the Glacier County Commissioners stating that all county roads and bridges have been damaged and their survey shows that they will need approximately $700,000 to repair them. I have advised these gentlemen that they should contact the Montana State Highway officials and request assistance under the above law. Would you have your officials contact William McAlpine, Frank Krshka, and O. A. Tellefero, county courthouse, Cut Bank, Mont., and give to them the necessary information. I am also contacting the Bureau of Public Roads and calling to their attention the request of Glacier County. I have not been directly contacted by the officials of other counties, but it is my understanding that considerable damage has been done to bridges and roads in all the other counties.

I have also been advised that there will be quite a problem in Evergreen (Flathead County), because this community did not have sewage disposal facilities. Would you refer this to the proper officials to see what can be done. I understand there is also a pollution problem involved in that area (Kalispell, Evergreen, Columbia Falls) due to some leakage from oil tank storage, and 5,000 cubic centimeters of typhoid are being sent in to that area from Helena for general vaccination. While I have not received any request for assistance on this, would you kindly alert the proper people so that if any additional vaccine is necessary, it will be sent.

It is my understanding that approximately 30 miles of the Great Northern Railroad in the vicinity of Columbia Falls has been washed out. I would appreciate your having the proper officials advise me as to the amount of damage and what assistance might be rendered on this.

I understand that the Forest Service roads near Hungry Horse Reservoir have been washed out, and I have called this to the attention of the Forest Service officials. If that agency does not have funds to repair these, would you advise me if Public Law 875 would take care of them?

The water system at the town of Hungry Horse, I understand, is one of the several water systems out in communities. I would appreciate your having someone advise me what might be done to replace such facilities where needed.

Would you also have someone advise me what assistance may be rendered to individual homes where damage has been done as a result of the flooding?

I have been informed by the Small Business Administration that they have designated the counties in Montana to be eligible for assistance through that agency. I would assume that this assistance would be for loans for businesses. Would you advise me if businesses would be eligible for any other assistance under Public Law 875?

In the event that you do not know, Secretary Udall advised me late yesterday afternoon that Floyd Dominy, Commissioner, Bureau of Reclamation, and Philleo Nash, Commissioner, Bureau of Indian Affairs, left for Montana last night to render assistance on matters which would come under their jurisdiction.

I realize, Ed, that I have listed quite a number of items and that your agency will not be in a position to answer these until your staff has made a survey to determine all the damages. Therefore, I do not expect an immediate answer. However, I am taking the liberty of bringing the above to your attention, as these various items have been mentioned to me by individuals in the course of my several telephone conversations to Montana.

Thanking you for your continued assistance, and with best personal wishes, I am,

Sincerely yours,

———.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF EMERGENCY PLANNING,
Washington, D.C., June 12, 1964.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR MIKE: In reply to your letter of June 10, which we received this afternoon, I appreciate your generous comments about our response to the Montana flood problem and will endeavor to provide you with responsive answers to the several questions which you raised. I will discuss them in chronological order:

1. Glacier County: County roads and bridges damaged or destroyed in the disaster are eligible for repair or replacement (subject to prescribed standards) under the provisions of Public Law 875. The Bureau of Public Roads engineers are making damage surveys for the Office of Emergency Planning

to determine the extent of damage and eligible work. The BPR engineers will work closely with the State Highway Department with whom Glacier County officials are already in contact. The actual damage surveys may be made by BPR in conjunction with State engineers.

The Glacier County commissioners should work through the Montana Disaster Agency (General Kendall, Adjutant General and State disaster coordinator) in applying for Public Law 875 assistance.

OEP is having a series of meetings with officials of all involved counties to explain Public Law 875 assistance in detail and describe claimancy procedures. My disaster representatives in Montana will specifically contact Messrs. McAlpine, Krshka, and Tellefero at Cut Back. All other counties will be provided this information in the meetings to which I have just alluded.

2. Flathead County: The Public Law 875 program does not provide for building sewage disposal facilities where none existed prior to the flood. Where a health, sanitation, or pollution problem exists as a result of the flood we can provide for the emergency measures necessary to relieve the situation. Local officials should inquire into programs of the Community Facilities Administration for a permanent solution.

I have asked our regional director, Mr. Creath Tooley, now in Great Falls, to check into this problem with Flathead County authorities and take such steps as are necessary to provide temporary relief.

We have also communicated with the Public Health Service concerning the pollution problem resulting from oil tank leakage and additional vaccines will be made available if required. At my request a Public Health Services representative has been sent to Montana to deal specifically with water and dead animal problems.

3. Great Northern Railroad damages: Damages to the Great Northern Railroad System in the vicinity of Columbia Falls are being surveyed. I know of no Federal program, however, which will provide direct financial assistance for necessary repairs. This would be a corporate obligation of the railroad handled by their regular maintenance and construction crews.

4. Forest roads: All forest roads, including those near Hungry Horse Reservoir, are the responsibility of the Forest Service. Inquiry to the Forest Service discloses that they have the authority and the necessary funds to take care of these road repairs. These road repairs will be expedited in order to be ready for the forest fire season.

5. Hungry Horse water system: Public Law 875 provides for the emergency repair of essential public facilities. Assuming the Hungry Horse water system is publicly owned, it would be eligible for emergency repairs if damage was a result of the flooding. Local officials should be in touch with the State Disaster Agency for assistance in processing their application for Public Law 875 funds.

6. Small Business Administration: As you indicate, SBA has designated the flooded counties as eligible for SBA loans. While Public Law 875 does not provide for direct assistance to individual disaster victims, disaster loan assistance (at interest not in excess of 3 percent, with up to 20 years to pay) is available through the SBA. This loan assistance is available for the repair or replacement of disaster damaged commercial or residential structures and the loan authority extends to contents and inventory as well as structures.

Individual needs (for clothing, replacement of lost furnishings, etc.) are taken care of through the emergency relief and rehabilitation programs of the American Red Cross where the requirement for this assistance is established.

While businesses are not eligible for assistance under Public Law 875, SBA disaster loan assistance is available to individuals, business concerns (including corporations, partnerships, cooperatives), churches, charitable institutions, and other nonprofit organizations.

I hope this general guidance will be helpful to you and assure you of our continued close attention to these problems both here in the national office and in the field. Be in touch with me concerning any other questions you may have.

Sincerely,

EDWARD A. MCDERMOTT,
Director.

PRESS RELEASE BY SMALL BUSINESS ADMINISTRATION

Mr. William S. Schumacher, regional director of Small Business Administration, arrived in Great Falls this morning to survey the flood disaster area and to establish a disaster field office in Great Falls to expedite the processing of SBA disaster loan applications. Accompanying Mr. Schumacher were Mr. Rex B. Zachary, Montana SBA branch manager and other members of his staff.

Immediately following President Johnson's declaration of Montana as a major disaster area, SBA Administrator Eugene P. Foley made a similar declaration, thus establishing the eligibility of the area under the SBA disaster loan program. The area covered by the declaration encompasses the counties of Glacier, Toole, Pondera, Teton, Cascade, Chouteau, and Flathead.

Under the SBA disaster program individuals, business concerns and nonprofit organizations such as churches, may borrow from SBA amounts sufficient to restore their property as closely as possible to its pre-disaster condition. Loans may be used to repair or replace real estate, furnishings, equipment, fixtures, and inventory. Loans may be made for as long as 20 years at an interest rate of only 3 percent. Applications for such loans may be made through commercial banks in the area or directly to the SBA field office.

Mr. Schumacher pledged complete support of the SBA in making the fullest possible use of existing legislative authority to provide relief to people in the stricken area. He also stated that every step will be taken to avoid any undue delay in the processing and disbursement of SBA disaster loans.

While in Great Falls Mr. Schumacher will also meet with representatives of the Red Cross, chambers of commerce, Montana bankers, Army engineers, and civil defense to coordinate SBA efforts in the area.

Request for disaster county designation and ACP emergency funds

1. State: Montana.
2. County: Cascade.
3. Program year: 1964.
4. Ending date: ----------
5. Kind of disaster: Flood.
6. Dates and duration of disaster: ----------
7. Number of farms damaged: 200.
8. Intensity (if applicable): ----------
9. Farmland damaged (acres): 12,800.
10. Estimated extent of reduction in the productivity of the damaged farmland if these new conservation problems are not treated (percent): ----------
11. Frequency of occurrence of this type of damage (10-year history): ----------

KIND AND EXTENT OF EMERGENCY CONSERVATION MEASURES NEEDED TO CORRECT THE NEW CONSERVATION PROBLEMS AND THEIR COST

12. County estimates: ----------

Emergency conservation measures (A)	Kind of unit (B)	Number of units needed (C)	Average total cost per unit (D)	Total cost ((C)×(D)) (E)	Percent will correct this year (F)	Cost under this program ((E)×(F)) (G)	For State office use (H)
Fencing and repairs (all types)	Rod	128,000	$2.07	$265,000	100		
Removal of debris (including gravel bars)	Acre	6,000	20.00	120,000	60		
Reseeding of vegetative cover	do	800	30.00	24,000	20		
Releveling land	do	4,000	50.00	200,000	10		
Repair of irrigation ditches	Mile	200	900.00	180,000	100		
Repair or replacement of irrigation structures	Number	2,000	100.00	200,000	75		
Cleaning drainage ditches	Mile	20	1,500.00	30,000	10		
Repair or replacement of irrigation pumping installations	Number	40	2,000.00	80,000	100		
13. Total cost and cost under this program ((G) plus (E))							
14. Estimated amount (of item 13(G)) farmers can reasonably be expected to bear.							
15. Estimated amount (of item 13(G)) available under regular cost-sharing programs.							
16. Total ACP emergency funds needed for this program year and requested (13(G) minus 14(G) minus 15(G)).							

RECOMMENDATION OF USDA COUNTY DISASTER COMMITTEE

That the above-named county be designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made as shown in item 16G.

(Chairman)

Date: ----------

RECOMMENDATION OF USDA STATE DISASTER COMMITTEE

17. That the above-named county (be) (not be) designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made amounting to ---------- [1]

(Chairman)

Date: ----------

[1] Explain here any difference between amounts in items 16(G) and 17: ----------

Request for disaster county designation and ACP emergency funds

1. State: Montana.
2. County: Cascade.
3. Program year: 1964.
4. Ending date: ----------
5. Kind of disaster: Flood.
6. Dates and duration of disaster: ----------
7. No. farms damaged: 200.
8. Intensity (if applicable): ----------
9. Farmland damaged (acres): 12,800.
10. Estimated extent of reduction in the productivity of the damaged farmland if these new conservation problems are not treated (percent): ----------
11. Frequency of occurrence of this type of damage (10-year history): ----------

KIND AND EXTENT OF EMERGENCY CONSERVATION MEASURES NEEDED TO CORRECT THE NEW CONSERVATION PROBLEMS AND THEIR COST

12. County estimates: ----------

Emergency conservation measures (A)	Kind of unit (B)	Number of units needed (C)	Average total cost per unit (D)	Total cost ((C)×(D)) (E)	Percent will correct this year (F)	Cost under this program ((E)×(F)) (G)	For State office use (H)
Replacement of ditch company structures	Project	4	$50,000	$200,000	20		
Riprap and repair of streambanks	do	5	40,000	200,000	3		
Replacing and repair stockwater dams	Number	10	500	5,000	50		
Replacing tile drains	Mile	5	12,000	60,000	0		
Weed control	Acre	12,800	50	640,000	10		
13. Total cost and cost under this program ((G) plus (E))				2,185,000			
14. Estimated amount (of item 13(G)) farmers can reasonably be expected to bear: 20 percent.							
15. Estimated amount (of item 13(G)) available under regular cost-sharing programs.							
16. Total ACP emergency funds needed for this program year and requested (13(G) minus 14(G) minus 15(G)).							

RECOMMENDATION OF USDA COUNTY DISASTER COMMITTEE

That the above-named county be designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made as shown in item 16(G).

---------- (Chairman)

Date: ----------

RECOMMENDATION OF USDA STATE DISASTER COMMITTEE

17. That the above-named county (be) (not be) designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made, amounting to ---------- [1]

---------- (Chairman)

Date: ----------

[1] Explain here any difference between amounts in items 16(G) and 17: ----------

Request for disaster county designation and ACP emergency funds

1. State: Montana.
2. County: Chouteau.
3. Program year: 1964.
4. Ending date: ----------
5. Kind of disaster: Flood.
6. Dates and duration of disaster: ----------
7. Number of farms damaged: 21.
8. Intensity (if applicable): ----------
9. Farmland damaged (acres): 2,580.
10. Estimated extent of reduction in the productivity of the damaged farmland if these new conservation problems are not treated (percent): ----------
11. Frequency of occurrence of this type of damage (10-year history): ----------

KIND AND EXTENT OF EMERGENCY CONSERVATION MEASURES NEEDED TO CORRECT THE NEW CONSERVATION PROBLEMS AND THEIR COST

12. County estimates: ----------

Emergency conservation measures (A)	Kind of unit (B)	Number of units needed (C)	Average total cost per unit (D)	Total cost ((C)×(D)) (E)	Percent will correct this year (F)	Cost under this program ((E)×(F)) (G)	For State office use (H)
Fencing and repair (all types)	Rod	16,000	$2.20	$35,200	100		
Removal of debris	Acre	2,580	10.00	25,800	100		
Reorganizing irrigation systems (including ditches and structures).	System	11	5,500	60,500	100		
Releveling land	Acre	1,520	50.00	76,000	100		
Reseeding	do	2,000	13.00	26,000	100		
Land shaping	do	1,060	10.00	10,600	100		
Streambank protection, channel realinement, and diking	Mile	5	500	2,500	100		
Channel clearing on Teton River	do	50	150	7,500	100		
13. Total cost and cost under this program ((G) plus (E))							
14. Estimated amount (of item 13(G)) farmers can reasonably be expected to bear.							
15. Estimated amount (of item 13(G)) available under regular cost-sharing programs.							
16. Total ACP emergency funds needed for this program year and requested (13(G) minus 14(G) minus 15(G)).							

RECOMMENDATION OF USDA COUNTY DISASTER COMMITTEE

That the above-named county be designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made as shown in item 16(G).

---------- (Chairman)

Date: ----------

RECOMMENDATION OF USDA STATE DISASTER COMMITTEE

17. That the above-named county (be) (not be) designated a disaster county under, Public Law 85-58, and that an allocation of ACP emergency funds be made amounting to ---------- [1]

---------- (Chairman)

Date: ----------

[1] Explain here any difference between amounts in items 16(G) and 17: ----------

Request for disaster county designation and ACP emergency funds

1. State: Montana.
2. County: Chouteau.
3. Program year: 1964.
4. Ending date: ----------
5. Kind of disaster: Flood.
6. Dates and duration of disaster: ----------
7. Number of farms damaged: 21.
8. Intensity (if applicable): ----------
9. Farmland damaged (acres): 2,580.
10. Estimated extent of reduction in the productivity of the damaged farmland if these new conservation problems are not treated (percent): ----------
11. Frequency of occurrence of this type of damage (10-year history): ----------

KIND AND EXTENT OF EMERGENCY CONSERVATION MEASURES NEEDED TO CORRECT THE NEW CONSERVATION PROBLEMS AND THEIR COST

12. County estimates: ----------

Emergency conservation measures (A)	Kind of unit (B)	Number of units needed (C)	Average total cost per unit (D)	Total cost ((C)×(D)) (E)	Percent will correct this year (F)	Cost under this program ((E)×(F)) (G)	For State office use (H)
Private road repair	Mile	12	$450	$5,400	100		
13. Total cost and cost under this program ((G) plus (E))				249,500			
14. Estimated amount (of item 13(G)) farmers can reasonably be expected to bear (20 percent)							
15. Estimated amount (of item 13(G)) available under regular cost-sharing programs.							
16. Total ACP emergency funds needed for this program year and requested (13(G) minus 14(G) minus 15(G)).							

RECOMMENDATION OF USDA COUNTY DISASTER COMMITTEE

That the above-named county be designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made as shown in item 16(G).

---------- (Chairman)

Date: ----------

RECOMMENDATION OF USDA STATE DISASTER COMMITTEE

17. That the above-named county (be) (not be) designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made, amounting to: ---------- [1]

---------- (Chairman)

Date: ----------

[1] Explain here any difference between amounts in items 16(G) and 17: ----------

Request for disaster county designation and ACP emergency funds

1. State: Montana.
2. County: Flathead.
3. Program year: 1964.
4. Ending date: ----------
5. Kind of disaster: Flood.
6. Dates and duration of disaster: ----------
7. Number of farms damaged: 200.
8. Intensity (if applicable): ----------
9. Farmland damaged (acres): 28,800.
10. Estimated extent of reduction in the productivity of the damaged farmland if these new conservation problems are not treated (percent): ----------
11. Frequency of occurrence of this type of damage (10 year history).

KIND AND EXTENT OF EMERGENCY CONSERVATION MEASURES NEEDED TO CORRECT THE NEW CONSERVATION PROBLEMS AND THEIR COST

12. County estimates: ----------

Emergency conservation measures (A)	Kind of unit (B)	Number of units needed (C)	Average total cost per unit (D)	Total cost ((C)×(D)) (E)	Percent will correct this year (F)	Cost under this program ((E)×(F)) (G)	For State office use (H)
Fencing and repair (all types)	Rod	15,000	$1	$15,000	100		
Removal of debris	Acre	15,000	2	30,000	100		
Reseeding vegetative cover	do	1,000	6	6,000	100		
Shaping and grading eroded land	do	2,500	4	10,000	100		
Repair of dikes and levees along river				50,000	70		
13. Total cost and cost under this program ((G) plus (E))				111,000			
14. Estimated amount (of item 13(G)) farmers can reasonably be expected to bear: 20 percent.							
15. Estimated amount (of item 13(G)) available under regular cost-sharing programs.							
16. Total ACP emergency funds needed for this program year and requested (13(G) minus 14(G) minus 15(G).							

RECOMMENDATION OF USDA COUNTY DISASTER COMMITTEE

That the above-named county be designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made as shown in item 16(G).

---------- (Chairman)

Date: ----------

RECOMMENDATION OF USDA STATE DISASTER COMMITTEE

17. That the above-named county (be) (not be) designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made, amounting to ---------- [1]

---------- (Chairman)

Date: ----------

[1] Explain here any difference between amounts in items 16(G) and 17: ----------

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., June 10, 1964.

Hon. ORVILLE FREEMAN,
Secretary, Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: As you know, a large portion of Montana is just beginning to recover from the most disastrous flood in the State's history. It will be some days before we will have reasonably accurate estimates of the tremendous damage that has been done. Undoubtedly there will be a great need for conservation work on agricultural lands.

The President has now signed into law the deficiency appropriation bill which contains $4 million for emergency ACP programs. I realize that there are many requests for these funds from areas that have been plagued with floods and drought, but in view of the very serious nature of the conditions in Montana, I ask that you earmark and hold back some of these funds for use in Montana.

Both Senator METCALF and I would be most appreciative of your cooperation in this matter. Please keep both of our offices advised on major developments in the Department to provide disaster relief to Montana.

With best personal wishes, I am,
Sincerely yours,

——— ———.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 12, 1964.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: I appreciate the opportunity to advise you of what the Department of Agriculture is doing to help

alleviate the problems arising from the floods in Montana. Our people in Montana have been working almost constantly since the initial reports of flooding to get detailed information and set up actions that can be taken.

In response to your specific question about assistance under the emergency agricultural conservation program I am advised the State USDA disaster committee is getting county estimates of damage and appraising the consequent needs for assistance. This committee is under the leadership of Mrs. Viola Herak, State ASC chairman, and they are working closely with the county disaster committees. I am sure you realize that it is not possible for the county committees to be accurate in their surveys and estimates until the water goes down and they can determine what work must be done. We expect some preliminary estimates and advice on this sometime next week.

The Department recently asked for $12 million to replenish this fund because of the demands arising in the Ohio flood and the drought condition over several States in the last 2 years. The Congress appropriated $4 million. Staff personnel are in the process of allocating assistance on the basis of needs established by other States. I have asked that $500,000 of this fund be tentatively earmarked for the Montana situation pending receipt of specific estimates from Montana. We will have a responsible man in Montana reviewing this matter with the State disaster committee.

I am happy to report on some other actions in which the Department has participated or planned for needed assistance. Some 11 tons of food were airlifted to the Browning-Cut Bank area where the distributing agency is helping displaced families. A preliminary report received on June 11 indicates that many displaced people are being fed in private homes and community facilities.

Initial reports indicate substantial damage to farm buildings and loss of household furnishings, feed supplies, and farm equipment. The Farmers Home Administration is preparing to authorize loans where they are needed by those farmers who are unable to get adequate credit from other sources. These loans will be made at 3-percent interest and may in some instances be scheduled for repayment over a period up to 7 years. A decision as to need for real estate and housing loans will be made when more information is available.

Initial plans were made to airlift some feed in for displaced livestock but later reports indicated that this was not necessary. Most of the cattle were being regrouped and taken care of by other means. We are prepared to release hay or pasture now designated as diverted conservation acreage under the conservation reserve, the wheat and feed grain programs, if requested to do so by the State disaster committee and the Governor.

You will be kept advised of our progress and I wish to assure you that every possible action will be taken to help Montana farmers who have been injured severely by the floodwater.

Sincerely,

ORVILLE L. FREEMAN,
Secretary.

[Release by U.S. Department of Agriculture, Washington, June 9, 1964]

USDA FOODS READY IN MONTANA FLOOD EMERGENCY

Ample supplies of foods donated by the U.S. Department of Agriculture are available to help feed evacuees from flooded areas in Montana, Secretary of Agriculture Orville L. Freeman said today.

Scattered reports indicate that the village of Choteau has been evacuated, and that Great Falls may be affected, but the number of persons involved is not known. Walter Anderson, controller of the Montana Purchasing Department which handles the distribution of USDA foods in the State, contacted civil defense and other emergency agencies last night to notify them of the availability of Federal commodities in a State-operated warehouse at Warm Springs. Since schools frequently are employed as evacuation centers, the State school lunch director, William Howard, has also been alerted and is ready to lend any needed assistance through school facilities.

The Secretary said that field personnel of Agricultural Marketing Service's San Francisco Food Distribution Division office is maintaining contact with Montana officials in the event that additional foods are needed. However, State distributing agencies have standing authority to provide existing stocks of USDA foods to feed victims of disasters. Foods so used will be replaced by the Government to continue regular distribution to schools, institutions, and needy families when the emergency has passed.

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, MONTANA STATE OFFICE,
Bozeman, Mont., June 12, 1964.

Hon. MIKE MANSFIELD,
Senate Building,
Washington, D.C.

DEAR MIKE: For your information we are enclosing preliminary estimates of flood damage to farmland in Cascade, Chouteau, Flathead, Glacier, Pondera, Teton, and Toole Counties. These counties have requested emergency ACP funds to assist farmers in repairing the flood damage. Lewis and Clark and Powell Counties have been designated as disaster areas, but estimates have not been received from these counties.

Sincerely yours,

DOUGLAS G. SMITH,
State Executive Director.

Request for disaster county designation and ACP emergency funds

1. State: Montana.
2. County: Glacier.
3. Program year: 1964.
4. Ending date: ----------
5. Kind of disaster: Flood.
6. Dates and duration of disaster: ----------
7. Number of farms damaged: 40.
8. Intensity (if applicable): ----------
9. Farmland damaged (acres): 3,500.
10. Estimated extent of reduction in the productivity of the damaged farmland if these new conservation problems are not treated (percent): ----------
11. Frequency of occurrence of this type of damage (10-year history): ----------

KIND AND EXTENT OF EMERGENCY CONSERVATION MEASURES NEEDED TO CORRECT THE NEW CONSERVATION PROBLEMS AND THEIR COST

12. County estimates: ----------

Emergency conservation measures (A)	Kind of unit (B)	Number of units needed (C)	Average total cost per unit (D)	Total cost (C)×(D) (E)	Percent will correct this year (F)	Cost under this program (E)×(F) (G)	For State office use (H)
Fencing and repair (all types)	Rods	22,400	$2.00	$44,800	80		
Removal of debris, reseeding, and shaping	Acres	767	30.00	23,000	50		
Reorganizing irrigation systems	C.y.	32,000	.20	6,400	50		
Irrigation structures	Number	25	50.00	1,250	50		
13. Total cost and cost under this program (G) plus (E)				75,450			
14. Estimated amount (of item 13(G) farmers can reasonably be expected to bear.							
15. Estimated amount (of item 13(G) available under regular cost-sharing programs.							
16. Total ACP emergency funds needed for this program year and requested (13(G) minus 14(G) minus 15(G)).							

RECOMMENDATION OF USDA COUNTY DISASTER COMMITTEE

That the above-named county be designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made as shown in item 16(G).

(Chairman)

Date: ----------

RECOMMENDATION OF USDA STATE DISASTER COMMITTEE

17. That the above named county (be) (not be) designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made, amounting to ---------- [1]

(Chairman)

Date: ----------

[1] Explain here any difference between amounts in items 16(G) and 17: ----------

Request for disaster county designation and ACP emergency funds

1. State: Montana.
2. County: Pondera.
3. Program year: 1964.
4. Ending date: ----------.
5. Kind of disaster: Flood.
6. Dates and duration of disaster: ----------.
7. Number of farms damaged: 75.
8. Intensity (if applicable): ----------.
9. Farmland damaged (acres): 80,000.
10. Estimated extent of reduction in the productivity of the damaged farmland if these new conservation problems are not treated (percent): ----------.
11. Frequency of occurrence of this type of damage (10-year history): ----------.

KIND AND EXTENT OF EMERGENCY CONSERVATION MEASURES NEEDED TO CORRECT THE NEW CONSERVATION PROBLEMS AND THEIR COST

12. County estimates: ----------

Emergency conservation measures (A)	Kind of unit (B)	Number of units needed (C)	Average total cost per unit (D)	Total cost ((C)×(D)) (E)	Percent will correct this year (F)	Cost under this program ((E)×(F)) (G)	For State office use (H)
Fencing and repairs (all types)	Rod	96,000	$2.00	$192,000	90		
Removal of debris	Acre	10,000	15.00	150,000	50		
Reseeding permanent cover	do	2,000	5.00	10,000	50		
Reconstructing irrigation ditch and drains	C.y.	100,000	.25	25,000	80		
Reconstructing structures in irrigation systems	Number	200	50.00	10,000	80		
Releveling	Acre	1,000	40.00	40,000	50		
Grading eroded land	do	1,000	50.00	50,000	60		
Reclaiming silted land	do	1,000	10.00	10,000	50		
13. Total cost and cost under this program ((G) plus (E))				487,000			
14. Estimated amount (of item 13(G)) farmers can reasonably be expected to bear							
15. Estimated amount (of item 13(G)) available under regular cost-sharing programs							
16. Total ACP emergency funds needed for this program year and requested (13(G) minus 14(G) minus 15(G))							

RECOMMENDATION OF USDA COUNTY DISASTER COMMITTEE

That the above-named county be designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made as shown in item 16(G).

---------- (Chairman)

Date: ----------.

RECOMMENDATION OF USDA STATE DISASTER COMMITTEE

17. That the above-named county (be) (not be) designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made, amounting to ----------.[1]

---------- (Chairman)

Date: ----------.

[1] Explain here any difference between amounts in items 16(G) and 17: ----------

Request for disaster county designation and ACP emergency funds

1. State: Montana.
2. County: Teton.
3. Program year: 1964.
4. Ending date: ----------.
5. Kind of disaster: Flood.
6. Dates and duration of disaster: ----------.
7. Number of farms damaged: 350.
8. Intensity (if applicable): ----------.
9. Farmland damaged (acres): 12,000.
10. Estimated extent of reduction in the productivity of the damaged farmland if these new conservation problems are not treated (percent): ----------.
11. Frequency of occurrence of this type of damage (10-year history): ----------.

KIND AND EXTENT OF EMERGENCY CONSERVATION MEASURES NEEDED TO CORRECT THE NEW CONSERVATION PROBLEMS AND THEIR COST

12. County estimates: ----------

Emergency conservation measures (A)	Kind of unit (B)	Number of units needed (C)	Average total cost per unit (D)	Total cost ((C)×(D)) (E)	Percent will correct this year (F)	Cost under this program ((E)×(F)) (G)	For State office use (H)
Reconstructing fences	Rod	160,000	$1.88	$300,000	75		
Removal of debris				30,000	85		
Reseeding vegetative cover	Acre	5,000	8.00	40,000	20		
Reclaiming eroded and silted land (land leveling, grading)	do	5,000	20.00	100,000	40		
Reconstruct irrigation ditches	Farm	100	300.00	30,000	50		
Reconstruct structures	Number	50	1,500.00	75,000	40		
Reconstructing and repairing springs, dams, and wells	do	50	400.00	20,000	60		
Channel realinement	Project	10	6,000.00	60,000	40		
Drainage of impounded floodwater	do	12	500.00	6,000	30		
Riprap on streambanks	Square yard	20,000	2.50	50,000	10		
13. Total cost and cost under this program ((G) plus (E))				711,000			
14. Estimated amount (of item 13(G)) farmers can reasonably be expected to bear.							
15. Estimated amount (of item 13(G)) available under regular cost-sharing programs.							
16. Total ACP emergency funds needed for this program year and requested (13(G) minus 14(G) minus 15(G)).							

RECOMMENDATION OF USDA COUNTY DISASTER COMMITTEE

That the above-named county be designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made as shown in item 16(G).

---------- (Chairman)

Date: ----------.

RECOMMENDATION OF USDA STATE DISASTER COMMITTEE

17. That the above-named county (be) (not be) designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made, amounting to ----------.[1]

---------- (Chairman)

Date: ----------.

[1] Explain here any difference between amounts in items 16(G) and 17: ----------

Request for disaster county designation and ACP emergency funds

1. State: Montana.
2. County: Toole.
3. Program year: 1964.
4. Ending date: ----------
5. Kind of disaster: Flood.
6. Dates and duration of disaster: ----------
7. Number of farms damaged: 13.
8. Intensity (if applicable): ----------
9. Farmland damaged (acres): 18,000.
10. Estimated extent of reduction in the productivity of the damaged farmland if these new conservation problems are not treated (percent): ----------
11. Frequency of occurrence of this type of damage (10-year history): ----------

KIND AND EXTENT OF EMERGENCY CONSERVATION MEASURES NEEDED TO CORRECT THE NEW CONSERVATION PROBLEMS AND THEIR COST

12. County estimates: ----------

Emergency conservation measures (A)	Kind of unit (B)	Number of units needed (C)	Average total cost per unit (D)	Total cost ((C)×(D)) (E)	Percent will correct this year (F)	Cost under this program ((E)×(F)) (G)	For State office use (H)
Fencing and repair (all types)	Rod	18,000	$2.50	$45,000	100		
Removal of debris	Acre	400	10.00	4,000	75		
Reorganization of irrigation systems	do	1,000	10.00	10,000	50		
Releveling land	do	900	25.00	22,500	40		
Reseeding pasture and hayland	do	650	15.00	9,750	50		
Planing or grading (due to silt)	do	600	5.00	3,000	60		
Restoration of drainage systems	Hour	150	15.00	2,250	50		
13. Total cost and cost under this program ((G) plus (E))				96,500			
14. Estimated amount (of item 13(G)) farmers can reasonably be expected to bear (20 percent)							
15. Estimated amount (of item 13(G)) available under regular cost-sharing programs							
16. Total ACP emergency funds needed for this program year and requested (13(G) minus 14(G) minus 15(G))							

RECOMMENDATION OF USDA COUNTY DISASTER COMMITTEE

That the above-named county be designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds to be made as shown in item 16 (G).

---------- (Chairman)

Date: ----------

RECOMMENDATION OF USDA STATE DISASTER COMMITTEE

17. That the above-named county (be) (not be) designated a disaster county under Public Law 85-58, and that an allocation of ACP emergency funds be made, amounting to ----------.[1]

---------- (Chairman)

Date: ----------

[1] Explain here any difference between amounts in items 16(G) and 17: ----------

CONRAD, MONT.,
June 12, 1964.

Senator MIKE MANSFIELD,
Washington, D.C.:

Request information re possibility of Federal aid in replacing Swift Dam. Swift Dam is owned by Pondera County Canal and Reservoir Cos. A company owned by the farmers in this area and is used for flood control, irrigation purposes, and city of Conrad water supply, and for recreational purposes. Replacement of Swift Dam without Federal assistance would be virtually impossible and any help you can give in this matter will be greatly appreciated.

Please advise names of agencies we should contact in this regards.

EUGENE C. EGAN,
President, Pondera County Canal and Reservoir Co., Valier, Mont.

CONRAD, MONT.,
June 10, 1964.

Senator MIKE MANSFIELD,
Washington, D.C.:

Please advise re Federal funds available to assist Pondera County in replacing or repairing roads and bridges and to assist individuals in repairing or replacing buildings and personal property damaged or destroyed by flood. And to replace Swift Dam which is an integral part of the irrigation and drinking water supply facilities in this area. In the event such Federal funds are allocated on a percentage of loss basis, please advise applicable percentages. Kindly direct your answer to Pondera County Board of County Commissioners at Conrad, Mont. Thank you for your courtesy and cooperation.

BILL SHERMAN,
Pondera County Attorney.

GREAT FALLS, MONT.,
June 12, 1964.

Hon. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.:

Estimated damage to city streets, city utilities, and other facilities, $1 million. We request confirmation of Federal aid up to this amount.

MARIAN S. ERDMANN,
Mayor, City of Great Falls, Mont.

GREAT FALLS, MONT.,
June 12, 1964.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.:

Estimated damage to roads and bridges in Cascade County now at $501,000.

EDWARD L. SHUBAT,
Chairman, Board of County Commissioners, Cascade County, Great Falls, Mont.

EAST GLACIER PARK, MONT.,
June 10, 1964.

Hon. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.:

Imperative that immediate steps be taken to have Corps of Engineers establish a Bailey Bridge over Flathead at West Glacier. Great Northern operating shuttle service from west to Belton and from east to East Glacier. Absolutely no connecting link between east and west without access through going to the Sun Highway. Bridge over West Glacier imperative. Estimates to reestablish present bridge will take year and a half. Intolerable suffering will result. Park Service joins in this request. Your valuable assistance urged.

DON HUMMEL,
President, Glacier Park, Inc.

WASHINGTON, D.C.,
June 13, 1964.

Senator MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.:

(In reply refer to NPSEA-8.)

Reference your wire to Omaha district regarding reestablishing east-west traffic through Glacier National Park via West Glacier. Action referred Seattle district as being in this district's area. Lt. Col. H. E. Dewey, deputy district engineer, meeting today with representatives Glacier National Park, Inc., regarding site for temporary bridge. Action initiated with Fort Lewis, Wash., for Bailey Bridge. Will keep you advised.

———,
District Engineer, District of Seattle, Wash.

WASHINGTON, D.C.,
June 15, 1964.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.:

(In reply refer to NPSEA-11.)

Reference our wire NPSEA-8, June 13, regarding bridge at West Glacier. Colonel Dewey, deputy district engineer, met with representatives of Glacier National Park and Bureau of Public Roads at West Glacier on June 13 and made site investigation. Decision reached to utilize an old road and existing bridge by rebuilding approaches as best and most expeditious temporary construction to restore traffic. Bureau of Public Roads will contract to form abutments and reconstruct bridge. Estimate approximately 1 week required to restore traffic. Bailey Bridge will not be required. Fort Lewis advised.

———,
Perry District Engineer, U.S. Army Engineer District, Seattle, Wash.

[From the Great Falls Tribune, June 10, 1964]

RELIEF OF DISTRESS IS FIRST ORDER OF BUSINESS IN MONTANA

With streams already swollen near bankfull, it took only a few more days of overabundant rainfall to turn Montana's vast watersheds into distress areas—most widespread in the State's history.

Our normal occupations and concerns have become secondary to rescue and mercy operations. Our shock at the loss of life and the extensive property damage and destruction is tempered by thankful appre-

ciation of the outpouring of effective help that so quickly has been brought into action by so many organizations and individuals.

Space available in these columns does not permit a detailed listing of the great number of agencies, public and private who have joined in the mercy activity and ministration.

The Air Force, with its helicopters and supply stores at Malmstrom, has been performing a service that was beyond the capabilities of any other agency—spotting those stranded in flood waters doing rescue work and providing supplies in otherwise inaccessible areas.

The civil defense organization, State and local, has done a splendid job of coordinating and directing the emergency assistance program. And, as usual, the Red Cross lost no time in getting on the job with its capable emergency help. Its assistance will extend through the rehabilitation period.

In the field emergency communication, radio stations have been working around the clock, keeping all areas informed of dangers to come, and broadcasting distress messages and other information necessary to rescue missions. The Shelby radio station KSEM has done an outstanding job of clearing and coordinating information for major distress areas of northern Montana.

Police and sheriffs offices have gone all out rendering assistance.

The list could be greatly extended.

The aftermath of planning for rehabilitation and flood control is still to come. But here the new and more extreme damage and distress of Sun River flooding in low areas of West Great Falls may well impel a hard new look at plans for dikes to protect the urban area from the Sun's flood course in future years.

[From the Montana Standard-Post, June 12, 1964]

MONTANA MOPS UP—RETURN, RECLAIM, REBUILD

Mopping up, in the most literal sense of the phrase, becomes the task of all who can help as floodwaters recede from ravaged areas of the State. Lives lost cannot be recovered, but damage can be repaired and normal living resumed where property loss and disruption of daily routines have resulted from the most tragic flooding in Montana history.

Even while floods continue to harass or threaten some districts, while several counties remain on the disaster area list, rehabilitation of stricken towns and countrysides is underway where conditions permit, and the job is recognized as one for all Montanans—with Federal assistance and cooperation, and with other help generously and promptly offered even before needs were appraised.

Water has brought a greater disaster to our State than the earthquake of 1959 or the forest fires of 1910, and Montana's deep wounds from its losing battles this week with suddenly vicious streams will be a long time healing. Those wounds will leave scars in the State's economy, scars on its rural landscapes, and its urban centers, scars in the minds of bereaved citizens and those who have seen past, present, and much of the future literally washed from under their feet.

But time is a peerless physician for such ills, and nature has a way of helping repair the ruin her forces occasionally inflict.

Already recovery is in progress, already plans are being discussed to prevent such disasters in coming years or modify their effects if they must come.

Meanwhile, we all stand rudely reminded that our State has much water within its boundaries, appearing in variable ways and shapes, and capable of great good or great harm according to the controls man may be able to impose on it or the lack of such controls.

The latter, the lack of control, is a condition we are likely to experience for some time to come, for our race has not yet achieved dominion over the elements nor complete mastery of water on the move. We are baffled by such things and awed by their unleashed power—and so we have floods and must, it seems, continue having them.

As far into the future as anyone can see, such diasters are certain to afflict the human race, for the habitable portions of the earth are those where water flows or is stored, and water is always on the move. It rises from seas, lakes and streams to form vapor and condenses into precipitation as it meets cool air; it expands when heated and expands when frozen; it may move as a ripple on a lake, almost undiscernible to the eye or as a tidal wave; it may flow under control from a tap or out of all control over the banks of a river—but wherever water is, it is doing something all the time, exerting pressure if nothing else.

Both nature and man have erected barriers and constructed channels intended to contain and control the movements of water or minimize the harm it can do. Many heavy rainfalls or runoffs have been accurately predicted; many floods have been forecast and some have been controlled; men are amazingly able to direct the movements of water to their own advantage—but water remains, like fire and earthquake, a natural force bearing always with it the threat of disaster.

Because we cannot live without it, we are fated to experience the frequent difficulty or the occasional downright impossibility of living with it. Men before Noah and since have fled from flood or rode it out; and in other lands and other times, as in Montana today, the damp aftermath has found human beings with the courage and determination to return, reclaim, and rebuild.

[From the Great Falls Tribune, June 14, 1964]

MANSFIELD, MCDERMOTT TO INSPECT FLOOD AREA—WHIRLWIND AIR TOUR TODAY

Senator MIKE MANSFIELD and Edward A. McDermott, Director of the Office of Emergency Planning (OEP), were due at Malstrom Air Force Base this morning at 8 a.m. to begin an aerial inspection of Montana flood damage.

Creath Tooley, regional director for the OEP, said MANSFIELD and McDermott would receive a briefing at the airbase, then fly over flood-devastated sections of the State.

The officials will return here for a 1:30 p.m. news conference and then return to Washington, D.C. They will make a personal report to President Johnson on the magnitude of the disaster.

In a telephone call from Washington, MANSFIELD said the party would take off from the Nation's Capital at 3 a.m., Montana time.

McDermott, who directed emergency work during the Alaskan earthquake earlier this year, was asked by President Johnson to inspect Montana, MANSFIELD reported.

They will take recommendations from Federal and State agencies and make final estimates of how much Federal aid is needed, then report to the President.

"I've asked Walter Wetzel, of the Blackfeet Reservation, to meet with us and outline the Indians' needs," MANSFIELD said.

He announced Secretary of Agriculture Orville Freeman tentatively has earmarked $500,000 in Department funds for Montana.

The Farmers Home Administration is prepared to make funds available for feed and repairs to land and buildings, the Senator explained.

Meanwhile Saturday, the grim task of cleaning up and rebuilding went on throughout the devastated area.

BODY RECOVERED

Another body was recovered from the Two Medicine Creek section of the Blackfeet Indian Reservation. It was that of 2-month-old Terry Lee Guardipee, 1 of 16 persons packed into a pickup truck caught in the wall of water that rushed down the creek.

Bodies of two brothers and a sister of the infant were recovered previously.

The number of bodies recovered in the Two Medicine and Upper Birch Creek areas now stands at 11. Search parties in Glacier and Pondera Counties are continuing the hunt for bodies from the series of floods that killed at least 28.

FOUR HIGHWAYS CLOSED

Four main highways in Montana remain closed. Hardest hit was U.S. 2, where 20 miles of road were destroyed south of Glacier National Park.

U.S. 87 is closed between Fort Benton and Havre; U.S. 91 is closed between Dutton and Conrad, and U.S. 89 is closed between Choteau and Browning and between Babb and the Canadian border.

Damage to Great Falls streets and sewage and water distribution systems by the Sun River flood has been estimated at $1 million, Mayor Marian Erdmann disclosed Saturday.

Mayor Erdmann said a telegram had been sent MANSFIELD informing him of this estimate.

She said the exact figure will not be known until the floodwater leaves.

"The loss may be worse than we think," she commented.

Great Falls went through the day Saturday without new rain to add to the unpleasantness of the flood.

SHOWERS FORECAST

A chance was seen for some scattered thunderstorms in the area Saturday night and today, with a high temperature of 75° forecast today. The 1 p.m. temperature here Saturday was 70°.

Red Cross disaster headquarters at the civic center returned to an 8 to 5 daily schedule, including Sunday, but 92 persons were still receiving shelter at the evacuation center at West Junior High School.

Southwest Great Falls residents proceeded doggedly with cleanup operations as the Sun River level continued its slow fall.

The U.S. Weather Bureau at International Airport reported the reading on the river gage at the 14th Street Southwest bridge Saturday was 15.7 feet. This was nearly a foot above flood stage but 8.9 feet below the level at the crest early Wednesday morning.

MISSOURI TO RISE

The Weather Bureau said the Sun River would drop only slightly in the next 24 hours, while the Missouri River level would rise slightly.

More water was being released into the Missouri from the Canyon Ferry Reservoir, where the flow had been cut figuratively to a trickle during the flood to enable the Missouri to carry the load disgorged by the flooding Sun River at Great Falls.

Drainage from the Dearborn and Smith Rivers and other upstream tributaries also contributed to the slight rise in the Missouri Saturday.

Elsewhere, as in the affected Great Falls area, residents of flooded sections struggled to return to normal living.

SITUATION UNDER CONTROL

Montana Civil Defense authorities said the statewide situation appeared to be under control.

The first motor vehicle in more than 4 days entered Choteau, a town of 2,000 population, but over a devious route. Main highways in the area were still cut by washouts.

The only community still completely isolated, a civil defense spokesman said, was Heart Butte, on the Blackfeet Indian Reservation.

Flood threats which developed Thursday night from new rains along the eastern slope of the Rocky Mountains had diminished or passed by Saturday.

Residents of Shelby's North Side had returned to their homes after being ordered out Thursday night in the wake of a cloudburst which breached a reservoir, flooding part of the city with up to 2 feet of water. Two other reservoirs above the city of 4,000 held.

TOWNSEND THREATENED

Townsend, only point in the State with rising water early Saturday, was expecting a river crest at least a foot below flood stage. Townsend is on the Missouri River at the head of the Canyon Ferry Reservoir.

The Jefferson River at Whitehall was back below flood level.

After effects of the flood continued to interfere with repair and replacement operations.

A landslide west of Sumit, on the Continental Divide east of Kalispell, took out the temporary repairs on Montana Power Co.'s natural gas transmission line.

MEMORANDUM REGARDING FLOOD—A PARTIAL LIST OF INQUIRIES BY TELEPHONE OR WIRE

Pondera County:

Mr. Bill Sherman, county attorney, Conrad, Mont., county bridges and roads repair.

Mr. Eugene C. Egan, president, Pondera County Canal and Reservoir Co., Valier, Mont., repair to Swift Dam.

Toole County: Dr. James Williamson, mayor of Shelby, Shelby, Mont., Shelby water system.

Lewis & Clark County: Mr. Al Gaskill, county commissioner, Helena, Mont., damage to streets and utilities in Augusta.

Glacier County:

Mr. William McAlpine, county commissioner, Cut Bank, Mont., county roads and bridges repair.

Mr. O. A. Tellefero, county commissioner, Cut Bank, Mont., approximately $750,000.

Mr. Frank Krshka, county commissioner, Cut Bank, Mont.

Cascade County:

Mr. Edward L. Shubat, chairman, board of county commissioners, Cascade County courthouse, Great Falls, Mont., county roads and bridges, approximately $501,000.

Hon. Marian (Mrs. Charles) Erdmann, mayor, Great Falls, Mont., Great Falls city streets and utilities and other facilities, approximately $1 million.

Flathead County:

Mr. Don Hummel, president, Glacier Park, Inc., Glacier Park, Mont., repairs to bridges at West Glacier over Flathead River; Bailey Bridge, from Fort Lewis, Wash., to Corps of Army Engineers.

Messrs. Houston, Knapton, and Haines, board of county commissioners, Flathead County, Kalispell, Mont., Evergreed sewage problem and pollution; Kalispell, Evergreed, and Columbia Falls, pollution from oil tanks; Highway No. 2, 20 miles out; Great Northern Railroad, 30 miles out.

Glacier County: Mr. Walt Whetzel, Browning, Mont., damage to Blackfeet Indian Reservation.

[From the Great Falls Tribune, June 14, 1964]

FLOOD VICTIMS ARE ELIGIBLE FOR EMERGENCY FINANCIAL AID

Now that the first shocks of the flood are wearing off, homeowners whose property and possessions have been destroyed or damaged by the raging waters are asking themselves "Where can I get help?"

Although many questions remain to be answered, the main avenues for help to individuals appears to be grants from the American Red Cross and loans from the Small Business Administration.

Another side not to be overlooked is that much of the property and personal items lost may be tax deductible, according to an official at Internal Revenue office located at 2910 10th Avenue South.

It is pointed that persons who have suffered loss can best establish it through photographs and records documenting the loss and made as soon as possible after the loss occurred.

For information concerning property loss tax deductions, persons should contact the Internal Revenue office, the official said.

The Red Cross began accepting applications for rehabilitation assistance Friday.

Those persons who need help should go to the Red Cross facility in the civic center, room 103, according to James Kalivas, Los Angeles, director of public information for the local disaster.

Kalivas said the persons would be assigned a caseworker who with a building adviser would check the house and property which was damaged by the flood to estimate the loss. At the same time the applicant would file an application for rehabilitation assistance.

Kalivas said that the Red Cross aid "isn't given on a loss basis but rather is given on a need basis."

"We do not replace what you lose but what you need to get back to a normal living," he said.

The Red Cross assistance can include food, clothing, repairing and rebuilding of homes, replacement of basic household goods and medical care.

Kalivas, in a hypothetical example, explained that if it takes $8,000 to rebuild a person's home, $2,000 to replace necessary household goods, and $300 for clothing and food, the Red Cross would replace all of this—not as a loan, but as a grant—if a need was shown.

He said that the money used by the Red Cross consists of contributed funds so the need is checked closely.

A person's finances—insurance, wages, money in the bank—are some of the items checked, he said.

Kalivas stated that the Red Cross wants each person to use his "own resources practically and to take care of himself if at all possible."

"If a person earns enough wages to have a surplus at the end of the month to borrow money for a partial downpayment from an agency such as the Small Business Administration (SBA) the Red Cross will pick up the difference," he said.

"But if a person can borrow money from an agency to set himself up again then the Red Cross will not grant him aid," he concluded.

ANOTHER SOURCE

The other source of aid is in the form of a loan from the Small Business Administration, which has set up an emergency center in space at the former Kaufman's store at 304 Central Avenue. The location is occupied by Bishop Condon's jubilee development program headquarters.

Loans are made to help repair or rebuild homes, businesses, and nonprofit institutions, and to help replace furnishings or business fixtures, machinery, equipment, and inventory.

Individuals, business concerns, and nonprofit organizations such as churches and charitable institutions are eligible for consideration for disaster loans, provided:

1. They have suffered tangible property loss as a result of flood or other catastrophe.

2. The Small Business Administration has declared their area a disaster for purposes of financial assistance.

Loans will not be made by the agency to repair or replace damaged or destroyed summer or winter cottages, camps, lodges, or other residential property occupied by the owner exclusively for recreation or relaxation.

Farmers and stockmen are not eligible for general disaster loans from the SBA, but should apply instead to the Farmers Home Administration.

TO RESTORE PROPERTY

The purpose of a SBA disaster loan is to restore a victim's home or business property as nearly as possible to its predisaster condition.

If it is necessary or desirable to construct a new home or new business or institutional facility on a different site the loan may be used for that purpose.

However, the loan is limited to the estimated cost of restoring the destroyed property.

The SBA has no limit on the amount of a loan but a loan cannot be for more than the actual tangible loss suffered as a result of the disaster, less any amount the disaster victim has recovered from insurance or obtained from any other source, such as the Red Cross, for purposes of rehabilitation.

In the case of any application, there is no specific requirements with respect to collateral as security for a disaster loan, nor has the SBA established any firm rule in regard to collateral.

However, applicants are expected to pledge whatever collateral they can furnish.

The interest rate on an SBA direct disaster loan is 2 percent per annum. They are generally to be repaid in equal installments, including interest, usually beginning not later than 5 months after date of the note.

Application forms for the SBA disaster loans may be obtained from the emergency center on Central Avenue.

[From the Great Falls Tribune, June 14, 1964]

GREAT FALLS SHOULD ACT NOW ON SUN RIVER CONTROL LEVEES

The Senate Public Works Committee has asked Army Engineers to review previous recommendations for flood control of the Sun River and its tributaries to see if modification of plans is now advisable on the basis of the disastrous floods of last week in Great Falls.

Great Falls City, or city and county, officials should lose no time in getting together on plans for handling the local share of financing for the levee project recommended by the Army Engineers, a plan proposed in 1956 after extensive engineering survey.

The time for praying and procrastinating has ended. Twice in the last 11 years disastrous—Sun River floods have hit West Great Falls. In 1953 the loss in this urban area was placed at $403,000. The loss in last week's much bigger and more extensive flood will be more than twice as much.

The Army Engineers put a price tag on the original flood control project at $2,750,000, of which $1,890,000 was in Federal funds. The local community's share of the cost, mostly for easements and obtaining right-of-way, would have been around $860,000, a little more than the loss in the 1963 flood but less than half as much as the combined loss in the two floods.

Congress approved the Army Engineers proposed project in 1958 but it was shelved in 1960 because of this community's failure to act on financing for its share of the cost.

Those two floods should be lessons enough. Great Falls should act now before memory dims.

[From the Great Falls Tribune, June 14, 1964]

TIBER DAM PAYS WAY IN FLOOD WEEK

CHESTER.—The Tiber Dam, that controversial irrigation dam that has never done any irrigating, this week proved it is still a valuable piece of property when the rampaging Marias River was brought under control by the dam. From the Rocky Mountains to Tiber Dam stories of loss of life, havoc, and destruction were widespread.

Construction of Tiber Dam began in September of 1952. It was built as an irrigation dam, but when farmers refused to sign repayment contracts for the irrigation water, the project was not completed. Since that time many disparaging remarks have been made about the dam. It has been called the Bureau of Reclamation's $20 million red face, and much worse. This week, those who live near the shores of the Marias River are thankful the Bureau of Reclamation built Tiber, irrigation or no irrigation. How much damage the flood would have done between Tiber and Loma is a matter of conjecture, but there are those who are saying that this week the Tiber Dam paid for itself.

[From the Great Falls Tribune, June 14, 1964]

LOUISIANAN SENDS CHECK FOR FLOOD VICTIM HELP

Gratitude for the safety of his son who was vacationing in Glacier Park when the floods hit, has prompted a Louisiana businessman to send a check to help in the flood recovery work.

Gerald V. Viator, Lutcher, La., called the Tribune Tuesday morning asking for some word of his son and his family who had planned to drive to Great Falls Monday from Glacier Park.

A reporter tried to assure him no tourists were among the casualties and that those who had stuck to the main highways in the park or between there and Great Falls were rescued. He was told the Red Cross would be asked to put his son's name on the inquiry and call-home lists.

The elder Viator later advised the Tribune saying his son had called home, having been marooned Monday in the park but making it to Havre that night.

"From following news reports we know how rough it has been for you people in Great Falls," the Louisianan wrote. "I wish you to know of the consolation just talking to you afforded my wife and me. There will be a need to help. Take this check for your fund."

The check is being turned over to the Red Cross.

[From the Great Falls Tribune, June 14, 1964]

MALMSTROM MEMO

(By Shiela Kendall)

This past week of heartbreak for all Montanans has seen many Malmstromites from all parts of the country extend their hands in friendship and help to their Great Falls neighbors.

Among the most visible were the rotor-powered, khaki clad "angels of mercy," who plucked so many from the tempestuous torrents that "couldn't happen here."

Some of the lifesaving men from the helicopter section of the 341st Combat Support Group were Lt. John Ross, Capt. Edward Heft, Capt. Alan Perrin, Capt. Joseph Faust, Lt. Theodore Krawiec and Lt. Donald Summers.

The small H-43 types were flown by Capt. Donald Litke, Capt. Bobby Walker and Lt. Kenneth Fujishige, who are on temporary duty from the Glasgow Air Force Base.

Strange coincidences make one realize what a small world we all inhabit. Lt. Col. Thomas Beavers, credited with saving many lives in the past days, previously saved the life of a Great Falls resident, Darrell Isaacson in a spot rather remote from Montana's flooded waterways.

Beavers plucked Isaacson and two companions from a rugged Alaskan mountaintop in December 1954, after the crash of their light plane. For this feat Beavers received the "Winged S," rescue emblem, from Sikorsky Corp.

Many surprising incidents occurred this week. A crew sighted a mother and teenage daughter on a rooftop. After lifting the girl, they prepared to lift the mother. Instead of getting into the sling, she reached back into the house not once but three times for babies left with another woman in the house. The amazed crew took all six to safety.

All the Great Falls friends and acquaintances of the Chaplain and Mrs. Robert Lanz will be delighted to know that, after five boys, they finally found the recipe for a girl. Susan Grace was born in England on May 17.

Malmstrom Garden Club will dispense with its regular meeting this month. Instead members will tour local gardens. They will meet at the bandshell in Gibson Park at 1 p.m., on Friday.

Members plan to exhibit their "treasures" and antiques at the officers club on June 23, when the Malmstrom group will entertain delegates here for the State convention. The exhibit will be held at a reception following a tour of the base. More information may be obtained by calling Mrs. Charles Gardenhire.

All local square dancers are invited to attend the square dance jamboree at the community center ballroom Wednesday at 8 p.m. Delbert Hanson, State champion caller from Ashland, will call.

The airmen's wives club will hold its annual potluck supper Thursday evening at the community center. The affair will be limited to couples only, and the center will be open only to those attending the supper. Dancing and games are scheduled after the supper. Nursery care will be provided those making reservations from Mrs. Robert Ditmer.

The officers wives club will visit the Great Falls Brewery Wednesday. A luncheon of dishes made with beer will be served. Members will meet at the officers club at 11:15.

[From the Great Falls Tribune, June 13, 1964]

AGENCY OFFICIALS TELL OF FEDERAL ASSISTANCE

Federal assistance for emergency repair and construction of roads and bridges, water facilities, sanitation facilities, rehabilitation of agricultural lands and facilities, and low-cost, long-term personal business loans are all available to people in the eight-county area declared a disaster by the Federal and State Governments.

The entire program of Federal assistance was explained by agency chiefs and representatives to officials at a meeting in the Civic Center Theater called by Gov. Tim Babcock Friday afternoon.

"The work will be tedious and time consuming," the Governor said, "but it will be accomplished."

Creath Tooley, Everett, Wash., regional director of the Office of Emergency Planning (OEP), was meeting chairman. The OEP is the coordinating agency for all disaster assistance furnished by the Federal Government. The OEP's primary work and engineering force is the U.S. Corps of Engineers.

PUBLIC LAW 875

The OEP was set up by Public Law 875, or the Disaster Act, and directs several bureaus and agencies of the Federal Government to do disaster work they would not ordinarily do.

"Some people may be disappointed," Tooley said at the outset of the meeting. "We are here to help only when State and local help is exhausted."

All applications for Federal assistance must be made through Walt Anderson, National Guard Armory, Helena. Anderson is acting as the Governor's representative during the emergency repair and construction period in the eight-county area surrounding Great Falls. Many have already contacted Anderson.

Tooley said funds will be available for emergency short-term work only in fields of public protection, sanitation, health, public roads, and clearing debris.

Personal property and damage will be the responsibility of each person. To help the small businessman is the Small Business Administration whose main program is disaster loans for as long as 20 years at 3 percent interest. The loans are made through a person's own bank.

Individuals' banks can also act as sponsors of long-term home mortgage loans at 3 percent interest, Representative ARNOLD OLSEN said.

Harold Aldrich, Great Falls, Bureau of Reclamation, said flood damage to irrigation facilities have been roughly estimated, and funds are available for emergency work being done now or to begin soon.

He said most of the damage is in diversion canal work around Fort Shaw. He said about $100,000 will be required for emergency and temporary access work.

Doug Smith, executive director, Agriculture Stabilization and Conservation Service, Bozeman, said the Department of Agriculture is now surveying damage to all farmlands. Estimates show $487,000 worth of damage to Pondera County farmlands; $96,000 in Toole, $111,000 in Flathead, $75,000 in Glacier, $249,500 in Chouteau, and $2,195,000 in Cascade County.

He said farmers will receive assistance under several farm programs now in effect and the emergency agricultural program, some on a cost-sharing basis of 80 percent by the Federal Government and 20 percent by the farmer.

Cascade County suffered an additional $2,087,500 in damage to farm equipment and facilities. Smith said this includes 400 miles of fencing, 200 miles of main ditch work, 2,000 irrigation structures, 40 pumps, $200,000 worth of riprap, 10 stock reservoirs, 150 buildings at about $5,000 apiece, and 500 head of stock at about $125 per head, and weed control at $640,000. The difference in crops should amount to about $400,000, Smith said.

Smith said farmers will get help through temporary grazing on retired land, conservation reserve land, short-term feed grain disaster donations from the Commodity Credit Corporation, the Agricultural Marketing Service, which supplies food for farmers, loans from the Farmers Home Administration, and loans from the Rural Electrification Administration.

The Soil Conservation District, a bureau within the Department of Agriculture, will provide technical assistance in land leveling, pasture planning, and additional personnel in cases directed by the OEP.

BPR ASSISTANCE

The representative of the Bureau of Public Roads said the Bureau will assist with 100 percent Federal funds in the rebuilding to minimum standards essential roads and bridges not in the Federal aid system. Those highways in the Federal aid system will be assisted on the regular 50-percent participation system.

Essential county and city streets and bridges will be rebuilt by the Bureau of Public Roads only on an emergency basis and so far as the emergency affects the safety of people. A road with less than 100 cars per day will be built one lane wide, or 12 feet. More than 100 cars per day will qualify an eligible road or bridge for an 18-foot width.

Tooley said rented pumps, emergency supplies, or materials are remibursable if the damage was to a public-connected facility. He said substantiated costs and complete records in all cases of Federal assistance is extremely important.

Maj. Gen. George H. Walker, Missouri River Division engineer with the Corps of Engineers, said his guidelines are much the same

as the Bureau of Public Roads. He said only emergency work in public water supplies and sanitation will be done. This will be accomplished through local contractors.

General Walker said 40 engineers are already in the eight-county area surveying damage. He indicated a $250,000 water system recently put into operation by Shelby would constitute an eligible emergency project as most water supplies would, whether in an incorporated community or not.

HEADS EMERGENCY WORK

Col. Jack St. Clair will head the emergency work in the area. As the primary work agent of the OEP, the Corps of Engineers will likely engineer and contract most of the rehabilitation work.

A representative of the American Red Cross estimated that 3,000 families were affected by the flood in the eight counties. Federal assistance programs fall short of helping individual persons with personal property and this is where the Red Cross will be of most help.

[From the Great Falls Leader, June 13, 1964]

AGENCIES OFFER FINANCIAL HELPING HAND TO DISTRESSED FLOOD VICTIMS

Now that the first shocks of the flood are wearing off, homeowners whose property and possessions have been destroyed or damaged by the raking waters are asking themselves "Where can I get help?"

Although many questions remain to be answered, the main avenues for help to individuals appear to be grants from the American Red Cross and loans from the Small Business Administration.

Another side not to be overlooked is that much of the property and personal items lost may be tax deductible, according to an official at Internal Revenue office located at 2910 10th Avenue South.

It is pointed out that persons who have suffered loss can best establish it through photographs and records documenting the loss and made as soon as possible after the loss occurred.

For information concerning property loss tax deductions, persons should contact the Internal Revenue office, the officials said.

ACCEPT APPLICATIONS

The Red Cross began accepting applications for rehabilitation assistance Friday.

Those persons who need help should go to the Red Cross facility in the civic center, room 103, according to James Kalivas, Los Angeles, director of public information for the local disaster.

Kalivas said the persons would be assigned a caseworker who, with a building adviser, would check the house and property which was damaged by the flood to estimate the loss. At the same time the applicant would file an application for rehabilitation assistance.

Kalivas said that the Red Cross aid isn't given on a loss basis but rather is given on a need basis.

"We do not replace what you lose but what you need to get back to a normal living," he said.

The Red Cross assistance can include food, clothing, repairing and rebuilding of homes, replacement of basis household goods and medical care.

EXPLAINS EXAMPLE

Kalivas, in a hypothetical example, explained that if it takes $8,000 to rebuild a person's home, $2,000 to replace necessary household goods, and $300 for clothing and food, the Red Cross would replace all of this—not as a loan, but as a grant—if a need was shown.

He said that the money used by the Red Cross consists of contributed funds so the need is checked closely.

A person's finances—insurance, wages, money in the bank—are some of the items checked, he said.

Kalivas stated that the Red Cross wants each person to use his "own resources practically and to take care of himself if at all possible."

"If a person earns enough wages to have a surplus at the end of the month to borrow money for a partial downpayment from an agency such as the Small Business Administration (SBA) the Red Cross will pick up the difference," he said.

"But if a person can borrow money from an agency to set himself up again then the Red Cross will not grant him aid," he concluded.

ANOTHER SOURCE

The other source of aid is in the form of a loan from the Small Business Administration which has set up an emergency center in space at the former Kaufman's store at 304 Central Avenue. The location is occupied by Bishop Condon's jubilee development program headquarters.

Loans are made to help repair or rebuild homes, businesses, and nonprofit institutions, and to help replace furnishings or business fixtures, machinery, equipment, and inventory.

Individuals, business concerns, and nonprofit organizations such as churches and charitable institutions are eligible for consideration for disaster loans, provided:

1. They have suffered tangible property loss as a result of flood or other catastrophe.
2. The Small Business Administration has declared their area a disaster for purposes of financial assistance.

Loans will not be made by the agency to repair or replace damaged or destroyed summer or winter cottages, camps, lodges, or other residential property occupied by the owner exclusively for recreation or relaxation.

Farmers and stockmen are not eligible for general disaster loans from the SBA, but should apply instead to the Farmers Home Administration.

TO RESTORE PROPERTY

The purpose of an SBA disaster loan is to restore a victim's home or business property as nearly as possible to its predisaster condition.

If it is necessary or desirable to construct a new home or new business or institutional facility on a different site the loan may be used for that purpose.

However, the loan is limited to the estimated cost of restoring the destroyed property.

The SBA has no limit on the amount of a loan but a loan cannot be for more than the actual tangible loss suffered as a result of the disaster, less any amount the disaster victim has recovered from insurance or obtained from any other source, such as the Red Cross, for purposes of rehabilitation.

In the case of any application, there is no specific requirements with respect to collateral as security for a disaster loan, nor has the SBA established any firm rule in regard to collateral.

However, applicants are expected to pledge whatever collateral they can furnish.

The interest rate on an SBA direct disaster loan is 2 percent per annum. They are generally to be repaid in equal installments, including interest, usually beginning not later than 5 months after date of the note.

Application forms for the SBA disaster loans may be obtained from the emergency center on Central Avenue.

[From the Great Falls Tribune, June 13, 1964]

FOUR-DAY FLOOD CRISIS FADING, RIVERS RECEDE

Montana's 4-day flood crisis appeared over Friday with the last two trouble spots under control.

The Jefferson River in southwestern Montana crested during the night without causing any serious damage and a nightlong effort by volunteers and heavy machines reinforced two stock-water reservoirs which had been on the verge of breaking at Shelby in the northern part of the State.

"Due to the steady decline of most streams, further flooding during the next few days is not expected," the Weather Bureau said in an encouraging report to water-weary Montanans who suffered the worst floods in the State's history.

FOOT OVER FLOOD STAGE

The Weather Bureau said the Jefferson crested at 1 foot above flood stage near its confluence with the Madison and Gallatin Rivers at Three Forks to form the Missouri. The Jefferson held steady Friday morning and was expected to drop about 2 feet during the next 2 days.

At Townsend, on the Missouri 35 miles southeast of Helena, the river rose steadily as anticipated and was 1½ feet below flood stage Friday morning. The Weather Bureau said the river at Townsend would crest Friday night at 10 feet as water from the Jefferson moved downstream, but that would still be a foot below flooding.

The Bureau of Reclamation stepped up its discharge from Canyon Ferry Dam on the Missouri near Helena as the reservoir neared its capacity.

Below Canyon Ferry, the Missouri and its troublesome tributaries continued a slow but steady fall, the Weather Bureau said.

ABOUT 300 EVACUATED AT SHELBY

About 300 homes on the north side of Shelby, located 84 miles north of Great Falls, were evacuated Thursday night when one of three stock-water reservoirs in a coulee north of the community of 4,000 gave way after a cloudburst.

Water 2 to 3 feet deep surged into about one-third of the town and flooded some basements, but the runoff was fast. Residents were evacuated when it appeared dams on the other two reservoirs also would give way.

But the shoring-up project worked and Friday morning the evacuated families began returning to their homes.

Before it crested, the Jefferson washed out some bridges and sections of roads in rural areas.

[From the Great Falls Tribune, June 13, 1964]

SHELBY RADIO GETTING CITATION FROM INDIANS

SHELBY.—Radio station KSEN's work in the flood disaster is going to get special recognition from the Congress of American Indians.

Walter Wetzel, of Browning, the organization's national president and chairman of the Blackfeet Tribe, said he will award a presidential citation next week.

The station was among the first to tell of breaks in Birch Creek and Two Medicine dams last Monday. Because of poor communications, disaster officials used the station's voice to carry information to civil defense crews in the field.

The station also used an airplane and helicopter to keep abreast of flood developments. Station owner John Lyon is a pilot.

[From the Great Falls Tribune, June 13, 1964]

RED CROSS STARTS WORK TO REHABILITATE STRICKEN

Six more Red Cross disaster workers—a nurse, three case workers and two building advisers—arrived in Great Falls Friday bringing the total here to more than 50.

The nurse and case workers were immediately reassigned to Kalispell in the Flathead Valley; one building adviser went into Cho-

teau and will work in that area and in Glacier County. The other one will work in Cascade County.

More than 500 evacuees spent the night last night in Red Cross shelters in Choteau, Browning, Valier and Great Falls. Early today, Ed Novis, Red Cross chapter chairman for Cascade County, announced that the organization had begun accepting applications for rehabilitation assistance.

Novis pointed out that Red Cross assistance can include food, clothing, repair or rebuilding of homes, replacement of basic household goods and medical care.

"Whatever it takes," Novis said, "to get the disaster sufferer back to normal living."

The chairman stressed that Red Cross assistance is given on a need basis and that all help is given—not as a loan—but as an outright gift from the American people "with no strings attached."

He said the Red Cross already has spent more than $50,000 for mass care in the emergency phase of the flood disaster and continued that he believes the rehabilitation effort may cost the Red Cross an additional $250,000.

Novis said that those who need help should go to the Red Cross facility in the civic center, room 103. Office will be open from 8 a.m. until 5 p.m., 7 days a week.

[From the Great Falls Tribune, June 13, 1964]

UPPER HIGHWOOD AREAS LOSE 10 BRIDGES IN FLOOD

HIGHWOOD.—All bridges at Upper Highwood numbering about 10, were washed out as 4.1 inches of rain dumped on that mountain area.

Five 14-year-old boys who were camping in the Highwood Mountains got out safely with the help of Charles Kind and Bill Lehman, though the campers' car was washed away.

Seventy youths at the Farmer's Union Camp were reported OK. There is no road left for 300 to 400 feet above the Arrow Peak Ranch and between there and Highwood is intermittently washed out.

Ranchers gathered to work on the Townsend Bridge and had it usable Wednesday. Ranchers' access bridges throughout the area are gone but ranchers can still come out through their fields.

Workers have been constantly reinforcing the bridge in the town of Highwood to keep it open. Several families immediately east and west of this bridge have been evacuated. In Upper Highwood a number of families have been leaving their homes at night.

Water damage is reported not as extensive as in the 1953 flooding but has cut into feed lots and run over the roads at many places. In the town rainfall was 3.75 inches from Sunday noon to Monday night.

[From the Great Falls Tribune, June 13, 1964]

GN EYES 3 WEEKS OF REPAIRS

EAST GLACIER.—Tom Jerrow, vice president of the Great Northern Railway, said Thursday it may take three weeks to reopen the flood-damaged tracks between East Glacier and West Glacier.

He said heavy equipment and 150 men are to be brought into the area to handle the repairs. Several of the 11 railroad bridges in the area were damaged, some approaches were washed out and two tunnels were filled with water.

Main line trains are being routed onto Northern Pacific Railway tracks.

Meanwhile, service to the park is maintained through daily shuttle trains between Spokane and West Glacier and between Havre and East Glacier.

Jerrow and GN President John Budd inspected the damaged rail area by helicopter Thursday before Budd headed back to St. Paul.

[From the Great Falls Tribune, June 13, 1964]

MISSOURI, SUN CONTINUE DROP

Drier and warmer weather is ahead for Montana, according to the Weather Bureau.

The forecast called for light, scattered showers today and for below normal precipitation starting Sunday.

The Missouri and Sun Rivers continued to drop Friday.

At 8 a.m. Friday, the 14th Street Southwest Bridge reading was 17.4 feet, still 2.4 feet above flood stage of 15 feet.

At 4:45 p.m. Friday, the Sun had dropped there to 16.7 feet.

WAIT TO RETURN

Weary homeowners, driven from their homes by floodwaters, continued to wait to move back to those residences not totally damaged or swept away in the Great Falls Sun River area and other stricken Montana flood areas.

Residents of all of the valleys and areas involved in addition to the wait, joined in a hunt for missing persons, and with each passing day grows the fear that the missing are dead.

Undoubtedly bodies now covered by silt and debris will never be found.

AIR FORCE WITHDRAWS

With traffic in requests for emergency air transport quieting in the area, the Air Force Friday withdrew personnel from the Office of Civil Defense in the Rainbow Hotel where they had been working in conjunction with local and State Civil Defense authorities, as well as other local and State agencies.

[From the Great Falls Tribune, June 13, 1964]

WHITE MAN'S MEDICINE TOO STRONG

BROWNING.—The Indians are saying the white man's medicine was too strong.

Two months ago the Bureau of Indian Affairs was studying means of alleviating drought conditions in the Blackfeet Indian Reservation in northwestern Montana.

In the aftermath of the death and destruction of Montana's worst flood in history the Indians haven't lost their sense of humor.

"Your medicine was too strong," they told Charles H. Schramm, BIA land operations officer in his inspection of the Blackfeet area.

[From the Great Falls Tribune, June 13, 1964]

WHERE TO BEGIN IS FIRST PROBLEM AS LOWER SUN SALVAGING STARTS

Where to begin was the problem facing hundreds of residents of the lower Sun River area as they return to their flood-damaged homes.

The mountainous task of cleaning up and rebuilding is underway, but it will be years before the deep scars etched by the rampant Sun River disappear.

Few homes in the area escaped the fury of the rampaging Sun. From the outside, some appear as if nothing had happened. On close examination, water marks can be seen on the sides or across windows.

The full impact of the destructiveness of the flood can be found inside the homes. Basements are still brimming with water, paint is pealing off walls in sheets, furniture left behind is in complete disarray and ruined, and there is mud, mud and more mud.

Two inches of silt was left behind on everything touched by the unleashed Sun. One man, as he was washing the muck off his living room walls with a garden hose, said, "I don't think this water will hurt anything in here."

There was activity at almost every house freed from the grip of the Sun. Others were still locked tight as if abandoned by discouraged owners.

Despite early warnings for complete evacuation of the area, there were those who failed to take heed or were unable to do so. They came back to find a refrigerator hurled by the flood into the front room, living room furniture on the front lawn or down the street, a mattress floating in the basement or a heavy desk had floated through a picture window. These are just minor problems. Untangling and cleaning furniture and clothing adds to the heartaches.

Frank H. Schrupp, a resident of the lower Sun River since 1920, sat in his car on Central Avenue West for an hour Friday before deciding against trying to reach his still flooded property at 402 24th Street SW. Schrupp had not been to his home since evacuating Tuesday, but was told by a neighbor that his chicken coop and several sheds were gone. The 76-year-old retired smelterworker saved his calves and some furniture.

Schrupp voiced the sentiments of the majority of residents in the flood-stricken area, "We're staying, this is our home."

Robert A. Siegling, 2400 Central Avenue West, said, "I'll rent or sell." Mr. and Mrs. Siegling, who have made their home there for 19 years, got out with only a car. Their furniture was ruined. Expensive wall-to-wall carpeting was a wall-to-wall mud. Water dripped from clothing in closets.

A lost and found department will be needed in the area. Lud Jun, 2126 Central Avenue West, has an overturned boat in his backyard and doesn't know where it came from. A woman stopped at another house on Central and said the bridge in the front yard belonged to her.

Gordon Garrett reached into a water-filled ditch and pulled out his mailbox which had been attached to a post on Central. The Garretts, Gordon and his father, Lee, next-door neighbors, were clobbered by the flood. Both of their homes were inundated. No furniture was saved and only one of seven cars was salvaged.

The residents of the lower Sun River aren't giving up. They're too busy.

[From the Great Falls Tribune, June 13, 1964]

ASC HELP INFORMATION REQUESTED

Senator MIKE MANSFIELD Friday advised the Tribune that he had specifically asked Secretary of Agriculture Orville L. Freeman about assistance available under the emergency agricultural conservation program.

He said Freeman explained how the Montana USDA disaster committee, directed by Mrs. Viola Herak, State ASC chairman, was getting county disaster estimates.

MANSFIELD said Freeman has asked that $500,000 be tentatively earmarked for the Montana situation and that a responsible man will be in Montana reviewing the situation with the disaster committee.

MANSFIELD said the Farmers Home Administration is preparing to authorize loans where they are needed by those farmers who are unable to get adequate credit from other sources. He said these loans would be at 3 percent and may in some instances be scheduled for payment over a period of up to 7 years.

Montana's senior Senator said a decision as to the need for real estate and housing loans will be made when more information is available.

[From the Great Falls Tribune, June 13, 1964]

LABOR MAKES CLEANUP HELP OFFER

Organized labor in Great Falls will assist flood victims in cleaning up their property prior to moving in, according to Murray McNicol, Trades and Labor Assembly vice president, and Peter J. Gilligan, Great Falls Public Trades Council secretary.

The two men said Friday that persons interested in having aid in cleaning up should contact the Red Cross, which in turn will contact with them.

They said there are certain restrictions on the scope of the help.

The labor men will not assist in putting in plumbing, doing wall plastering work or construction, but will help in cleaning up debris and give other help. Also the cleanup men will not go into any residence until they have permission from persons who have authorization from the proper city or county agencies.

The group intends to help first those persons who are physically handicaped with age or infirmities, but the service will be made as general as possible, they said.

Any member of the labor organizations who is interested in helping in the cleanup work should contact their business agent or representative, they said.

[From the Great Falls Tribune, June 13, 1964]

GLACIER TO SALVAGE SEASON

"We can restore the roads and facilities and have a normal summer here," Secretary of the Interior Stewart Udall said in Great Falls during a brief stop Friday.

He said "We want people who planned to come here to come right ahead.

"It is unfortunate these devasting floods happened at the very beginning of the outdoor recreation season but the damage will be quickly restored," he added.

PLANE REFUELS HERE

The Secretary of the Interior was on his way to Browning when his Bureau of Reclamation plane stopped at International Airport for refueling. He addressed a meeting of the Montana Junior Chamber of Commerce at East Glacier Friday night and is expected to stop again briefly in Great Falls this morning.

A helicopter flight gave the Secretary a view of the damage and needs on the Blackfeet Reservation and damage in Glacier Park. He was to inspect flood ravaged areas between here and the park on the flights up and back.

JOHNSON REQUESTS

"When President Johnson learned I was going to make this trip to Montana," Udall said, "he asked that I make a personal report on the damage and what is needed to get the area back to normal. We will work closely with State and local authorities and agencies to get the job done."

Udall said he regretted engine trouble in the two-engine Bureau of Reclamation plane in which he is making the trip forced it to return to Denver Friday morning and caused cancellation of his scheduled luncheon engagement here.

DOING ALL POSSIBLE

He assured that everything possible is being done to have park facilities ready to receive the annual influx of tourists and said he hopes to get back here this summer and is anxious to fulfill Senator MIKE MANSFIELD'S invitation that he meet the Senator in Montana sometime during July or August when Congress is in recess.

OPEN THIS MONTH

Going to the Sun Highway in Glacier Park will be ready for travel in late June, L. A. (Lon) Garrison, Omaha, Regional Director of the National Park Service, said here Friday.

We will need a break or two and there may be some one-way traffic for awhile but the highway, extensively damaged by floods this week, will be open late this month, he said. Its opening will require major road repairs and a Bailey bridge at West Glacier.

Garrison, Superintendent of Yellowstone National Park for 7 years before being made Regional Director, said water and sewer systems lost in the floods will be restored as quickly as possible.

Many Glacier Hotel will open as scheduled next week with the convention of the Montana Bankers Association, he said. Almost every crossing in the park's thousand miles of trail system was washed out but essential ones will be restored without delay, Garrison added.

[From the Great Falls Tribune, June 13, 1964]

BLACKFEET DECLARE JUNE 8 AS A TRIBAL MEMORIAL DAY

BROWNING.—The Blackfeet Indians have declared June 8 a tribal memorial day.

It will be set aside as a day of tribal mourning for the Blackfeet who lost their lives on that date in the floods which devastated the reservation in northwestern Montana.

Walter Wetzel, chairman of the tribal council, said the council made the designation at a meeting attended by Commissioner of Indian Affairs Philleo Nash, who inspected the flood damage on the reservation.

Wetzel said that because of the flood emergency, the Blackfeet Tribal Council election scheduled next Tuesday had been postponed 2 weeks, until June 30. The election also will include balloting on proposed changes in the tribal constitution and bylaws.

Wetzel said damage to homes on the reservation had been estimated at $5 million. He said officials believed it would cost $4 million to replace the dam that washed out at lower Two Medicine Lake with a larger structure.

"Our big job now is to take care of the emergency, to take people out of isolated areas," Wetzel said.

[From the Great Falls Leader, June 13, 1964]

HARD WORK TAKES LEADING ROLE IN BATTLE TO CLEAN UP MESS

Work, work and more work. This is the pattern for residents of West Great Falls and all of the communities in the Sun River drainage all of the way to the mountain front.

Silt, debris and animal victims of the raging Sun River which brought on the area's greatest flood disaster on record, has to be cleaned up.

While the river continues to drop slowly, the tempo of cleanup effort increases in direct proportion to the amount of river fall. Neither is rapid; both are noticeable.

REQUESTS DWINDLE

With emergency traffic requests dwindling, the Air Force withdrew personnel from the Office of Civil Defense with which they had been associated in flood evacuation and relief work.

At 8 this morning, the Sun River had dropped to 15.8 feet—still nearly a foot above flood stage but 8.8 feet below the early Wednesday morning crest.

Officials at the U.S. Weather Bureau forecast center on Gore Hill issued a flood bulletin at 12:30 this afternoon in which they stated the river has continued to fall slowly during the past 24 hours both at Great Falls and upstream at Simms and Diversion Dam.

The officials said water levels will drop only slightly in the next 24 hours holding at near flood stage. The Missouri River, near the confluence with the Sun River in Great Falls and for a short distance upstream beyond the Meadow Lark Country Club, will hold at levels near the present stage but considerably below the peak of Tuesday night.

TO RISE SLOWLY

Further upstream on the Missouri River to points not previously affected by backup from the Sun River crest, the river will rise slowly today but will remain below the peak height of Tuesday afternoon and night for the next 24 hours.

The weathermen pointed out that Missouri River readings at Cascade are up almost 2 feet over Friday's readings but that the Dearborn River levels are lowering. The lowering level of the Dearborn is expected to equalize fairly well the rise in the Missouri which has been occasioned by the release of additional water from Canyon Ferry and Holter Dams.

At the height of local flood, Bureau of Reclamation officials virtually closed Canyon Ferry Dam but now, with the dam's reservoir area almost full, additional water has to be released from behind the structure as a precaution against heavy snowpack runoff or possible additional rains.

This increase from the two dams has been gradual with 17,820 cubic feet of water per second coming over Holter today.

FLOW DROPS

Flow over Diversion Dam in the Sun River dropped 400 cubic feet per second since Friday to 7,350 which is sufficient to keep Sun River levels fairly high.

With temperatures slowing rising over Montana, residents of the Great Falls area can look for some thundershowers activity late this afternoon and tonight. These storms will be fewer and more isolated Sunday, the weatherman said.

Some of these storms will bring quite heavy showers in localized areas, the weatherman said, but are not expected to develop into widespread activity as the pressure gradient is fairly level over the whole State, indicating nothing of a major nature is developing.

The 1 p.m. temperature here was 70 and the weatherman is calling for a high of 75 Sunday. The low tonight and Sunday night will be about 50.

[From the Great Falls Leader, June 13, 1964]

CENTRAL MONTANA ROADS IMPROVE; MANY CLOSED

Traffic conditions in central Montana continued to improve today but conditions remained a far cry from being normal.

U.S. 87 North: Remains closed north of the Fort Benton Wye where the Teton River washed out the road. Highway open Havre to Loma. U.S. 87 East: Open Great Falls east.

U.S. 91 South: Open Great Falls to Helena and south with short detour in Hardy Creek area. U.S. 91 North: Open Great Falls to Dutton. Open Dutton to Shelby by alternate route for light emergency vehicles only. No trucks permitted. Route being used is Dutton to Choteau on secondary 221; Choteau to Pendroy on U.S. 89; Pendroy to Conrad, secondary 219; Conrad north to Shelby, U.S. 91: Shelby north to Canadian border open and good.

U.S. 89 North: Open to Fairfield. Choteau to Pendroy. Closed between Fairfield and Choteau and Pendroy and Browning. Open to Babb north of Browning. Road open into Two Medicine from Browning.

U.S. 2: Open all eastern points to Summit. Closed Summit to West Glacier.

U.S. 89 South: Open Great Falls to Armington Junction. Closed Armington to Monarch. Traffic moving over U.S. 87 to Raynesford then over secondary to Monarch, then back on U.S. 89 Monarch to White Sulphur Springs and south.

Montana 20: Open Great Falls to Missoula, caution required in Sun River and Lincoln areas.

Highway 287: Open Wolf Creek to Augusta, closed Augusta to Choteau.

Montana 21: Closed Simms to Augusta.

[From the Great Falls Tribune, June 13, 1964]

ABOUT $1 MILLION DAMAGE SET FOR CITY WATER, SEWER

Damages to Great Falls streets and sewage and water systems by the Sun River floods this week have been estimated roughly at

$1 million, according to Mayor Marian Erdmann.

The mayor said the full extent of the damage to the systems cannot be fully determined until the flood water leaves, and the loss may be worse than we think.

She said the administration's first concern is for the sewer and water systems because of their vital relationship to health. A wire has been sent by the city notifying Senator MIKE MANSFIELD of the estimate.

MANSFIELD and Edward A. McDermott, Director of the Office of Emergency Planning, Washington, D.C., are coming to Great Falls Sunday to inspect the conditions here and in the entire flood area.

MANSFIELD said in a telegram today that McDermott has provided some specific information about Small Business Administration loan assistance. He said that while Public Law 875 does not provide for direct assistance to individual disaster victims, disaster loan assistance, at interest not to exceed 3 percent with up to 20 years to pay, is available through the SBA.

The assistance is available for repair or replacement of disaster damaged commercial or residential structures and the loan authority extends to contents and inventory as well as structures.

Individual needs for clothing, replacement of lost furnishings and similar needs are taken care of through the emergency relief and rehabilitation programs of the American Red Cross, he said.

While businesses are not eligible for assistance under Public Law 875, SBA disaster loan assistance is available to individuals, business concerns, including corporations, partnerships, cooperatives, and churches, charitable institutions and other nonprofit organizations.

MANSFIELD said further, concerning flood problems in Glacier County, that county roads and bridges damaged or destroyed in the floods are eligible for repair or replacement under provisions of Public Law 875. Bureau of Public Roads engineers are making damage surveys for the OEP to determine the extent of damage and eligible work. He said Glacier County commissioners should work through the Montana disaster agency headed by Gen. Richard C. Kendall, adjutant general and State disaster coordinator, in applying for Public Law 875 assistance.

[From the Great Falls Tribune, June 13, 1964]

COUNTY LOSS HIGH IN LAND, EQUIPMENT

Cascade County farmlands were damaged to an estimated $2,195,000 by this week's floods and the county suffered an additional $2,087,500 in damage to farm buildings and equipment, Doug Smith, executive director of the Agriculture Stabilization and Conservation Service, Bozeman, said Friday at a flood relief and rehabilitation coordination meeting called by Gov. Tim Babcock.

The meeting was presided over by Creath Tooley, Everett, Wash., regional director of the Office of Emergency Planning, coordinating agency for disaster assistance furnished by the Federal Goverment.

Smith said the county farm equipment and facilities loss estimates include 400 miles of fencing, 200 miles of main ditch work, 2,000 irrigation structures, 40 pumps, $200,000 worth of riprap, 10 stock reservoirs, 150 buildings, 500 head of cattle, and weed control of an estimated $640,000 value.

Smith said farmers will get help through temporary grazing on retired land, conservation reserve land, short-term feed grain disaster donations from the Commodity Credit Corporation, the Agricultural Marketing Service which supplies food for farmers, loans from the Farmers Home Administration, and loans from the Rural Electrification Administration. The soil conservation district will provide technical assistance in land leveling, pasture planning, and additional personnel in cases directed by the OEP, he said.

CONSERVATION HIGHLIGHTS, 1963—AID BY SOIL CONSERVATION SERVICE TO NORTH DAKOTA

Mr. BURDICK. Mr. President, the help furnished by the Soil Conservation Service in North Dakota means a lot to the farmers and ranchers of my State. More than 36,000 farmers and ranchers now are cooperators with North Dakota's 71 soil conservation districts which blanket the State. More than 25,000 of them have developed basic conservation plans for 17½ million acres of land.

In total, 67 of the 71 soil conservation districts in the State have updated their plans of operations to include broader conservation programs and have signed modernized working arrangement with the Department of Agriculture. This is a great cooperative effort between the Department of Agriculture and these local units of government organized under State law.

There has come to my attention a digest of the 1963 annual report of the Soil Conservation Service. It sets forth numerous facts about the scope of work, accomplishments, and conservation needs in a form that can be read in only a few minutes of time. It carries the following statement from Mr. D. A. Williams, Administrator of the Soil Conservation Service:

A dynamic program of soil and water conservation is going forward throughout the United States.

It is a voluntary program of the people aided by local, State, and Federal Governments.

Its emphasis is on meeting the needs of the entire population for land and water uses while improving the economy and livability of rural America.

The progress reported here stems from organized local effort and leadership coupled with the vision and skills of technically trained people.

This partnership recognizes the fundamental truth that only the people who own and control the land can really do conservation work. The rest of us are privileged to help. We are proud of that partnership and that progress.

Mr. President, I believe that other Senators would have use for the facts set forth in this Conservation Highlights, 1963, issued on January 1, 1964. Therefore, I ask unanimous consent that it be printed at this point in the RECORD.

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

CONSERVATION HIGHLIGHTS 1963—DIGEST OF THE ANNUAL REPORT OF THE SOIL CONSERVATION SERVICE

NEW HORIZONS

The Soil Conservation Service (SCS) enlarged its service to urban as well as rural people in fiscal year 1963.

The Food and Agriculture Act of 1962 resulted in new tasks for SCS in rural recreation, resource conservation and development projects, watershed development, and cropland conversion.

SCS made 1 million acres of soil surveys for immediate use in rural-urban planning. It provided information on soil and water use in urban fringe areas.

SCS helped plan watershed projects to include recreation and wildlife development, water supply, and other purposes along with flood prevention. Sixty percent of new projects authorized in 1963 are multipurpose.

SCS helped soil conservation districts revise their programs in relation to broadened horizons in conservation. The Secretary of Agriculture signed new working agreements with 500 districts with modernized programs.

RURAL AREAS DEVELOPMENT

Watershed projects, rural recreation, and all resource conservation contribute directly to rural areas development.

Forty percent of small watershed projects approved for operations in fiscal 1963 are in counties designated for assistance by the Area Redevelopment Administration.

To date, watershed projects have provided more than 6,200 man-years of construction work in rural communities.

SCS provided technical assistance to 2,008 county and area rural areas development committees and to 2,785 technical action panels in fiscal 1963.

RESOURCE CONSERVATION AND DEVELOPMENT PROJECTS

In response to the Food and Agriculture Act of 1962, the Secretary of Agriculture directed U.S. Department of Agriculture (USDA) agencies to assist local communities with new-type resource conservation and development projects.

These projects will be locally initiated and sponsored within approved areas of several adjoining counties or watersheds. They will concentrate all USDA programs for the conservation and coordinated development of land, water, and related resources to improve local economic conditions.

SCS is responsible for USDA leadership and will provide technical assistance in planning projects and installing resource conservation and development measures.

In fiscal 1963, local organizations submitted applications for 16 projects covering 22 million acres. The Secretary approved the Lincoln Hills area in southern Indiana as the first project.

RURAL RECREATION

The Secretary of Agriculture assigned to SCS leadership for USDA's activities in developing income-producing outdoor recreation on non-Federal rural land.

Through assistance to soil conservation districts and small watershed projects, SCS helped farmers and ranchers convert land to outdoor recreation uses for pay.

In fiscal 1963 more than 9,800 district cooperators established one or more income-producing recreation enterprises. Of these, 945 adopted recreation as a primary source of income on 238,000 acres of land.

Of 473 small watershed projects authorized by June 30, 17 included recreation and 48 included fish and wildlife as a purpose.

SERVICES TO URBAN FRINGE AREAS

SCS increased soil survey work and consultive assistance to urban fringe areas in response to requests from officials needing information to guide land use planning and development.

It made soil surveys in 20 urban fringe areas under formal cost-sharing agreements with cities and towns and did special mapping work in at least 50 others.

GREAT PLAINS CONSERVATION PROGRAM

In the 383 counties designated for the Great Plains conservation program, SCS assisted farmers and ranchers prepare complete land use and conservation plans as a basis for 2,852 new cost-sharing contracts with USDA.

The plans cover 5,051,330 acres and provide for conversion of 191,826 acres of cropland to other uses.

This is an increase over 1962 of 16 percent in number of contracts and 2 percent in acres.

CONSERVATION PROGRESS, FISCAL YEAR 1963

Programs and plans

	Fiscal year	To date
Soil conservation districts:		
Soil conservation districts (net increase):		
Number	13	2,942
Acres	13,077,327	1,718,856,998
Farms and ranches in districts: Number	24,433	3,653,001
Land in farms and ranches: Acres	6,276,222	1,050,990,909
Cooperators:		
Number	114,785	1,979,151
Acres	39,765,836	634,928,801
Basic conservation plans:		
Number	105,466	1,472,660
Acres	37,277,583	455,341,029
Land owners and operators assisted: Number	1,041,526	
Land owners and operators applying practices: Number	665,829	
Group project plans prepared:		
Number	2,473	27,636
Acres	1,141,579	21,078,804
Landowners in groups: Number	15,075	202,501
Soil surveys: Acres	68,324,153	785,235,012
Great Plains Conservation program:		
Contracts signed:		
Number	2,852	12,393
Acres	5,051,330	28,438,161
Contracts completed:		
Number	989	1,504
Acres	1,418,681	2,293,088
Planned cropland conversion: Acres	191,826	861,303
Agricultural conservation program:	Program year	
Cost-sharing referrals received: Number	387,594	
Cost-sharing referrals serviced: Number	372,519	

Conservation practices applied

	Fiscal year	On the land
Farms and ranches:		
Contour farming acres	6,104,602	39,204,454
Conservation cropping systems acres	22,909,067	131,704,734
Cover cropping do	4,984,775	23,850,064
Crop residue use do	18,499,453	93,898,863
Strip cropping systems acres	667,305	19,043,818
Seeding pasture and range acres	2,693,429	49,122,566
Tree planting do	375,132	10,717,075
Wildlife development acres	220,257	3,019,422
Irrigation land leveling acres	511,125	7,587,890
Irrigation water management acres	2,408,550	8,600,236
Terracing miles	40,557	1,213,203
Diversion construction miles	3,310	82,458
Pond construction: Number	53,886	1,262,237
Watershed projects:		
Floodwater retarding structures: Number	379	2,578
Grade stabilization: structures: Number	757	7,901
Silt and debris basins: Number	580	16,085
Stream channel improvement miles	346	1,429
Floodways do	12	110

SOIL CONSERVATION DISTRICTS

The Soil Conservation Service assisted 1,041,526 landowners and operators plan and apply soil and water conservation practices in fiscal 1963.

During the year, soil conservation districts added 114,785 cooperators with 39,765,836 acres of land. SCS helped them prepare 105,466 basic conservation plans on 37,277,583 acres.

On June 30, SCS was providing technical assistance to 2,942 soil conservation districts containing 1,718,856,998 acres in the United States, Puerto Rico, and the Virgin Islands.

These districts include 97 percent of the farms and 93 percent of the land in farms. Twenty-four States and the two Caribbean territories are completely covered by districts.

Most districts are in the process of updating their programs as a basis for new memorandums of understanding with USDA providing for broadened assistance "in soil conservation, watershed protection, flood prevention, farm forestry, and rural areas development."

CONSERVATION PRACTICES APPLIED

SCS helped 665,829 landowners and operators apply one or more soil and water conservation practices.

Cooperators installed conservation cropping systems on 22,909,067 acres, an increase of 30 percent over the previous year. They practiced contour farming on 6,104,602 acres, an increase of 27 percent.

Water conservation through improved irrigation practices also increased sharply. Farmers leveled 511,125 acres of land and applied irrigation water according to conservation standards on 2,408,550 acres.

Farmers and ranchers following conservation plans seeded 2,693,429 acres of pasture and range, planted 375,132 acres of trees, and developed wildlife habitat on 220,257 acres.

They also built 40,557 miles of terraces, 3,310 miles of diversions, and 53,886 ponds.

SOIL SURVEYS

SCS completed field mapping 68,324,153 acres of soil surveys in fiscal 1963, compared to 65,040,992 acres in 1962.

A total of 785,235,012 acres has soil surveys in sufficient detail for use in conservation planning of farms, ranches, watersheds, and other uses. This is about three-fourths of the land in farms (and half the total land area) in soil conservation districts.

Twenty-eight soil surveys were published during the year, and the maps and texts for 162 surveys are in various stages of preparation for publication.

The use of soil surveys by both public and private agencies and by individuals continues to increase. Nonagricultural users—especially State, city, and town planning groups—are requesting more soils information applicable to urban and suburban areas.

SCS is cooperating with the Bureau of Land Management in three pilot surveys on extensive rangelands in the West.

WATERSHED PROJECTS

Eighty-eight new small watershed projects were approved for operations and 121 were authorized for planning in fiscal 1963, the largest number in any year since the program started.

By the end of the year, 48 States and Puerto Rico had submitted 1,936 applications for Federal assistance covering 138.3 million acres.

On June 30, a total of 890 watersheds had been authorized for planning. Of these, 473 were approved for operations.

In addition, SCS prepared work plans for 11 subwatersheds covering 874,000 acres in the 11 major river basins authorized for flood control work.

Construction work in all types of watershed activity during fiscal 1963 completed 379 floodwater retarding structures, 757 grade stabilization structures, 580 silt and debris basins, 346 miles of stream-channel improvement, and 12 miles of floodways.

RIVER BASIN INVESTIGATIONS

Soil Conservation Service participated with other Federal and State agencies in surveys of 25 major river basins in fiscal 1963.

These surveys aim to develop comprehensive plans for the coordinated and orderly development, management, and use of the water and related land resources of the basins.

INTERNATIONAL ASSISTANCE

During fiscal 1963 SCS completed a tentative work plan for a watershed project in Tunisia under contract with the Agency for International Development (AID).

SCS also contracted with AID to provide technical services to the Government of Algeria in rural rehabilitation and soil conservation.

During the year SCS made available to AID 12 professional conservationists for short assignments in 6 countries.

SCS assisted with training in the United States of 330 foreign nationals from 60 countries.

CONSERVATION NEEDS INVENTORY

Results of a National Inventory of Soil and Water Conservation Needs, begun in 1957, were published in August 1962 as USDA Statistical Bulletin 317.

All agencies of USDA concerned with land and water resources cooperated in the inventory under the leadership of SCS. State and local representatives of USDA and other interested agencies participated in all counties.

The inventory revealed that nearly two-thirds of all non-Federal rural land needs conservation treatment of some kind and 8,358 small watersheds need community-type projects for flood prevention and water management. (See table.)

Conservation needs

	Acres	Percent
Non-Federal rural land needing treatment:		
Cropland	272,080,000	62
Erosion hazard	161,582,000	37
Excess water	59,925,000	14
Unfavorable soil	36,463,000	8
Adverse climate	14,111,000	3
Pasture and range	364,797,000	73
Establishment of plant cover	72,380,000	14
Improvement of plant cover	107,570,000	22
Protection of plant cover	184,847,000	38
Forest and woodland	242,371,000	55
Establishment of timber stand	69,656,000	16
Improvement of timber stand	160,260,000	36
Erosion control	12,454,000	3
Other land	10,358,000	17
Total area needing treatment	889,606,000	62
	Number	
Small watersheds needing projects for—		
Flood prevention	6,364	50
Erosion control	4,661	36
Drainage	3,937	31
Irrigation	2,625	21
Total number needing projects for 1 or more purposes	8,358	65

THE COVER-UP—A NEW MORALITY

Mr. DOMINICK. Mr. President, I bring to the attention of the Senate one matter which I think is particularly important. This deals directly with the struggle between the legislative and executive departments, in connection with actions of the executive department. As Senators well know, on many occasions there have been investigations of what happens in various departments, including the Billie Sol Estes case, the Otepka case, and a number of others.

It now appears that in almost every instance in which some employee of one of the executive departments gives Congress information leading to an investigation and the revelation of dealings which, to say the least, are not proper, that person is punished by his department; and the person who has not done anything about it, and has resisted in many instances the bringing of evidence from other departments to Congress, gets a promotion or goes free from criticism.

I have before me two newspaper articles which comment on this situation. One is from the Rocky Mountain News of June 7, 1964. The article is entitled "Federal Wheels Grind Slowly in Bizarre Security Case." This pertains to the Otepka case.

The other article is from the Washington Star. It is entitled "The Coverup—A New Morality—Record Shows Federal Officials Who Expose Shady Deals Get Bounced."

Because I think this is of such importance, I ask unanimous consent that these articles be printed at this point in the RECORD.

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

[From the Rocky Mountain News, June 7, 1964]

FEDERAL WHEELS GRIND SLOWLY IN BAZARRE SECURITY CASE

(By Richard H. Boyce)

WASHINGTON, June 6.—Every workday morning Otto F. Otepka, a $16,900-a-year Government employee, goes to the State Department, and every afternoon he goes home. During the 8 hours in between, Otepka does nothing but read the CONGRESSIONAL RECORD.

Otepka is Chief of the State Department Security Evaluation Division. But he is not permitted to do the work he is paid for.

He gets no important Department mail. In an entire year he has had only two Department phone calls. Fellow workers snub him. He's not invited to office luncheons or Department social affairs.

It's a lonely life for Otepka, 49 and ruggedly handsome. He thinks his office is bugged. He doesn't trust his desk telephone. He won't let his private briefcase out of his sight, even takes it to the washroom with him.

He reads the CONGRESSIONAL RECORD because his superiors told him to—after they filed charges against him that can cost him his job. Reading the RECORD is supposed to keep Otepka busy until a hearing is held on his ouster. He has been doing "mostly nothing" for a year now—a hearing date still hasn't been set.

TWENTY-EIGHT YEARS' SERVICE

Otepka has been in Government service for 28 years, moving up all the time—until last year. His troubles started after he testified in November 1961 and March 1962 before the Senate Internal Security Subcommittee. As a longtime security expert, Otepka told the Senators that some new State Department appointees were being given rush-job security clearances.

The committee at the time was investigating Fidel Castro's rise to power and his links with communism. Otepka had something critical to say about that, too, in connection with high State officials and State Department security practices.

Early in 1963 Otepka was called back to the committee. Some of his earlier testimony differed from statements made by other Department officials. To prove he was right, Otepka gave Committee Counsel Jay Sourwine three confidential documents.

CHARGES VIOLATION

This was all right, Otepka said, because Sourwine had security clearance. Besides, Otepka insists, the documents didn't endanger national security.

But the Department said Otepka violated a 1948 order by President Truman forbidding unauthorized disclosure of executive department files. Otepka concedes this, but points to a 1948 law which says "the right of any member of the classified civil service to furnish information to any Member of Congress shall not be denied."

Otepka also leans on a 1958 joint congressional resolution saying "any person in Government service should put loyalty to country above loyalty * * * to any Government department."

Nevertheless the State Department said Otepka's acts were insubordination, and on June 27, 1963, charged him with conduct unbecoming an officer.

AID RECANTS

To get evidence to back up the charge, Otepka's phone was tapped. Later John F. Reilly, Deputy Assistant Secretary of State for Security, and Elmer D. Hill, Chief of the Technical Services Division, were fired because they lied to the committee, saying they knew nothing of the wiretap.

David Belisle, Reilly's special assistant, told the committee he knew nothing of it, then recanted and said he knew of it but didn't do it. He was transferred to other work outside the Security Section.

Besides the wiretap, Otepka's trash baskets were sifted, his typewriter ribbon deciphered, and his torn carbon papers pieced together. One night his office safe was "burglarized." Someone drilled it open and photostated papers in it.

Twelve file cabinets and two safes in Otepka's office were then impounded by the Department. Otepka was turned out of office, given a cubbyhole, and told to read the CONGRESSIONAL RECORD, to determine Congressmen's attitudes toward the security program—obviously a makework assignment.

Seven members of his staff have been reassigned to other work, and Otepka charges this was because they openly declared they would testify for him.

Raymond Loughton, Francis Gardner, Edwin Burkhardt, John R. Norpel, Jr., Harry Hite, and Howard J. Shea—all experienced in security work—were transferred to the Department's Latin American Affairs Section "to review highly sensitive security cases."

They have privately told friends they are doing no worthwhile work.

ACCEPTS DEMOTION

Billy N. Hughes was persuaded to accept demotion to an investigator position created in Memphis, Tenn.

Only 11 security evaluators remained in Otepka's section. To fill the vacancy, field investigators were brought in. Otepka believes they are not experienced in handling the complicated evaluation system he worked out.

Otepka demands that he be reinstated. Under Department regulations he is entitled to a hearing before another Department employee. Otepka wants an outsider to hear the case.

A decision has been hanging since Otepka filed his demand on January 20.

[From the Washington Evening Star]

THE COVERUP: A NEW MORALITY—RECORD SHOWS FEDERAL OFFICIALS WHO EXPOSE SHADY DEALS GET BOUNCED

(By Richard Wilson)

The handwriting on the wall has been written large here: Don't buck the system. This truth is freshly proved by a Government distinguished service award to an obscure official named Horace D. Godfrey. Mr. Godfrey is the Administrator of the Agricultural Stabilization and Conservation Service under Agriculture Secretary Freeman.

It is charged in the House of Representatives that Mr. Godfrey was given this award although in his branch of the Federal service "obviously a coverup was attempted in the entire Billie Sol Estes case." The evidence in the Billie Sol Estes investigation showed, it is charged, incredible confusion, mismanagement, lack of records, duplication, and "woeful lack of management and knowledge of what was going on in the Estes case."

Mr. Freeman so values Mr. Godfrey today, however, that he confers upon him the highest accolade of his Department as an example to others.

But what of the man who testified and supplied records to show that the bigtime Texas promoter now under prison sentence for fraud was shown favoritism in Mr. Freeman's Department as early as November 1961? This man, N. Battle Hales, has been denied an automatic in-grade promotion which would ordinarily have come to him in the course of his Federal service. Thus the accuser languishes and the accused flourishes, although the record seems clear that Billie Sol enjoyed a favored position in the Department of Agriculture.

Mr. Freeman has no monopoly on this technique. One Jerry Jackis, who revealed to Congress the use of foreign aid funds in Cambodia for a Communist-sponsored hospital, was fired while the State Department official who made a record against him was promoted.

Otto Otepka, State Department security official, who committed the unforgivable sin of peaching on his superiors and telling Congress what is wrong with the internal security system in the State Department, is in limbo. But William J. Crockett, Deputy Under Secretary, who was in charge of the Otepka matter for Secretary Rusk, is up for promotion to career minister, a better job. The Senate Foreign Relations Committee is looking into this because the record shows wiretapping, general harassment, and attempts to degrade Mr. Otepka after he helped the Senate Internal Security Committee to expose some of the weaknesses of the State Department security system.

It is worth noting also that Gen. Curtis LeMay has been given an extension, at least until after the election, of his tenure as Air Chief of Staff. General LeMay protested against the multimillion-dollar award of the TFX contract for what he thought was a second best fighter plane to be used by both the Navy and Air Force. The Navy commander, Admiral Anderson, who also objected openly before Congress, has long since vanished from the Washington scene. But General LeMay was pointedly given only a 1-year reappointment, instead of the usual 2, and this has now been extended. But it looks as if General LeMay's service is rapidly coming to a close.

The pattern set in these several cases is shocking. The lesson taught to Federal officials is that if they see mismanagement, wrongdoing, or bad judgment they would be wise to keep their mouths shut if they wish to maintain or improve their job status.

Their worst sin would be to tell their story to Congress, although it is the clear and imperative responsibility of Congress to inquire into the operation of Federal executive departments funded solely by the votes of Congress. Congress controls absolutely the appropriation of money to operate the Federal Government and of taxation to provide these funds. This is its exclusive power, and Congress has the right to know how the funds are spent.

Some kind of a new morality seems to have gotten lodged in official Washington. It is the morality of blind loyalty to superior

authority and complete obeisance to the word from on high. It is the morality of coverup in the Billie Sol Estes case and whitewash in the Baker case. And it is not a very healthy atmosphere for the prudent conduct of the public's business.

SALVATION ARMY DOES BATTLE

Mr. BARTLETT. Mr. President, assistance to Alaska in its great disaster has flowed from many organizations and individuals. Alaskans will long remember March 27 and its aftermath, but I believe as the years go by the good done by these private individuals and associations will live longest in their memories.

One of the organizations which has contributed so much is the Salvation Army. Most of us in the United States in one way or another probably have had associations with this great organization. However, I do not believe many of us know in detail the good deeds performed by the Salvation Army in behalf of those caught in personal losses and tragedies. I believe, therefore, a report which I have just received telling how the Salvation Army went about its job after the Alaska earthquake and subsequent tidal waves will be of particular interest. I ask unanimous consent that the article may be printed in the RECORD at this point.

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

ALASKA EARTHQUAKE AND TIDAL WAVES

Almost before the earth had stopped shaking on that memorable Good Friday afternoon, March 27, 1964, the Salvation Army was here, there, and everywhere giving needed help.

As the days became weeks, this service continued in all of the stricken areas, supplies being distributed and money provided with no strings attached, an example of people helping people that Alaskans will never forget.

The end is not in sight. Damage wrought by the tidal waves proved most disastrous in some areas and was followed by still further property damage from unprecedented high tides. Homes were destroyed and businesses wiped out with tragic losses that will require assistance for months to come.

In the beginning, when it became apparent there had been a major disaster, Maj. Forrest Mosely, division secretary, quickly marshaled forces and all possible reserves; committees and volunteers were quickly organized to perform a variety of needed services. In the early minutes, it was a search and rescue job; then came the stupendous task of clearing the names of missing persons and notifying the next of kin.

The Army was asked to take over the task of processing the thousands of inquiries pouring into civil defense headquarters. Inquiries included everything from missing persons to requests for housing. The divisional headquarters building at Eighth and Barrow became a communications center, with scores of runners, investigators, and secretarial assistants locating missing persons and compiling lists of former residents of the hard-hit Turnagain area.

Services of the MARS (U.S. Army Communications) and SAC (Strategic Air Command), RACES (Ham Radio Network consisting of over 800 operators in Alaska), and three teletype operators from Fairbanks, were put at the disposal of the Salvation Army. The Air National Guard, PNA, and other airlines flew in large supplies of bedding, toys, food, and clothing from several States. Civil Air Patrol and military planes from Elmendorf and Fort Richardson made possible the quick distribution of supplies to all disaster areas. Other Salvationists organized a production line for preparing sandwiches, coffee, and other food, which was dispersed through 10 mobile canteens for Anchorage disaster workers, guards, and other "on duty" personnel. It proved to be an immediate morale builder for the stricken to find that someone cared or was interested and shared in their grief with a kindly "God bless you."

Total mobilization of all facilities, personnel, and equipment was offered to the city and State civil defense. Five areas of service were agreed upon for immediate action:

1. Mass feeding: (a) social center; (b) mobile canteens.
2. Emergency housing.
3. Receiving and distributing clothing.
4. Processing inquiries and notifying next of kin.
5. Establishing offices and personnel in disaster areas.

An organization was effected with officers in charge of the above major divisions, assisted by other officers and volunteer workers.

In the early hours the Salvation Army established sleeping accommodations in the Anchorage Post Office building. Food, water, and hot coffee were provided, and the homeless were accommodated in the hallways of the post office, with cots, mattresses, and blankets from the military and others.

All telephones were out in Anchorage, and the only means of communication between Army workers was the use of radio station KENI. Each worker carried a transistor radio.

The movement of canteens and preparation of food was constant. Army workers slept and worked in shifts, but sleep was limited to a few hours at a time. Sandwiches were made at the rate of 1,000 an hour when the demand was greatest. The social center at Eighth and C became a depot for serving hot meals and distributing food, baby supplies, and household effects. The headquarters building, Eighth and Barrow, was set up to distribute clothing and bedding and provide for special needs.

A private detective agency volunteered its services and "Hot Rod" club runners, as well as Explorer Scouts and other groups with cars, spent many hours tracking down missing persons, utilizing all available leads. Inquiries pouring in from all points of the United States and from countries around the world were promptly processed by Mrs. Major Moseley and volunteers and replies returned at once.

Many unusual requests came to the Army:

Salvationists helped to remove a man who had barricaded himself in a hotel room.

Three elderly women were assisted from their home in a badly devastated area of Anchorage.

Racing with the stork was a girl from the Army Booth Memorial Home who faced an additional emergency brought on by the earthquake. With transportation impossible, Salvationists literally walked her to the Native Hospital six blocks away just in time to beat the stork.

On Sunday morning, the Salvation Army was asked to present an Easter service to the community via radio, since all churches were closed. The broadcast originated in Anchorage and was received with gratifying reaction from many remote areas.

Sorting and distributing clothing for all disaster areas required immediate coordination. The divisional headquarters building was set up as the distribution center for Anchorage, under the direction of Mrs. Capt. William Lynch.

Under the able leadership of Mrs. Lieutenant Colonel Rody, a warehouse was obtained for sorting, sizing, and packing clothing, bedding, and household furnishings. A production line, preparing for shipment to various parts of the State as needed, was set up.

The machinery of assisting other communities with cash and supplies was put into motion. Lieutenant Colonel Rody, divisional commander, made a complete survey of all outlying communities affected by the earthquake and tidal waves and established offices in each stricken town, where Salvation Army personnel began working with local committees in the tremendous job of assisting the homeless and helping small businesses to reestablish the economy of the communities.

SEWARD

Maj. Lester Holmes, service extension director, was sent almost immediately to Seward with a load of supplies. He set up a canteen in the State employment office, which became a 24-hour-a-day meeting center. Since the Alaska Railroad had been demolished, he obtained a truck for making regular trips to outlying areas cut off from sources of supply. Later, Mrs. N. V. Jensen came from Portland to take over his duties.

Working with the Seward Disaster Committee, she continued the canteen service and began plans for filling the greater needs of families and businesses. Of the 87 Seward homes destroyed, 60 were those of people in the low-income group; $18,000 was provided for immediate cash assistance in replacing personal effects. Medical bills for individual needs amounted to $5,250. In some cases, the Salvation Army paid rent and purchased necessities.

Serious losses in the Seward hospital included destruction of kitchen and laundry equipment and the generator. An emergency generator was purchased and funds made available for replacement of other equipment.

KODIAK

Damage to Kodiak was so extreme that Lieutenant Colonel Rody estimates emergency help will be needed there for a year or more.

Following the quake and wave disaster, Lt. Col. Max Kurtz, former Alaskan divisional commander, was sent from San Franscisco to Kodiak, where he made a careful survey of the most urgent needs. He set up headquarters in the civil defense trailer at the request of the civil defense director.

With the economy at a standstill because of loss of the boats and canneries, Lieutenant Colonel Kurtz aimed at quick repair of vital small businesses, dispersing funds to augment what was available locally. A sawmill and boat repair shop were given immediate assistance with $7,500, and a cannery with $3,000.

Twenty-seven families who had suffered total losses received immediate cash grants totaling $3,000, and $12,000 additional was set aside for emergency needs, which so far have helped 50 families. A total of 180 homes had been destroyed.

As in other communities, the Salvation Army set up a service center for dispensing such necessities as baby food and diapers, detergents, bedding, rain gear, and clothing for children and adults.

Now in charge at Kodiak are two Salvationists, Mr. and Mrs. Dave Thompson, who maintain an office and coordinate the continuing needs of the islanders. At their request, the Anchorage headquarters sends needed supplies and funds. The most recent shipment consisted of 1,800 pounds of clothing, detergents, canteen supplies, bedding, and blankets which were part of a gift sent by Japanese businessmen. The total commitment to date for Kodiak is $24,000.

VALDEZ

Valdez suffered almost total devastation.

Brig. and Mrs. Stanley Jackson of Prince Rupert arrived shortly after the quake and flood, setting up a headquarters office in the State highway building. An Army detachment from Fairbanks provided personnel to help clean the quarters, which, like everything else in Valdez, was a mess of mud and filth.

A kerosene heater and butane stove sent from Anchorage provided heat and cooking facilities for the canteen, which became the community gathering place at all hours, with buffet service operating continuously.

Beyond filling such morale-building needs as visiting the bereaved and providing the services which Mrs. Jackson, an R.N., was qualified to give and the spiritual and practical ministry of her husband, it was plain to Brigadier Jackson that the greatest emergency lay in getting the Valdez people home from the widely scattered area to which they had been evacuated.

So "Operation Mobile Igloo" came into being—homes for Valdez.

Lieutenant Colonel Rody purchased and sent to Valdez 10 modern mobile duplex homes at a cost of $32,000 giving rent-free housing to the first of the homeless "refugees," slowly returning after weeks of living temporarily in settlements all the way from Juneau to Fairbanks.

For cleanup work, the Salvation Army sent hip boots and rain gear, along with food, clothing, and other necessities. Much help came from Fairbanks, which in effect "adopted" Valdez.

Brigadier Jackson, eager to get local businesses going, arranged for funds for a grocery store to get started, and provided a grant of $2,000 for a restaurant, where meals were served again 6 weeks after the quake. Before this time all of Valdez was fed in a community dining room beyond the flooded area, with food and cooks provided by Civil Defense.

For 20 families in desperate need of all personal effects, a grant of $4,000 was made available. Another $10,000 was set aside for such expenses as rent, groceries, bedding, and such emergent needs not provided by Government or other agency, making a total of more than $48,000 for Valdez to date.

HOMER-SELDOVIA

These lower Cook Inlet key fishing communities sustained unusual and desperate losses affecting the economy of the entire peninsula.

At Homer, the spit, with the area's only deep-water pier, sank and was inundated in high tides. At Seldovia, homes on lower ground and the main street boardwalk were completely flooded.

When Lieutenant Colonel Rody inspected the towns, he observed that the entire area was perilled, and that each regular high tide posed a new threat. Unique emergency needs developed, so the Salvation Army quickly provided 60 20-ton jacks, which were flown up from San Francisco and Seattle to elevate as quickly as possible buildings in the peninsula communities.

Gabians (wire baskets filled with rocks) were supplied as protection to canneries against the next high tide. Capt. Don Pack, from Anchorage, was stationed in Homer to coordinate disaster plans.

Immediate grants of $2,500 to a cannery and $1,500 to a seafood processing plant were made. Fifteen families were given building materials for raising and repairing their homes, at a cost of $8,100, and $2,700 was granted for pilings to support four other houses.

A professional mover was hired at a cost of $7,000 to direct the operation and use his equipment in salvaging anything possible before the next flooding.

Additional $6,000 in cash grants for families with emergency needs was furnished, making a total of more than $26,000 expended in Homer, Seldovia and Halibut Cove area.

CHENEGA

At Chenega the tidal wave reached a height of 160 feet above sea level, causing unbelievable havoc. Through the Salvation Army, Cordova Service Unit, Mr. Durwood Cotton set up emergency headquarters at the bowling alley. Supplies to meet family emergent needs and grants were provided as in other stricken communities for families who were dispersed; $30,600 was committed.

PORTAGE

To meet emergency needs when the April high tide brought greatest damage to Portage, the Salvation Army provided a 6-man raft, a supply of hip boots, rubber gloves and 20 parks used by volunteer rescue workers. Five rescued families were immediately outfitted with clothing.

HOPE

The Salvation Army air lifted a case of water purifier from Seattle to meet Hope's urgent requirement for pure water. Groceries and clothing were also made available to this isolated community.

SOUTHEAST ALASKA

A sum of $15,000 was made available for needy southeastern families. In Craig and Klawock, 4 families who lost everything in the big wave found temporary housing and were given $7,700 to replace furnishings, groceries, bedding and other immediate needs.

SEVEN WEEKS LATER

The Salvation Army headquarters in Anchorage is still very much "disaster headquarters" for Alaska. More than $186,000 has been committed by the Army thus far in Alaska.

"Our offices," said Colonel Rody, "will continue to operate in all the communities until the emergency is over. Clothing, bedding, and other supplies will be made available on a continuous basis." The commander has high praise for the courage of Alaskans and the generosity of their fellow Americans who have provided funds and supplies of all kinds.

The names of Salvation Army workers who gave wholehearted assistance to Alaskans following the Good Friday disaster would be too numerous to list. Countless individuals and groups worked with them in carrying out their carefully organized plans for giving immediate help.

Messages of thanks pour in every week from political and civic leaders across the country, friends of the Salvation Army, and, of course, from those who were assisted.

As the stricken communities come back to normal life, a grateful people keep a comforting memory of the "angels in blue uniforms" who did all but the impossible in speeding Alaska's recovery.

The Salvation Army officers provided much of the leadership and clear thinking required when the disaster struck. In addition to the major services rendered, there were also innumerable intangible ones, perhaps the greatest being a promise from the Bible, a prayer with the bereaved, and the assurance of a comforting "God bless you."

While earthquakes break up ground and houses, they also tear into the composure of human lives. Here is where the healing ministry of the dedicated Salvationist is most effective and little talked about. During this disaster a solemn funeral procession was led by an officer; the bereaved and next of kin were visited, sacred worship services were conducted, and a comforting Easter radio broadcast from Anchorage reached and blessed many in remote communities.

All this because you made it possible.

THEY STRIP OHIO BEAUTY

Mr. YOUNG of Ohio. Mr. President, Ohio ranks 35th in area, 5th in population and second to none among the States in scenic beauty. Our State has often been called the "United States in miniature" because it represents such a complete cross-section of all American life. With the exception of high mountains and deserts, Ohio has almost every type of terrain. There are great sweeps of rolling farmland, vast forests, beautiful valleys interlaced with rivers and lakes, and the flat land of the Corn Belt.

However, the natural beauty of a great part of Ohio has been desecrated by strip mine coalfields. The same is true in many other States in the Appalachia region. In strip mining for coal, unfortunately, beautiful trees, grass, shrubs and topsoil are rooted from the earth and in their place is left shale and rock on which nothing will grow. Barren, unsightly earth and acid-poisoned holes are what remain after the mineowners and operators and the strip miners have done their job.

The owners and operators of Ohio coal strip mines have repeatedly fought against the enactment of legislation that would require them to restore the land to some semblance of the beauty that existed before their mining operations began. While State governments permit strip miners to ravish the land, it is at the same time suggested that Federal funds be used to rehabilitate it. This is a ridiculous paradox.

My colleague, the distinguished senior Senator from Ohio [Mr. LAUSCHE], as Ohio's Governor and from that time as U.S. Senator has over the years been the leader in the attempt to remedy this problem. At the present time he has a bill pending before the Senate calling for a study of strip coal mine operations. I fervently hope that this needed and important legislative proposal will be enacted into law before this session of the Congress adjourns. For the sake of future generations it is high time that the Federal Government began to take a real interest in a condition which has caused the destruction of so much of our Nation's land. Furthermore, State legislators owe a duty to provide remedial legislation.

Mr. President, on Tuesday, June 2, the Plain Dealer, one of the two great newspapers in Cleveland, Ohio, and one of the great newspapers of the Nation, had an excellent article by George E. Condon entitled, "Miners Strip Ohio Beauty." This article clearly describes what has happened to large areas of my State as a result of strip mining operations and the apathy on the part of coal operators that exists regarding this problem. I commend this to my colleagues and ask unanimous consent that it be printed in the RECORD at this point.

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

[From the Cleveland (Ohio) Plain Dealer, June 2, 1964]

MINERS STRIP OHIO BEAUTY

(By George E. Condon)

COSHOCTON, OHIO.—The Ohio country is still among the loveliest sights to be found anywhere in the land.

The hills are just as beautiful as the poets say, and the rivers are just as dreamy as the songwriters have described them. The fields are still lush and rich in their bounty, and the forests still cover much of the countryside with their shady grace.

It's a great sight to see—but you'd better hurry.

There's a little thing called strip mining which is eating away at the sovereign State

of Ohio far from the attention of the majority of the people who call this home; the people who live in the cities and all too seldom drive about to admire the sights of their own State.

The strip miners work in the quiet of the rural counties, deep in the silent hills, and away from the busy roadsides, as a rule. As the years roll along, though, it becomes harder and harder to overlook what the coal companies are doing to Ohio in the name of industry, commerce, and progress. What already has been done is a crime against nature and all the generations of Ohioans yet to come.

Henry Clay was quoted once as saying, after a visit to Ohio, that never in all his travels had he seen a section for which God had done so much, and man so little.

We're making up for that, we Ohioans. We are doing a lot to our State in this modern era. If you don't believe that, direct your car on what the State highway department has chosen to call, "The Scenic Route" or State Route 76, which extends from Lake Erie, on Cleveland's far West Side, in a southerly direction toward the Ohio River.

They dubbed it right when they called it "The Scenic Route." It is all of that; a road that takes you leisurely twisting and turning through some of the prettiest country in all the world. But when you get down as far south as Coshocton, you suddenly begin to see some strange and disturbing evidence of the strip mining art. You see hills of yellowish, slaglike refuse along the side of the road, followed by a stretch of greenery, then again the unsightly remains of what once had been the living land.

Perhaps you turn on to Route 78, also called "The Scenic Route," and for a while you drink in the old beauty and you are in a kind of natural paradise. You come out of paradise rather abruptly as you move toward Athens. You find that the road has taken you somehow to a scarred, pitted, and lifeless horror. The vegetation—the trees, the grass, and the flowers—have disappeared, and in their place there is nothing but devastation and death.

What has been done to the Ohio fields and hills and farms in the extraction of surface coal is nothing less than a social catastrophe. The ravaged landscape has no counterpart except, perhaps, in the dead mountains and valleys of the moon.

There is something terribly wrong with a civilization that will stand by and permit some of the fairest country in all the world to be raped and ravaged the way Ohio is being assaulted at the present time by the strip mining interests.

A lot of Ohioans have seen the destruction for themselves, and most Ohioans have heard about it, but there isn't much of an outcry, and nobody really is rushing in to fight off the despoilers. They don't want to get involved. The future generations will do the crying.

COST EFFECTIVENESS OF THE BROOKLYN NAVY YARD

Mr. KEATING. Mr. President, at a time when U.S. Navy yards are under close scrutiny and when attention is called to the cost of shipbuilding in public and private yards, a most encouraging story has come to my attention.

A young engineer at the Brooklyn Yard offered a shrewd suggestion that saved $23,600 on three amphibious transports now under construction there. By eliminating an extra power supply and simplifying and making more reliable existing power supplies, this enterprising electrical engineer, Matthew Di Serio, exhibited the kind of know-how that makes Brooklyn Navy Yard unique. His suggestion shows clearly the concern at Brooklyn Navy Yard, long known as the can-do yard, for efficient and economical performance and it is typical of the ability and of the skill of the fine team of men now employed at the yard. Mr. Di Serio and the yard management deserve our thanks and congratulations for their work.

Mr. President, I ask unanimous consent to have printed in the RECORD a more detailed account of Mr. Di Serio's contribution.

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

NAVY YARD ENGINEER CUTS $23,600 FROM SHIP COSTS

At a time when the cost of building Navy ships has become a major topic of discussion from coast to coast, Matthew Di Serio, a 30-year-old electrical engineer at the Brooklyn Navy Yard, showed that action still speaks louder than words by submitting a suggestion that saved $23,600 on three amphibious transports now under construction at the can-do yard.

Since the employee suggestion program is a two-way street, Mr. Di Serio, who lives at 30–36 49th Street, Long Island City, Queens, profited handsomely by collecting an award of $770 for his idea.

The three ships on which Mr. Di Serio's suggestion were used are the amphibious transports *Duluth*, *Austin*, and *Ogden*. What he proposed was to eliminate the third power supply to switchboards and steering gear, in addition to replacing seven automatic transfer switches with a manual type for such services as weapons and cargo elevators, radio and radar equipment, and machinery room ventilation systems.

The dual advantages of Mr. Di Serio's suggestion are these:

(1) It eliminates one of three sources of power to switchboards and steering gear rooms, providing sufficient reliability with only two sources; and

(2) It accomplishes the same purpose of manually restarting equipment when power is lost as with the automatic switches, and at one-third the cost.

Mr. Di Serio was employed as a draftsman at the Navy yard in July 1951 immediately after receiving his diploma from Brooklyn Technical High School. Later he enrolled at City College of New York for evening study that helped equip him for promotion in September 1960 to his current position of electrical engineer.

Mr. Di Serio and his wife, Gertrude, have two daughters, Janine, 6, and Karen, 4; and a son, John, who will reach his second birthday on October 10. His award money, he says, will go toward buying them some new clothes, and getting needed repairs done on the family car.

While the money comes in handy, Mr. Di Serio emphasizes the greater satisfaction comes from knowing his idea helped the yard save a sizable sum on the three construction jobs. "If I've contributed anything to proving the Brooklyn Navy Yard builds the best for less," declared the young engineer, "then I've been amply compensated."

While the three ships benefiting from Mr. Di Serio's suggestion are the last on the yard's construction schedule, perhaps he has helped open the way for more such jobs. But at the very least he has shown the tangible effort he and his thousands of coworkers are putting into cutting shipbuilding costs.

STATE TAXATION OF INTERSTATE COMMERCE

Mr. KEATING. Mr. President, over the weekend the House subcommittee which has been investigating the tangled skein of State taxation of interstate commerce issued the first of two reports which it is required to make under its authorizing legislation. This report deals only with State income taxes, but a second report later in the year will cover State sales and use taxes. These reports, Mr. President, I hope will lay the groundwork for constructive remedial legislation in this extremely delicate area of Federal-State relations. If the States themselves do not voluntarily adopt a uniform State tax law to reduce the immense burdens of enforcement and compliance that have been imposed upon interstate businesses, then there will be no alternative to Congress stepping in and laying down the law which it has full power to do under the commerce clause.

Mr. President, apart from Federal Internal Revenue Service matters, there is probably no one area in which I receive more complaints from businessmen, large and small, than in multistate income, sales, and use taxation. It is glaringly evident to me that if our free enterprise system is to survive and prosper under our Federal form of government, the State must assume a more responsible attitude of voluntary self-restraint in the application of their tax systems. If all the State tax laws on business were strictly and uniformly applied, the 50 States under the present pattern would soon be overregulating American business to its death and throwing millions of workers out of jobs. We cannot afford to let this happen, and I know Congress will not let it happen even if Federal action becomes necessary as a last resort.

Mr. President, the Wall Street Journal this morning carried a concise and apt editorial on this subject, together with a lengthier article dealing with some of the practical and legal problems in this confused area, and I ask unanimous consent that these be printed in the RECORD at this point.

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

[From the Wall Street Journal, June 15, 1964]

TANGLED TAXES

When and how does a State tax a corporation headquartered elsewhere? Congress thought it had partly solved that problem 5 years ago, but, as an article on this page indicates, the situation seems about as snarled as ever.

No one seriously questions the right of a State to tax the income of companies that have stores, offices, or warehouses within its borders, whether the companies' headquarters may be. But a lot of people questioned a 1959 Supreme Court decision which held a company was subject to taxes in a State where it had no facilities and only solicited orders that were accepted—and filled—outside the State.

So many people raised questions, in fact, that Congress later in the same year passed a law to bar such taxes. Recently, however, an Oregon court held the 1959 law was unconstitutional, and the whole issue is headed back to the Supreme Court again.

There's no way of knowing what the High Court will decide, but a ruling the other day suggests most of the Justices still take a broad view of the States' taxing powers. For the Court majority held that the State of Washington could tax sales made by General Motors to its dealers in the State—even though GM has neither facilities nor salesmen in Washington.

Even if it is finally established just when a corporation may be taxed by a State, there will remain the even more serious problem of just how such taxes are to be imposed. In this case, no solution is likely soon.

The States for years have tried without success to agree on a uniform method for determining what part of a multi-State company's income each may tax; the result is a diversity of methods. Aside from the horrendous confusion this creates for corporations, there is the possibility that a company may end up paying State taxes on more income than it has. Surely that makes no sense at all.

By far the best solution would be for the States to untangle their own tax affairs; if they don't, a federally imposed standard eventually will become inevitable. The tax burden is heavy enough when the rules are intelligible. It's intolerable when governments insist on tying taxpayers in knots.

[From the Wall Street Journal, June 15, 1964]

STATE TAX SNARL—STUDY SHOWS HOW CONFUSION SURROUNDS INCOME LEVIES

(By Arlen J. Large)

WASHINGTON.—Shed a (temporary) tear for Consolidated Ajax Corp., a real company bearing a disguised name.

Consolidated Ajax is one of the 21,000-odd corporations which pay income tax not only to Uncle Sam, but to two or more States as well. Each year these companies must sift through the list of States in which they do business, to see how many have laws claiming a part of their profits. It often costs them more to make out a tax return to a State collector than the piddling amount of money actually due.

Now simmering far beneath the surface of Congress is some explosive Federal legislation that would shear away some of the brambles of State tax law affecting interstate commerce. It could simplify the paperwork problems of companies which are required to pay small amounts of tax in several States, a task which has driven Westinghouse Electric Corp., for one, to using a Univac machine.

Whether a law establishing Federal guidelines for State tax policy could ever be enacted is questionable, of course. State governments tend to be highly jealous of their taxing power, a status symbol of sovereignty. And even those interstate corporations which moan about the horrors of complying with State tax laws might find their tax payments actually running higher if Congress straightens things out.

An important new congressional study of the problem turns up this surprising twist: For an individual company paying taxes in several States, the patchwork of different laws is more likely to produce undertaxation than overtaxation.

ONLY PARTIALLY TAXED

That's why the treasurer of Consolidated Ajax is not steeped in sorrow. According to the new study, this company in a recent year paid State income taxes on only 47.6 percent of its $1.5 million profit. Had the company been subject to only one State's law, it presumably would have been taxed on 100 percent of its earnings. Because a standardized Federal formula for computing multi-State taxes would tend to cover a company's total income, Representative EDWIN WILLIS, Democrat, of Louisiana, has warned business groups that any lessening of the confusion might cost them money.

Nevertheless, Representative WILLIS is now convinced that Congress should do something in the interest of unhampered commerce between the States, and he's in a position get things rolling. This bushy-haired 59-year-old Louisianan's main job in the House is to chair the famous Un-American Activities Committee. But in his spare time he's also chairman of a special Judiciary Subcommittee that's done nothing but study State tax systems for 3 years. His staff of a dozen lawyers, accountants, and economists has spent $400,000 so far rummaging through a 22-foot-high compilation of State tax laws, holding public hearings and circulating thousands of questionnaires to businessmen.

The subcommittee's first report, out today, deals only with State income-type taxes. A second report at the end of the year will cover State sales and use taxes, including a discussion of the latest Supreme Court decision to cause consternation among business groups: Last week's 5-to-4 ruling that the State of Washington can make General Motors Corp. pay a sales-type tax on the basis of its promotional activities in the State.

Representative WILLIS doesn't plan to frame his specific legislative ideas until next year, and today's "just-the-facts" report on State income taxes avoids any outright proposals. Yet the bulky document is deliberately worded to give tax lawyers a strong hint of what's coming. If ever enacted, the report's embryonic ideas would mean big changes in the structure of State tax law. For between the technical lines of tax jargon can be glimpsed a Federal formula which would ban the most widespread way in which States now compute how much tax is owed, and which would lop many companies from a State's tax rolls if they do little more than sell goods there. The report contends such a formula wouldn't crimp State revenues.

WISCONSIN PIONEERED TAX

To see how the system would change, some background is necessary. Wisconsin enacted in 1911 what is regarded as the first modern State income tax on corporations. From the beginning the Wisconsin law applied not only to companies headquartered there but to out-of-State outfits doing business in Wisconsin as well. Today, all 37 States with corporate income taxes continue to prowl the paths of interstate commerce, seeking to tax that portion of the profits of remote companies attributable to operations within their borders.

There are two main ways in which States figure out their share of a distant corporation's earnings. One method, preferred by only five States, is called "separate accounting." Assume an Arizona-based shoe retailing chain also operates stores in New Mexico, where this method is used. The company's accountant segregates the income and expenses of the New Mexico stores, computing a separate profit for operations in that State alone. New Mexico taxes this figure only, ignoring profits of the neighboring Arizona stores.

Most States, however, use a more complicated technique. Assume a Chicago-based company with nationwide sales of $2 million, property holdings of $800,000 and a total payroll of $75,000 is computing the income tax owed to Louisiana.

In that State alone, the company's sales total $500,000; it owns property valued at $200,000; and it pays $25,000 to Louisiana employees. The accountant calculates that Louisiana accounts for one-fourth of the company's total sales, one-fourth of its property and one-third of its payroll. He then averages these fractions, concluding that five-eighteenths of the company's profits arise from Louisiana activities and are taxable by that State.

Twenty-six States use this "three-factor formula for apportionment of a company's income. There are confusing State-by-State variations in how to determine the value of local property, and even who to include on a "payroll." But the hardest problem for a company selling goods into several States is to hack through the conflicting rules on how to count a "sale."

Consider a hypothetical company making office furniture in Alabama and selling it in other States. As soon as a desk is manufactured, Alabama counts a "sale" there and then. If the desk is shipped temporarily to a sales office in Tennessee where an order is taken, a "sale" is entered in Tennessee's formula. Finally, if the desk's ultimate destination is to a buyer in North Carolina, a "sale" is racked up by that State. Such pyramiding of taxes on a single piece of merchandise is the reason why some companies wind up being taxed on more than 100 percent of their nationwide income.

On the other hand, the hopscotch pattern of rules can produce just the opposite effect. If our furniture maker were located in North Carolina, where manufacturing isn't the test of a "sale," and he shipped the desk to a customer in Alabama, which has no destination test, the merchandise wouldn't incur any tax at all. That's how such companies as Consolidated Ajax legally pay tax on only part of their income. Failure of the tax laws of individual States to mesh with each other, plus enforcement difficulties, leads the Willis report to conclude that "interstate companies as a group pay somewhat less than their fair share of the State income tax burden."

The ultimate destination of a product is now the most widespread criteria for counting a "sale," being used in some degree by 24 States. The Willis subcommittee clearly implies this is the source of much of the confusion. Indeed, its report strongly suggests the "sales" factor should be dropped from the three-factor formula entirely, leaving the tax to be computed on the basis of property and payroll alone.

The report also suggests that if a company could compute its tax on the ratio of local property and payroll to its national holdings and employment, there'd be less confusion over whether any tax is owed in the first place. Each State has different rules on how much activity within its borders makes an out-of-state company liable to taxation. Most of the controversy in recent years has centered on attempts by States to tax companies which sell goods locally, but have little in the way of property or resident employees.

SUPREME COURT'S DECISION

Legal fireworks really broke out, for example, when Minnesota revenuers hauled the Iowa-based Northwestern States Portland Cement Co. into court for failure to pay income tax over a 15-year period in which the company had sold cement in Minnesota. Northwestern States insisted mere solicitation of orders through a Minnesota sales office shouldn't expose it to the State's income tax. This quarrel went all the way to the U.S. Supreme Court for decision in 1959.

The Court alarmed businessmen by siding with Minnesota, and later made them even more nervous by refusing to review two lower court decisions upholding Louisiana's power to tax even if a company confined its activity to sending traveling salesmen into the State.

The resulting outcry in 1959 pushed Congress into its first attempt to curb State taxation under its constitutional power to "regulate commerce with foreign nations, and among the several States, and with the Indian tribes." The new Federal law said

a State can't slap its income tax on a distant corporation which only solicits orders through salesmen; greater activity, such as maintenance of a sales office, can still make a company liable to taxation.

This statute, known in the tax trade simply as Public Law 86–272, was intended as a stopgap protection for interstate companies until the Willis subcommittee could make its big study and decide if even stronger congressional action is needed. Though limited, the 1959 law has been attacked by many State tax officials as unconstitutional; Louisiana is planning to challenge Public Law 86–272 in the U.S. Supreme Court.

Representative WILLIS says he's confident the law will be upheld. If so, the battlefield will be clear for his proposals for stricter guidelines within which all States must confine their tax rules. The Council of State Governments is on record as favoring each State's voluntary adoption of a uniform State tax law, in lieu of Federal legislation. Thus, a tangled legal question that's plagued the courts for years is heading for a political showdown on Capitol Hill.

AMERICAN SAMOA

Mr. FONG. Mr. President, I wish to call the attention of my colleagues to a most informative report on the South Sea island territory of American Samoa. The author of this illuminating series of eight eyewitness accounts of what is happening in America Samoa is George Chaplin, editor of the Honolulu Advertiser.

A well-traveled newsman, Mr. Chaplin recently returned from American Samoa, 2,270 miles southwest of Hawaii and 8,000 miles from Washington. There, he focused his attention on the many changes that are taking place to advance the welfare of the population and to uplift living conditions of the people.

He reports, for example, on a school system that has been "tragically inadequate—in a population where half the population is under 18."

Quoting further:

> The single high school could take only one-third of the children who were qualified to go. Most teachers themselves had only a fourth or fifth grade education by stateside standards. The most ambitious young people were leaving their own tropical panorama for the brighter educational and economic scenery of Hawaii and the west coast.

Now, bold steps to advance public education on American Samoa are being taken, including the use of television for teaching, to do in its schools in a few years what normally would take a quarter century.

Mr. Chaplin is correct in his observation that American Samoa, while tiny in size, is large in its implications both for the United States and other world powers. He notes:

> American prestige in the Pacific—and at the U.N.—is inextricably linked to how well or how poorly we do in that unincorporated territory (which our enemies call a colony).

The people of Hawaii, among whom are many Samoan nationals and American citizens of Samoan ancestry, are keenly interested in the progress of American Samoa. They are making available educators, technicians and other specialists to help their neighbors to the south. They are inviting Samoans to come and learn from the Hawaiian experience, and they are sending Hawaiian technical know-how to the island chain.

Mr. Chaplin is a veteran journalist, a Nieman fellow at Harvard University, and a widely known editor of many years' standing. He has performed a real service by contributing his perceptive observations, his warm understanding and his able analysis of American Samoa's problems.

I commend his articles, which appeared between May 11 and May 19, 1964, in the Honolulu Advertiser, to all who want to read an up-to-date report on American Samoa.

INTEGRATION IN THE THEATER

Mr. JAVITS. Mr. President, further evidence that art reflects the society and civilization in which we live is provided by the new emphasis in the New York theater on plays about Negroes and the realistic roles performed by Negro actors. The civil rights struggle as it affects the individual is mirrored in these plays, many of them by new Negro playwrights, and this ferment is expected to lead to a fresh surge of creative expression which will enhance American culture. The further cultivation of such cultural resources is a national responsibility which should be met by S. 2379, a bill to establish an Advisory Council and a National Foundation on the Arts, passed by the Senate last year, and now pending in the House.

I ask unanimous consent to have printed in the RECORD the report by Milton Esterow, entitled "New Role of Negroes in Theater Reflects Ferment of Integration," which appeared in the New York Times of June 15.

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

NEW ROLE OF NEGROES IN THEATER REFLECTS FERMENT OF INTEGRATION

(By Milton Esterow)

The racial ferment across the country is bringing widespread changes in New York's legitimate theater. Increasingly, the Negro playwright, actor, and theatergoer is being heard from, on and off Broadway.

New Negro playwrights are emerging. A growing number of playwrights—Negro and white—are writing about the Negro today.

In the season that just ended, there were 13 productions relating to the Negro—from a gospel singing play to dramas of anguish and bitterness. Next season, Broadway and off Broadway may stage more works by Negro writers than ever before.

More Negro actors than ever are working in shows here—in roles from housemaids in comedies to major tragic figures in Greek drama. Much of this is due to the arrival of plays with a Negro theme. However, hardly a show opens these days without at least one or two Negroes in the cast.

In the 1962–63 season there were more integrated casts than there ever had been, more shows in which Negroes played roles not specifically calling for Negroes. In Edward Albee's "Ballad of the Sad Cafe," one of the major roles went to Roscoe Lee Browne, a Negro. Mr. Browne's understudy was a white actor.

The figure for integrated shows in the 1963–64 season is expected to be higher.

The increase in these plays and in Negro casting, as well as an expanding Negro intellectual and middle class, are enlarging the Negro audience at playhouses around town.

"They're certainly not coming in droves," said Frederick O'Neal, who last month became the first Negro to be elected president of Actors Equity, "but this takes time."

From 52d Street to Greenwich Village, theatergoers have listened to many voices in the recent season and heard some of the earthiest dialog ever spoken on stages here.

In James Baldwin's "Blues for Mister Charlie," at the ANTA Theater, a young Negro who is slain by a white southern bigot, says to him: "Can't we walk? Let me walk, white man? Let me walk. You a man, and I'm a man. Let's walk."

The play is based—"very distantly," says Mr. Baldwin—on the case of Emmett Till, the Negro youth who was murdered in Mississippi in 1955.

At the Cherry Lane is "Dutchman," a highly praised one-act play by LeRoi Jones, a 29-year-old Negro. The play deals with a well-spoken Negro man who is accosted by a white woman on a subway train. "What right have you to wear a tie and a three-button suit?" she shouts. "Your grandfather was a slave."

SPIRIT OF AMERICA

Mr. Jones says, "She represents the spirit of America."

A few blocks away, at the Sheridan Square Playhouse, is "In White America," by Martin B. Duberman, who is white. Last month, Gloria Foster, a Negro actress and one of the play's stars, shared awards for excellence off Broadway with the production itself.

Early in the play, which is something of an editorial and a record of the Negro's agony. someone calls out, "After 400 years of barbaric treatment, the American Negro is fed up with the unmitigated hypocrisy of the white man." Someone else says, "Sure I love my white brother, but I watch him."

It is not all thunder and denunciation. The Negro laughs at himself, too. There is satire on the hypocrisy of the white and the Negro.

In "Fly Blackbird," a 1962 musical written by a Negro and a white, the company sang about a little house by the sea. When someone inquired "Which sea?" a Negro replied, "Black Sea, of course."

In "Purlie Victorious," the 1961 play by Ossie Davis, Negro actor and playwright, which poked fun at Negro and southern stereotypes, an old Negro asks: "Whasa matter with running? Running emancipated more Negroes than Abe Lincoln."

IMPROMPTU DIALOG

Occasionally, during a performance, theatergoers hear dialog not in the script. There have been tears and nearly a fist fight at the St. Marks Playhouse, where "The Blacks," which opened in 1961 with a Negro cast, is playing. It was written by Jean Genet, a white Frenchman, and it shifts from reality to illusion in exploring the heart and mind of the Negro.

In one scene, Genet refers to South African killings resulting from a race riot. There is a line about "1,000 youngsters lying in the dust."

The day after four Negro children had been killed in Birmingham, Ala., James Earl Jones, in one of the leading roles, changed the line to "four little girls who died in a Birmingham church."

Until 1919, Negro actors, outside of their own stock companies, were employed only for comic roles. The roles of Negroes were filled by actors in black face. Twenty-seven years later, Canada Lee, the late Negro actor, was appearing on Broadway in what might be described as white-face in "The Duchess of Malfi."

Eugene O'Neill's one-acter "The Dreamy Kid" in 1919, about a Negro gangster and his dying mother, was one of the first plays

to be cast with Negro actors in serious roles by a white producing company.

This paved the way for two later O'Neill plays, "The Emperor Jones" in 1920 and "All God's Chillun Got Wings" in 1924, both dealing with Negroes and cast with Negro actors.

In "All God's Chillun," a Negro, played at the time by Paul Robeson, marries a white woman. The play created a controversy and received poison-pen letters, threats of reprisal from the Ku Klux Klan and warnings of legal action.

PLAYWRIGHTS

LeRoi Jones smiles and says, "The whole situation of the Negro in America is playable—it's dramatic material."

If the Negro playwright is concentrating on the social revolution he also has broader aims. He is not abandoning his moral indignation. He is seeking to widen it, to address himself to all mankind.

"I sense a tremendous ferment," Mr. Baldwin said. "There is a whole army of people from whom one has never heard—most of them black—who are finding their voices and changing our consciousness. I think if God is good and we don't lose our nerve, we may turn this into a country instead of a European outpost, a European outpost culturally and spiritually. The whole doctrine of white supremacy comes from Europe.

"What we're trying to do is crack the metaphor. Civil rights is an absurdity." He pointed to a Negro musician sitting across the room and said: "He has kinky hair and dark skin, which doesn't make him a Negro. This is a man."

In a speech, "To Be Young, Gifted, and Black," Lorraine Hansberry, the Negro playwright who wrote the 1959 play "A Raisin in the Sun," recently told prizewinners of a creative writing contest for Negroes:

"Write about the world as it is and as you think it ought to be and must be—if there is to be a world. Write about the sit-ins; write about the lady who bored you on the airplane; write about how the stars seem viewed from earth. In short, write about all the things that men have written about since the beginning of writing and talking, and write to a point."

Miss Hansberry's play is about a Negro family in Chicago. In a deeper sense, it is about the human condition. Her next play "The Sign in Sidney Brustein's Window," with Mort Sahl as a Greenwich Village publisher, opens on Broadway in the fall.

Mr. Davis, who is 45 years old and working on a play about a Negro woman who is "integrated into corporate society and makes discoveries on her arrival," says the Negro must speak as an artist rather than as an exponent of a cause. "We must speak for the whole country the way Emerson and Thoreau did. We must get over our parochialism."

Like many of his colleagues, he believes the Negro playwright has become the social conscience many white playwrights have abandoned.

ARTISTS FOR FREEDOM

Mr. Davis, Mr. Baldwin, the Negro writers Louis Lomax and John Killens and such performers as Sidney Poitier, Odetta and Ruby Dee (Mr. Davis' wife) are members of what Mr. Davis calls a loosely formed aggregation called the Association of Artists for Freedom.

"We meet from time to time to talk and argue," Mr. Davis said. "It grew out of the Birmingham bombings. We talk of what we as artists can do, how we can express the anguish for the moral situation we find in this country but not as civil rights pleaders."

Although plays about Negroes are still considered in some quarters as box office poison, the success of "Raisin in the Sun," which ran for 19 months, has encouraged Negro playwrights.

Alice Childress, who has written several off-Broadway plays, will make her Broadway debut in October with "Wedding Band," a love story about a Negro woman and a white man in the South. Diana Sands will head the cast. Miss Childress finds the theater atmosphere encouraging. One of these days she says, "your're going to see Negro producers coming to Broadway. It will be happening soon."

MORE MANUSCRIPTS BY NEGROES

Miss Childress is on the executive board of the New Dramatists Committee, which encourages young playwrights. She said there has been a considerable increase in the number of manuscripts submitted by Negroes.

"You have a growing Bohemian and intellectual class among Negroes, a bigger black bourgeoisie," Mr. Jones, a graduate of Howard University, said.

The mood of the Negro intellectual varies. "Jimmy Baldwin's been accused of being excessive," Miss Hansberry said. "He's only scratched the surface."

Mr. Baldwin agrees. "There's much more," he said. "I don't think I'm trying to avoid anything. There's an enormous gap for me between my intentions and achievements. I know much more than I've yet been able to find a way of saying. It's much worse and much better. It's much more terrible and much more beautiful."

There is a group of young Negro intellectuals whose views are similar to those of Mr. Jones. "To see this schizophrenia—between being an American and being alienated from America, well, that alienation has reached a point where a lot of people value it," he said.

TO TRANSFORM SOCIETY

"A lot of young Negro intellectuals are not interested in integration in the sense of making a headlong flight of disappearing into white America. It's like being asked to take up residence in a burning building. They're interested in having society transformed so it's a better thing."

Mr. Davis has another view. "You can't cut yourself off from the mainstream of American life," he said. He added, "I escaped being an angry young man."

The voices of the white playwright are being heard more often on the subjects. White playwrights are including Negro characters in their plays, not as stereotypes but as human beings. "Blood Knot," a parable about South Africa today by Athol Fugard, a South African writer, is at the Cricket. Lewis John Carlino, who is considered one of the country's most promising young playwrights, is planning to spend 3 months in the South to do research for his next play.

ACTORS

In 1960, a friend of Miss Hansberry's, a Negro actress who had received excellent notices, was talking about prospects for other roles.

She said she had an offer to read for a television part. "It wasn't a maid," she said. "It was the native girl bit. I got the script, studied the lines and went to the reading. And I read: 'Me sit on de hummock and me tink me hear sounds in de night and den.' I choked up on it, thanked the people for hearing me and left. I can't make that scene any more. Dis here native is tired of sittin' on de hummock."

During that season, according to Frederick O'Neal of Actors Equity, four shows had integrated casts. In 1960–61, there were 8; in 1961–62, 10; in 1962–63, 13. The employment picture for Negro actors has never been brighter.

Of Equity's 13,000 members, from 300 to 400 are Negroes. To broaden opportunities for Negro actors, the union has been meeting with representatives of the League of New York Theaters, the Dramatists' Guild, the Society of Directors and Choreographers and agents.

One of the highly regarded young Negro actresses is Gloria Foster of "In White America." Miss Foster attended Illinois State University and studied at Chicago's Goodman School of Drama for several years. She came here in 1961 as an understudy in "Purlie Victorious."

"I would hate to have anyone think it's gravy in New York for a Negro actor," she said. "But I can see the Negro actor taking part in theater he would not have had access to 10 years ago. Many areas around the country are opening. Negro actors are appearing in the classics. Joe Papp of the New York Shakespeare Festival is a leader in the field. And university groups are using more Negroes in production."

Last January, the Seven Arts Chapter of the Congress of Racial Equality was formed to help Negroes in show business. Its chairman is Frances Foster, a Negro actress.

"You've got to be realistic," Miss Foster said. "Take 'Nobody Loves an Albatross,' a play about television and set in Hollywood. One of the roles is a Negro maid. But there aren't any other parts in that play that could be played by Negroes. It would be unrealistic to have more Negroes in that show."

DISCRIMINATING CASTING

There are many views on this point. A Broadway producer, who asked not to be identified, said: "I think it is completely naive to assume Negroes can play white parts indiscriminately, because the essence of theater is casting discrimination. You don't cast just anybody for any part. If a part calls for a short, fat man, you don't cast a tall, thin man. When a man's color is a factor in the characterization, you have to consider it. You have to discriminate.

"Diana Sands said recently, why can't you have an interracial couple in the comedy 'Mary, Mary.' For an interracial couple to play 'Mary, Mary' is preposterous. I don't think interracial couples should play anything but interracial couples. Would you cast a white actor in 'The Blacks'? It's a terribly complex problem."

THEATERGOERS

During intermission at "Blues for Mister Charlie" the other night, a Negro in his 20's, said, "I don't go to the theater as often as I'd like to—I can't afford it—but more young Negroes are going to plays than ever before, and they're encouraging their parents to do so."

Louis Peterson, a 41-year-old Negro playwright who wrote the 1953 drama "Take a Giant Step" and whose play "Count Me For a Stranger" is due next season, agrees. He said: "You see a lot of Negroes at the theater. They're taking more interest in what's taking place in the United States culturally."

Frances Foster said that one reason for the increase was that Negroes can see things with which they can identify. 'They're not afraid they're going to be insulted or embarrassed by the roles Negroes are playing," she said.

If Negroes are attending plays with a Negro theme, they are also going to all sorts of shows—from "Hello, Dolly!" to "Dylan."

"As a matter of fact," said Lonnie Elder, a playwright and member of the Harlem Writers Guild, "they've taken on some of the bad habits of the general theatergoing public—in terms of taste and in going because it's the thing to do.

The theatrical consensus is that since the bulk of the audience is white and seeks escapist fare, plays about race problems are seldom financial successes. Many of the recent plays of this kind have not done well. "Blues for Mister Charlie" is having box-office troubles. It has been suggested that the market has been saturated with plays on the Negro theme.

Philip Rose, who produced "Purlie Victorious," said that without the Negro audience, the show might have closed in a month. "We lost most of our investment of $100,000, but it ran for 9 months. On some nights, the audience was up to 70 and 80 percent Negro.

But we went after the Negro audience. We advertised in the Negro press. We went to Negro churches, clubs, and organizations to promote the play."

"Raisin in the Sun" was much more successful. It made a profit of $700,000 on a $100,000 investment in 19 months. Mr. Rose, who was coproducer of the play and is planning to stage a new play by Sidney Poitier next season, said that about 10 percent of the audience was Negro.

Mr. Rose and many others believe that Broadway does not cultivate the Negro audience.

ARTS AND FILM FESTIVALS

Mr. JAVITS. Mr. President, the increasing number of film festivals which are being held all over the world provide a stage for American cultural expression of considerable importance. American films have a demonstrated impact on people of other nations as a reflection of our life and society, and American festival participation could become a valued instrument in the cold war. The quality of artistic expression is one of the measures of a nation's progress, and the Federal Government has a national responsibility to foster the development of our cultural resources. For this purpose a National Arts Foundation as provided in S. 2379, which the Senate has passed—and the general framework of which is now pending in the House—is essential and I have sponsored and supported this proposal for many years.

I ask unanimous consent to have printed in the RECORD the article by George Stevens, Jr., entitled "A Festival for All Seasons," which appeared in the journal of the Screen Producers Guild, June; and the article by George W. Oakes entitled "Federal Arts Bill Endangered in Election Year Tactics," which appeared in the Sunday Star, Washington, D.C., May 31, 1964.

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

[From the Journal of the Screen Producers Guild, June 1964]

A FESTIVAL FOR ALL SEASONS

(By George Stevens, Jr.)

(In the 2 years or more that he has been chief of the Motion Picture Division of the U.S. Information Agency in Washington, George Stevens, Jr., has made an enviable record. If the American image at foreign film festivals is improving, a good deal of the credit should go to him.)

There will be more than 130 international film festivals in 1964 and in one way or another USIA and the Department of State will become involved with each one. This involvement comes about in two ways—an official invitation to Washington from the government of the host country or a request for cooperation directed to the U.S. Embassy in the country organizing the festival.

Many of these are documentary film exhibitions, or specialized theatrical events such as the festival of religious film in Spain, or the science fiction competition in Trieste.

The most prominent festivals are those for which the Secretary of State officially accepts an invitation on behalf of the U.S. Government—i.e., the annual events at Buenos Aires, Cannes, Berlin, and Venice, plus those which alternate annually between Moscow and Karlovy Vary, Czechoslovakia. In addition there are full-fledged feature film gatherings in such places as Locarno, Cartagena, Acapulco, San Francisco, Edinburgh, Melbourne, San Sebastian, Djakarta, Beirut, Boston, and Bombay.

In the competitions for which the State Department officially accepts an invitation the United States is asked to send an "official film" entry in the feature category and often one for the short subject and documentary section. We are expected to designate a delegation chairman and an alternate delegate in the person of a USIA officer from the local embassy. In the past Frank Capra, Charlton Heston, Karl Malden, James Stewart and other figures from the American film community have been accredited by the State Department as delegation heads. These representatives serve at the request of USIA with the concurrence of the White House.

For the past 2 years the "official American film" has been selected by the Film Festival Selection Committee of which Fred Zinnemann is chairman. The committee is composed of actors, directors, producers and writers appointed by their guild presidents, plus two members of the Motion Picture Export Association. Besides the official entry which each major film producing nation is entitled to enter, the various festival organizers invite additional films for showing both in and out of competition. The number of films competing ranges from over 30 at Moscow to as few as a dozen at Venice.

The overall coordination for American festival participation is now in the hands of a committee composed of Mr. Zinnemann representing the selection group, Arnold Picker representing the major companies, Ralph Hetzel for MPEA, and this writer representing the Government. Because the different festivals operate with varying procedures and needs, the coordinating committee cooperates to meet those needs and makes certain that interested parties in the United States are informed and kept up to date. USIA has assumed responsibility for contacting artists and for issuing invitations in those cases in which the festival wishes assistance.

Why do members of the selection committee, the individuals selected as delegates and the scores of others who travel, give of their time and occasionally suffer for it—why do they make the effort?

The reasons are many and they vary with the individual. Most Americans involved in motion pictures have in their personalities differing degrees of the artist, the businessman, and the citizen—each of whom is affected by the foreign policy of motion pictures as it exists at international film festivals.

For the artist there is the opportunity to see the work of colleagues from all parts of the world. "The 400 Blows," "La Dolce Vita," "Ballad of a Soldier," "David and Lisa," "Tom Jones" will be seen and talked about at festivals long before they appear in Hollywood. Also shown are films of interest that will never be seen in the United States plus worthwhile retrospective presentations such as the recent ones honoring John Ford and Buster Keaton.

At festivals the American maker of films is always gratified and often surprised to receive respect as an artist and to be greeted with a broad knowledge of his work—a striking contrast to the indifference which exists in the United States.

The fact is that interest in films as art elsewhere around the world is largely the result of film festivals. Jean Cocteau was instrumental in organizing the Cannes festival for the very purpose of making certain that motion pictures gained recognition as an art form.

It is not easy to separate the artist from the businessman when it comes to film people, but at festivals the business mind is exposed to the world marketplace, to an advance look at new talent, and where it often gains some sense of trends. All this means something in a business which will continue to become more competitive and which depends on foreign markets for over one-half of its income.

One has only to recall the statements of Lenin, Stalin, and Khrushchev to realize that the Soviet Union regards the medium of motion pictures as the most important art and means of communication for advancing the Soviet dream of world communism. To this end the Communist bloc has seized upon the film festival as a platform for launching its influence through the cinema. This is reflected in reports to the Secretary of State by American delegates to Moscow and Karlovy Vary. These festivals devote intense attention to the nations of Africa and Asia, and the result of this influence is borne out by the emergence of the recent Afro-Asian festival in Indonesia, which President Sukarno personally used as a platform to assault Western culture and filmmaking.

Realizing that excellence creates a following, it has been the conclusion of many in American films that the United States must make an effort to excel in the international festival—and since this country is one of the few in which motion picture making is not somehow influenced and controlled by the Government, a greater responsibility rests with the private citizen in films.

It would be naive to overlook the fact that there are irritants and dissatisfactions continually in the forefront of the festival scene. There are and there will be for the very reason that so many nations and interests are involved. Some say that a picture can be hurt by its showing at a festival. Sometimes this may be true, yet it would seem that more often a film is given a special opportunity when it is screened before several hundred journalists, with attendant press conferences for the filmmakers and stars.

Complaints about the structure of festival juries have often been valid, and have been effective in forcing changes. At Cannes this year there were three Americans on the jury—imbalance in reverse. This year for the first time there will be only one Italian on the Venice jury. And besides, Stanley Kramer demonstrated that even in the Soviet Union one man can influence a doctrinaire majority.

On the whole it would seem that festivals, despite their inherent drawbacks, are a striking affirmation that motion pictures are at the center of 20th-century life as art, business, and bearer of ideas. Therefore the United States and its film community cannot wisely look away from them—and anyway, to attempt to do so would be like giving the world 24 hours to get out of town.

[From the Washington Evening Star, May 31, 1964]

FEDERAL ARTS BILL ENDANGERED IN ELECTION YEAR TACTICS

(By George W. Oakes)

Significant Government aid to the arts will become a reality if the Johnson administration effectively backs the Senate-approved House bill to establish an Arts Advisory Council and a National Arts Foundation.

Abe Fortas, a prominent Washington lawyer who is unofficial arts consultant to the President, has called it "a great bill" and one "I hope will pass."

Whether it does or not depends on what pressure, if any, the administration exerts to overcome traditional opposition in the House, especially by Chairman SMITH of the Rules Committee.

In order to gain his support for the Johnson antipoverty legislation, it seems probable according to reliable sources, that the White House will sacrifice—at least for this election year—the vital part of the arts bill—authorziation for a federally financed National Arts Foundation.

In that event, legislation would be enacted to establish only a Federal Advisory

Council on the Arts, which the President is about to set up by executive order anyway.

The Senate has passed the bill now before the House for both the Council and the Arts Foundation. At present the bill rests in the House Education and Labor Committee which is expected to report out early next month only the section authorizing the Council. The subcommittee headed by Representative THOMPSON, Democrat, of New Jersey, who is sponsoring the legislation reported out earlier this month, the bill which passed the Senate in the current session and which authorizes both the Council and the Foundation.

WHITE HOUSE AID

Although one House Democrat close to the Rules Committee believes that Chairman SMITH would approve the entire legislation since only $10 million a year is requested, it is understood he would not do so unless the White House made concessions on such bills as the antipoverty program. Despite the number of impoverished artists in this country and the fact that twice as many Americans annually attend museums as those who go to professional baseball games, there are fears that the Johnson administration does not regard the arts as having important popular and therefore electoral appeal.

Perhaps the outstanding illustration of successful Federal aid to the arts in Washington is the regular congressional appropriation for the maintenance of the National Gallery of Art. This year it amounts to more than $2 million.

The concept of a National Arts Foundation, which has been championed in Congress mainly by Senator JACOB JAVITS, Republican, of New York, is based on the experience of the British Arts Council which for years has had a successful record of grants to performing and visual arts groups throughout Great Britain. It has effectively stimulated local as well as national arts groups such as the Royal Ballet of Covent Garden.

Under the present bill which Senator PELL, Democrat, of Rhode Island, piloted through the Senate, the National Arts Foundation would make 50–50 matching grants to nonprofit professional groups concerned with the arts and also matching grants in approximately equal amounts to the States both to assist existing arts programs and to develop new ones. The purpose is to encourage support for the performing and visual arts by providing "seed money." Officials point out that it is amazing how many of the performing artists sent abroad by the State Department come from small towns in obscure parts of the country. The New York State Arts Council has found the State funds have stimulated private foundations to support various arts projects. Art authorities are convinced that Federal grants would produce similar results in many communities.

PRIVATE DONATIONS

As John Walker, Director of the National Gallery of Art, said in his testimony before the Senate Subcommittee on the Arts, "The importance of this legislation is the stimulus it will provide for private donations for cultural enterprises, especially on the part of the great foundations which now devote so small a part of their total resources to the arts."

John D. Rockefeller III stated before the same Senate subcommittee that the establishment of a National Arts Foundation would "furnish the tools which seem to me necessary if Federal recognition of the arts as a mainspring in the lives of the American people is to be truly meaningful. * * * I have no reservations about the need—even the urgency—for government action at all levels—city, State, National—in the area of the arts."

The upsurge of public interest in the arts in recent years is illustrated by the extraordinary increase in museum attendance. (The National Arts Foundation could make grants to museums.) Otto Wittman, vice president of the American Association of Museums and director of the Toledo (Ohio) Museum of Art, has pointed out that today there are 5,500 museums in the United States compared to 1,500 30 years ago. In 1962, total attendance is estimated at 200 million people, or double that of 10 years ago. Educational extension programs of some 600 American museums enrolled 7 million children, 5 million adults, and 53,000 art students in 1962.

TERMS OF THE BILL

Under the bill the Senate passed, the President would appoint the 21-member National Arts Foundation's Board of Trustees. These private members would select their own chairman and vice chairman. In contrast to the composition of the Smithsonian's Board of Regents of which the Chief Justice is chancellor, no Members of Congress are proposed for exofficio membership on the National Arts Foundation Board. Officials of leading Washington art galleries and museums appear to be divided over the question of whether it is advisable for Members of Congress to serve on such a board. Although Senator JAVITS would like the National Arts Foundation to be "as much like the Smithsonian as possible," others would prefer to use the National Science Foundation as a model. All of its board members are private individuals, most of whom are distinguished scientists and educators. No Members of Congress serve on the board but this has not impaired the foundation's annual appropriations.

The proposed law for the National Arts Foundation would authorize the President, with the advice and consent of the Senate, to appoint a full-time director who would be the foundation's executive officer and an ex officio trustee. He would be subject to the general supervision and policy direction of the board of trustees.

Enactment of a national arts foundation bill providing Federal "seed money" for museums, art galleries, art schools, orchestras, music schools, operatic, theater and ballet group, etc., could have a major impact in stimulating the visual and performing arts just at the time when the public is patronizing these arts on an unprecedented scale.

WASTE IN DEFENSE SPENDING

Mr. NELSON. Mr. President, one of the most important responsibilities of the Congress is to oversee the spending of taxpayers' money by the various agencies of our Government. More than half of our vast Federal budget is presently spent for military purposes. I am convinced that the American people recognize the importance of this tremendous investment in our national security.

However, we have a great obligation to make certain that this great investment in national security is not wasted. And we also have an obligation to make certain that funds which are desperately needed for other purposes—to meet the tremendous challenges in the field of education, unemployment, conservation, public health, and scientific research—are not lost through unwise or unnecessary spending under the guise of national security.

Recognizing this responsibility, it comes as something of a shock to me to learn that almost half a billion dollars of waste in military spending has been documented by the U.S. Government Accounting Office—GAO—over a 12-month period.

Like all Members of Congress, I receive copies of the GAO audit reports. I asked the agency to prepare a summary of its audit reports over a 12-month period. The report summarizes the GAO activities relating to waste and mismanagement in the Defense Department between May 1, 1963, and May 1, 1964. The report shows that during this period, a total of $486.9 million of waste in military spending was disclosed.

I want to put such a figure in its proper context. Although filed in a 12-month period, these reports often cover more than 1 year of spending. However, they cover only a fraction of total military spending and therefore represent only a sample of the kind of waste which exists. Certainly, some waste is bound to occur in a budget of close to $50 billion. Also, I recognize that the President and the Secretary of Defense have made laudable efforts to cut waste in military spending to an absolute minimum.

These reports simply show that much more can be done.

We should not fall into the error of thinking that $486 million is "not very much money." It represents almost the entire executive budget of the State of Wisconsin for a 2-year period—a budget which is raised to meet the burdens of State and local government only through considerable sacrifice by Wisconsin taxpayers.

These audit reports confirm what a number of Senators have stated on the Senate floor for some time. The mere fact that money is earmarked for "defense" does not guarantee that it will be wisely spent. These audits have uncovered substantial waste, and I am confident that closer scrutiny of the military spending budget by the Congress would uncover far more waste and unnecessary spending.

For instance, earlier this year the permanent Subcommittee on Investigations of the Senate Committee on Government Operations showed that fantastic profits were being made under Defense contracts.

As you know, companies receiving defense contracts often subcontract their work to other firms. They add the subcontractor's costs and profits to their own costs, add a profit for themselves, and bill the Defense Department for the total. Under this system, firms earn astounding profits on the effort or investment which they themselves make in the contract.

In the Nike program, profits of 31.3 percent on actual effort were paid to Western Electric.

Profits of 44.3 percent on actual effort were paid to Douglas Aircraft.

On a total of 17 Nike production contracts worth over $1.5 billion, Western Electric and Douglas Aircraft were paid $114.6 million in profits, for which they did absolutely no work.

Western Electric took markups of $77.3 million on work done by others. Douglas Aircraft took similar markups of $37.3 million.

On launcher loader contracts, profits of 6,684 percent—on actual effort—were

paid to Western. Thus Western made $955,000 on a $14,293 investment.

Similarly, on launcher loader subcontracts, astounding profits of 36,531 percent on effort were paid to Douglas. In other words, Douglas made $1.2 million on a $3,316 investment.

In still another case, profits of $3.2 million were paid to Western on trailer contracts. But Western did absolutely no work to earn this fee. Similarly profits of $3.6 million were paid to Douglas on trailer subcontracts. And this fee was over and above any work Douglas did in connection with the trailers.

We recently enacted a major tax cut bill because we were convinced that Federal taxes were a brake on our economy and were impeding the economic growth of the Nation, which is our source of greatest strength.

Taxes are still a substantial burden on American business, industry, and individuals. Where this money is necessary to keep our Nation strong, to protect public health and safety, to meet the social and economic problems which cannot be met in any other way, I am perfectly ready to support the necessary taxation.

But no Senator can be expected to support the taxation of American citizens to provide 6,000 percent profits to a single industry. And no taxpayer should be forced to sacrifice to help raise half a billion dollars which will be squandered by the Defense Department.

I am convinced that, under the leadership of Secretary McNamara, the incentive to eliminate waste and unsound contracting methods exists in the Defense Department. But it is up to the Congress—the voice of the American taxpayers—to review this spending and make certain that tax dollars are not thrown away simply because we all realize it takes a lot of money to build a strong national defense system.

After reviewing these reports I am more convinced than ever that we could cut at least 2 percent out of our $50 billion military budget without endangering national security in the slightest.

I ask unanimous consent that a letter to me from the Comptroller General of the United States be included in the RECORD at the conclusion of my remarks.

In this connection, I would also like to offer for the consideration of the Senate the following article from the May 29, 1964, Science magazine, which details one example of how great sums of money can be spent for no good purpose at all, and ask unanimous consent that it be printed in the RECORD.

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

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, June 12, 1964.

The HONORABLE GAYLORD NELSON,
U.S. Senate.

DEAR SENATOR NELSON: In response to your informal request, we are submitting certain information from the audit reports issued by our office during the period May 1, 1963, through May 4, 1964, on Department of Defense activities. You specifically asked for the total amount of wasteful or unnecessary costs shown in these reports.

We issued these reports during the period mentioned covering procurement, maintenance, and supply activities in the Departments of Army, Navy, and Air Force. The unnecessary expenditures or costs which we were able to identify in these reports as having been made, or scheduled to be made, amounted to over $485 million. Some of the costs scheduled to be incurred were canceled as a result of our reviews.

Our reviews of DOD activities are limited to a small percentage of the total funds spent by that Department, but we attempt to use our manpower resources where we feel we can make the greatest contribution to increased economy and better management.

Sincerely yours,

JOSEPH CAMPBELL.

[From Science, May 29, 1964]

NEWS AND COMMENT—BIG DISH: HOW HASTE AND SECRECY HELPED NAVY WASTE $63 MILLION IN RACE TO BUILD HUGE TELESCOPE

On the basis of a detailed and official autopsy report on the Navy's 7-year attempt to build the world's largest radiotelescope, it appears that the most promising piece of salvage from $63 million in outlays might be a libretto for a musical comedy.

The Department of Defense, which killed the trouble-ridden project in 1962 despite Navy protests, has offered assurances that newly devised management techniques make further cases of this sort unlikely. And, since Defense Secretary McNamara has demonstrated an unprecedented ability to blend rationality with the uncertainties of military research and development, the assurances command respect. Nevertheless, the telescope venture—even if it can't happen again—makes it easy to understand Congress flourishing skepticism toward research and development proposals, and it also throws some illumination on the corrosive effects that the cold war has had on scientific and technical enterprises. The other side of the coin—namely, the nonmilitary benefits accruing from R. & D. motivated by East-West rivalry—has been amply publicized; but it is long overdue for equal time to be given to the fact that a lot of talent, money, and spirit go to waste when technological foolishness is permitted to gallop under a national security banner.

Although the telescope episode ended in July 1962 with a brief cancellation announcement by the Navy, the first detailed account of this security-bound project was not available until last month, when the General Accounting Office, Congress financial investigatory arm, issued a 53-page report titled, "Unnecessary Costs Incurred for the Naval Radio Research Station Project at Sugar Grove, W. Va."

Sugar Grove, as the telescope was conveniently referred to, was conceptualized, in 1948, as a purely scientific undertaking by personnel of the Naval Research Laboratory (NRL). The proposal, to build a large, steerable radio telescope for detecting radio emanations from outer space, had shaped up by 1956 to a design calling for what would have been the largest movable land-based structure in the world: a reflector dish 600 feet (180 m.) in diameter—more than 7 acres in area—that would rise to a maximum height of 675 feet above its foundation. To maintain its parabolic configuration in all environmental conditions, including high winds, icing, and bright sunlight, the surface of the dish was to be covered with hydraulically motivated and electronically controlled aluminum panels, 50 by 50 feet.

In the spring of 1956, Congress was told that the construction cost would be $20 million, and, without a quibble, it appropriated an intial $1.3 million for achitectural and engineering services. By the winter of 1957, Congress was told that the cost had risen to an estimated $52.2 million. Not long afterward it was told that it would be desirable to combine highly classified military functions with the instrument's scientific capabilities, and that this would raise the cost to $79 million. (These military functions have never been publicly spelled out, but it appears that they involved using the moon as a relay point to monitor Soviet radio transmissions.) Later estimates raised the cost to $126 million, and then to $200 million and possibly as much as $300 million. In September 1961, even Congress generally boundless indulgence for military research was insufficient for Sugar Grove's requirements, and a ceiling of $135 million was placed on the project. Shortly thereafter, the Defense Department concluded that the military tasks prescribed for Sugar Grove could be attended to by other means, presumably space satellites, and it directed the Navy to end the project. At that point, expenditures totaled $63 million, for which the Navy had a lot of plans, a large clearing in the West Virginia mountains, a 17,000-cubic-yard concrete foundation, a 550-ton pintle bearing, and a few other monumental odds and ends that will surely baffle archeologists of some coming century unless a copious explanation is carefully left behind.

In examining how and why it happened, the General Accounting Office spells out a story that Lewis Carroll might have envied. From the start, the Navy was in a desperate hurry, a fact that the GAO attributes to Sugar Grove's military potential, but which also may have had something to do with the Navy's desire, early in the space age, to get a piece of space jurisdiction for itself. In this spirit of haste, the Bureau of Yards and Docks (BuDocks), which was managing the project, decreed that construction would proceed concurrently with design. Work on the foundation then got underway, while design on the superstructure proceeded. Meanwhile, various scientific advisory bodies were expressing doubts about the costs and technical capabilities of the telescope, but BuDocks attended to that problem by keeping the scientists out of the project.

HEAVIER AND HEAVIER

"After structural design was initiated," the GAO reports, "early results indicated that, if the instrument were to retain its configuration automatically * * * a complex control system would be required. It was found that any increase in rigidity to prevent deflection of the reflector would be self-defeating since the added weight of steel would in itself cause more deflection. Accordingly, the design for the superstructure was changed from a simple to a novel and highly complex form. Conventional methods for the necessary check analysis of structural stresses could not be used. * * * BuDocks decided on a machine (computer) computation for the analysis of the unique design problem. * * * Normally detailed structural design would have been delayed until the computer results were known, but BuDocks considered that the military urgency of the project made it necessary to proceed with the preparation of the bid requests and the procurement of steel. * * * By the summer of 1960, studies of the computer results showed that much of the prior design had been inadequate. The overall moving weight of the instrument was calculated to approximate 36,000 tons which would be far in excess of the designed capacity of the supporting structure already under construction. The weight calculation was, even then, based on estimates for several highly important areas for which design had progressed to only a concept stage. Many major problems for which no precedent existed were still unsolved."

BuDocks then obtained the services of a new design firm, which found, as GAO put it, that "prior design assumptions could not be relied upon and that a total reanalysis and redesign of the project would be required. * * * In the meantime, much of the

construction of the supporting structure had been completed."

SPEED AND SECRECY

While BuDocks was pleading military urgency and pouring concrete, it was also hanging out top secret signs to fend off the participation of the very scientists who had helped originate the project. Although work at the Sugar Grove site was going full blast, the GAO concluded, "the scientific problems involved in the construction of a 600-foot radio telescope had not been solved, nor was there any prior experience in constructing an instrument of this size with the required mobility and close tolerances in all its parts. Therefore, the successful fulfillment of the project required close collaboration and the best efforts of the scientific and the construction agencies of the Department of the Navy.

"This need for close collaboration * * * was not adequately recognized until about the end of the history of this project. Rather, the record shows that BuDocks * * * almost completely eliminated effective scientific participation in the big dish project by scientific personnel until it became very clear to BuDocks that assistance from the scientific community was essential to solve several of the scientific problems.

"After BuDocks had been given responsibility for construction * * * communication with the scientific and research engineering community outside the Government diminished or was completely closed by the security classification of significant elements of the project and actions of BuDocks personnel, and liaison with Naval Research Laboratory and Office of Naval Research scientists and research engineers deteriorated."

In 1959, the GAO report continues, "despite evidence that design problems were getting out of hand," BuDocks proposed disestablishment of the Sugar Grove Steering Committee, whose representatives—from NRL, ONR, and BuDocks—were supposed to coordinate research, design, engineering, and construction. When the Chief of Naval Research protested that the committee was ONR's only formal link with the project's planning, BuDocks agreed, in July 1959, to retain the committee. The records show, however, that the committee held only one meeting after that date.

In that same year, the Office of the Secretary of Defense appointed an advisory group that the GAO described as "the country's outstanding experts in fields allied to those comprehended by the Big Dish." The group reported back that "the project is cloaked in a mantle of security which precludes participation by the scientific community in the formulation of the design, for the dish."

BUDOCKS VERSUS THE EXPERTS

A few months later, the Defense Department's director of research and engineering brought together a group of specialists to consider the project. BuDocks, however, was not interested. A memorandum to the director from a member of his staff, "I have been informed that the Bureau of Yards and Docks area commander, Norfolk, has intervened and stated that he will take charge of the meeting from the Navy side and that none of the experts mentioned above will be included." The Secretary of Defense had to take the matter up with the Navy to bring about the meeting with the expert group.

As for the NRL scientists who had first developed the concept for the telescope, they found that BuDocks and its original designers had little patience for their opinions. Although GAO concluded that "NRL had an abundance of structural engineering capability," NRL scientists found that their reservations about construction matters were not appreciated, and they were also told that BuDocks "could not wait for the 'scientific approach'."

By early 1960, it was clear that the project had acquired a vitality of its own and that it would not be easily responsive to the will of men. When NRL first worked out its plans, it assumed that a staff of 30 would do nicely, to man the telescope, its computers, the library, and other facilities. The Navy, the GAO found, "revised this concept to a planned complement of 1,146 people with all the additionally required housing, commissary, and other support facilities."

As for GAO's contention that the project should have been slain in 1960, rather than in 1962, it was informed by the Secretary of Defense that—in GAO's words—"cancellation was tardy to some extent * * * but in almost all cases resulting in cancellation there is a significant delay between the date of the decision and the date that cancellation is actually effected. However, they stated that such a delay normally should not exceed about 6 months."

Perhaps the most disturbing thing about the Sugar Grove debacle is that it apparently has not driven anyone in Washington to raving anger. Part of the reason, of course, is that McNamara—over the violent protests of the military services—has since instituted review and management procedures that would make it difficult for a similar octopus to get loose. But the principal reason for the ho-hum attitude is that when a national security tag is hung on a project, sound judgment often goes out the window. It might be useful to speculate what would have happened in Congress if, let's say, the National Science Foundation had been responsible for what happened at Sugar Grove.

D. S. GREENBERG.

SAM YETTE AND THE PEACE CORPS

Mr. HUMPHREY. Mr. President, the Peace Corps continues to receive just praise, not only favorable for its program activities, but for its quality of personnel.

It has been my privilege to know Mr. Sam Yette, who was recently appointed to a key position in the Peace Corps. He left his community with plaudits of his fellow citizens and the editorial congratulations and support of the Dayton Journal Herald of Dayton, Ohio. The editorial speaks eloquently of Mr. Yette and justly praises the work of the Peace Corps. I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Dayton (Ohio) Journal Herald, Apr. 15, 1964]

PEACE CORPS, A PROTOTYPE

The Peace Corps recruiting efforts in Dayton of Sam Yette, the Journal Herald's prize alumnus, remind us of the high and rightful esteem the Peace Corps has won for itself.

We ourselves think that the corps offers a prototype for a far larger role for America in world affairs.

Sam Yette came to us as the first Negro reporter on a metropolitan paper in our community. There could not have been a better pioneer. The whole town seemed to welcome him. When he left to become executive secretary to the Peace Corps a year ago, it was certain that the Peace Corps would get a boost, too.

The Peace Corps perhaps needed one in its early years. There were a lot of skeptics, including to a certain extent ourselves. People felt they were sending boys to do men's work.

Now everybody's convinced. The young Americans who make up the corps have won hearts nearly every place they've gone. Their devotion to making life better around the world has been unmistakable. The enrichment of our own country when they return, as Mr. Yette was pointing out yesterday, will be one of its greatest rewards.

It is pretty certain, perhaps, that trained experts in farming, medicine, transportation, and administration would have got more done than these young men and women who are usually fresh from college. We have such, too, of course, in the Agency for International Development (AID). But they hardly win the hearts, and these young ones, we suspect, are the vanguard of an army of the future, an army of Americans going out to help build and organize a better life around the world, many of them in private business, we hope, some sent by our Government, and all inspired by the dedication of the Peace Corps pioneers.

RECOGNITION OF CHARLES C. STELLE

Mr. HUMPHREY. Mr. President, many of us who knew him, were deeply saddened by the death of Charles C. Stelle. Mr. Stelle has been acting chief delegate for the United States at the disarmament conferences in Geneva, for the last 4 years. He was a major negotiator in achieving the limited test ban treaty, and also in establishing the hot line between Washington and Moscow. Experience and skill is at a special premium in the field of disarmament negotiation, and Charles Stelle's loss, at the early age of 53, is a most regrettable one for the United States.

Although he was known as a dedicated and valuable career officer in the Foreign Service, with an excellent record to his credit in many assignments, his work on the limited test ban treaty and hot line will undoubtedly be outstanding hallmarks of his career.

He was known as a diplomat who worked by keeping himself in the background. Yet those of us who came to know him personally, came to have the highest appreciation for the skill, competence, and strength of character of Charles Stelle. His passing is a loss to the United States, and a personal loss to me.

The New York Times in noting his death, summarized his career in terms I should like to appear in the CONGRESSIONAL RECORD. I ask unanimous consent at this time, to have that notice printed in the RECORD.

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

CHARLES C. STELLE, 53, IS DEAD; HELPED NEGOTIATE TEST BAN PACT—TOP U.S. DISARMAMENT AID ALSO WORKED ON HOTLINE—SERVED SPACE AGENCY

WASHINGTON, June 11.—Charles C. Stelle, a major U.S. negotiator in the atomic test ban treaty and the Washington to Moscow "hotline" agreement, died here this morning in Georgetown University Hospital of complications from a recent operation. He was 53 years old.

Mr. Stelle, who had been the acting chief delegate at the disarmament conferences in Geneva during most of the sessions for the last 4 years, was in Washington for consultations on a special assignment he had been on with the Space Sciences Laboratory at the University of California.

Secretary of State Rusk said Mr. Stelle was "a dedicated career officer" who had

"performed outstanding service for his country in varied and difficult assignments."

Survivors are his widow, the former Jane Kellogg, and a son, Kellogg Sheffield Stelle.

OLD-SCHOOL DIPLOMAT

Mr. Stelle was a diplomat of the old school who preferred to work outside the spotlight. It was not his doing that the subjects with which he dealt in the last few years—the nuclear test ban treaty and the hot line from the White House to the Kremlin—turned it on himself.

Even as chief negotiator at Geneva in disarmament talks from 1960 until last summer, he said as little as possible in public about his work. One correspondent who had to deal with him there described him as "the type of diplomat who thinks twice before answering a reporter who asks him the time of day."

Part of this reticence may have been acquired through his work with the Office of Strategic Services in the Far East during World War II. He joined the wartime intelligence operation as a civilian in 1941 but later was commissioned in the Army and was discharged as a major with a Bronze Star and oak leaf cluster. He joined the State Department in 1946 as Chief Director of Research for the Far East.

Mr. Stelle was well prepared for his work in the Far East. He was born October 25, 1910, Peiping, of missionary parents, and lived in China until he was 14. He went back there in 1932 for 2 years at the College of Chinese Studies in Peiping. The diplomat retained his interest in the Orient and his command of the Chinese language even when his duties at State channeled his activities toward other areas of the world.

Mr. Stelle was the first of several generations of his family to choose the striped pants of a diplomat over the surplice of the clergy. A Stelle had been minister of a Reformed Church founded by his Huguenot ancestors at Piscataway, N.J., for seven generations without interruption.

When he was sent to Geneva in 1960 by President Eisenhower as deputy head of the U.S. mission to the short-lived 10-nation disarmament conference in 1960, with the rank of "Minister," he cabled his mother: "After seven generations I finally made it."

Mr. Stelle had few interests or hobbies outside his work although he liked to play both chess and bridge and make an occasional study of the roulette wheel at Evian-les-Bains during his years in Geneva. He and his wife also liked to explore the culinary delights of the many French restaurants that were within easy driving distance across the border from Geneva. He left the disarmament talks last summer to come home for special work with the space agency.

In addition to his studies at Peiping, Mr. Stelle received A.B. and Ph. D. degrees at the University of Chicago and was a Rockefeller Foundation fellow at Harvard, 1938–40. He also attended Phillips Academy at Andover, Mass., and Amherst College.

STEEL COMPANIES AND UNITED STEELWORKERS AND NONDISCRIMINATION

Mr. HUMPHREY. Mr. President, in the morning papers today there is good news—the agreement between the United Steelworkers Union on the one hand and 11 major steel companies on the other pledging continuing joint action to advance nondiscrimination in employment in the steel industry.

This is a landmark agreement, Mr. President, and one which demonstrates what can be done when men of good will and intelligence sit down together, and place a high priority on working out solutions.

This splendid agreement to encourage objective, nondiscriminatory attitudes within both union and management is one which I hope and trust will be followed in similar agreements throughout American industry.

The contemplated passage of the civil rights bill is only one step in the campaign to destroy discrimination in America. Equally important will be the voluntary steps taken in just such fashion as the steelworkers and the steel company management have taken them.

Mr. President, I wish to express congratulations to the cochairmen of the Joint Human Relations Committee of the steel industry, David J. McDonald, president of the United Steelworkers, and R. Conrad Cooper, executive vice president of United States Steel, and to their associates who have broken this new ground in the path to a just and equitable treatment of all our citizens.

BALTIC PEOPLES AND THEIR TREATMENT BY THE SOVIET GOVERNMENT IN 1940–41

Mr. CASE. Mr. President, almost 25 years ago, when the Western World became involved in what turned out to be a global war, the Soviet Government was reaching out beyond its borders. Early in 1940 the democratic Governments of the three Baltic States—Estonia, Latvia, and Lithuania—were forced to submit to the Soviet Government's dictation. The Governments of these countries were forced to allow the garrisoning of Soviet troops at all strategic points. Of course, this meant the loss of independence on the part of these states. Then in mid-June, these countries were overrun and occupied by the Red army, thus putting an end to freedom there.

In that fatal June, began the Soviet Government's deepest cruelty in these countries, when mass arrests and deportations of innocent people by the tens of thousands were made. Such arrests and imprisonments, and the deportations of victims to far off parts of the Soviet Union continued for a whole year while terror reigned in these countries.

These arrests and deportations were intensified in mid-June of 1941, when it was reported that during the night of June 13–14 nearly 10,000 people were rounded up in Estonia alone, all destined for deportation. It is impossible for us to know how many hundreds of thousands of innocent and helpless men, women and children were uprooted, deported, and lost their lives in some distant, desolate corner of the Soviet Far East.

Today, in observing the 24th anniversary of that sad and tragic event, Mr. President, we honor the memory of these victims of Soviet inhumanity under Stalin.

Let us hope that the modest liberalizations in the treatment of the fortunate survivors by the present Soviet Government may be greatly increased and strengthened. And let us never lose hope that the freedom so highly cherished in the three Baltic countries may ultimately be restored.

HUMANE TREATMENT OF ANIMALS

Mrs. NEUBERGER. Mr. President, editorial support continues to grow for legislation to provide humane treatment of animals used in scientific experiments.

Editors point out that bills pending before House and Senate committees do not constitute antivivisection legislation. They emphasize that medical and scientific research must continue for man's health and benefit, but this does not mean that human carelessness and cruelty to animals are a necessary part of attaining that objective.

I ask consent to include in the RECORD an editorial from the Mobile, Ala., Register of March 26, 1964, entitled "Needless Torturing of Animals Should End."

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

[From the Mobile Register, Mar. 26, 1964]

NEEDLESS TORTURING OF ANIMALS SHOULD END

On many questions, we do not see eye to eye with Senator JOSEPH S. CLARK, of Pennsylvania, Senator MAURINE B. NEUBERGER, of Oregon, and the New York Times. They are often too "New Dealish" for us.

But on the question of further Federal legislation against needless torture of dumb animals used in medical and scientific research, we agree that Congress should enact it.

It is an outrage to subject so-called laboratory animals to unnecessary cruelties, and Congress should not hesitate to strengthen and broaden prohibitory Federal law.

"The Clark-Neuberger bill pending in the U.S. Senate and a companion bill in the House would insure decent treatment of laboratory animals, including adequate rest and exercise areas, proper feeding and sanitation," comments the Times.

It adds that animals subjected to painful tests would be anesthetized—"now not always the case."

Also, says the Times, "the existing Federal Humane Slaughter Act covers about 80 percent of the animals slaughtered in this country; but the rest can be covered only by State laws."

This suggests the advisability of adequate anticruelty State laws for the protection of dumb animals where these do not exist.

Whether the Clark-Neuberger bill in its exact present form is the perfect answer to the advisability of more effective Federal legislation, we do not know. But either it, a variation of it, or a substitute for it, should be enacted by Congress without quibbling and without paying any attention to lobbyists running around with propaganda which, if successful, would leave dumb animals still exposed to much needless torture.

Senator NEUBERGER reminds that she and Senator CLARK, in sponsoring the Senate bill, "have always stressed that it is in no way designed to slow medical and scientific research."

It is well that this fact is emphasized. For one important thing, emphasizing the fact is frustrating to the opposition—and a full dose of frustration is what the opposition deserves.

We have been pleading for a long time against needless torture of dumb animals in

slaughter and experimentation. We hope our pleading has contributed to the progress against that outrageous practice, and will continue to contribute to progress against it.

HIGHER ACHIEVEMENT THROUGH HIGHER EDUCATION

Mrs. NEUBERGER. Mr. President, we are all aware of the growing enormous significance of education in American life. The vital importance of education in the fight by the Negro community to achieve the full fruits of citizenship have been emphasized again and again during the civil rights debates. The Department of Labor statistics illustrate the all too close relationship between school dropouts and subsequent unemployment in a skill-demanding society. State after State is having to face agonizing choices in the legislature and on the ballot to decide how much the people can afford to tax themselves for public education facilities and services at all levels. I recall how proud I was that the voters in the recent Oregon primary election approved a State bond issue for higher education, demonstrating once again their sophisticated understanding of where their real interests lie.

One of the more striking attempts to come to grips with the demands for increased educational opportunities and for "a more practical curriculum" has been the emergence of the community college. Oregon already has thriving community colleges and shows every sign of sharply increasing their number. A recent study of student body characteristics at two Oregon community colleges has been published by the University of Oregon School of Education. I found some of the highlights of that study fascinating. Certainly the study provides us with much needed evidence on which to base an intelligent judgment on the contribution of these colleges to the larger community.

I ask unanimous consent that the article from the Eugene Register-Guard summarizing the study be printed in the RECORD.

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

[From the Eugene (Oreg.) Register-Guard, May 31, 1964]

STUDY SHOWS COMMUNITY COLLEGES PAY

Oregon's community colleges are proving successful in encouraging bright students from lower income families to continue their educations and giving lower achievement students an opportunity for some type of post-high school training, according to a University of Oregon study.

The results of the study, entitled "Student Body Characteristics Reveal the Educational Contribution of Oregon's Community Colleges," appear in a recent issue of the Bulletin of the Oregon Study Council, published by the University School of Education.

The study was made by Martin Scheffer, former university graduate student, now teaching at Contra Costa (Calif.) Junior College.

Scheffer studied the 1962 high school graduating classes in six Oregon cities located close to two community colleges, the Central Oregon Community College and the Southwestern Oregon Community College.

The communities studied were Bend, Redmond, and Prineville in central Oregon, and North Bend, Coos Bay, and Coquille in southwestern Oregon.

Graduates were divided into those attending 4-year colleges and universities, those attending community colleges, and those not attending colleges. Each group was studied for family background, high school achievement and activities, and personal characteristics.

The community college enrollment is quite heterogeneous, Scheffer noted, and includes considerable numbers of students from all social levels.

However, the study showed that the community college draws 64 percent of its student body from blue-collar families compared to 39 percent in 4-year colleges.

Observing that "family background is the single important factor in determining college attendance," Scheffer pointed out that "a much larger proportion of high school graduates from the * * * blue-collar classes can justifiably be said to be continuing their education largely as a result of the community college in their area."

The community college is drawing almost half of its students from the lower half of the high school graduating classes, while 4-year colleges are admitting only about 13 percent of this group, the study showed.

Half of all community college entrants have general education backgrounds in high school compared to only 17 percent of 4-year college entrants, most of whom have college preparatory backgrounds.

Many of the community college students may have decided late in their high school careers to attend college, and the 2-year college is giving them an opportunity to make up deficiencies in core subjects before going on to higher institutions, Scheffer said.

Community college entrants fell halfway between the other two groups in number of college preparatory courses taken, grade point average earned, participation in extracurricular activities, and attendance while in high school.

Seventy-eight percent of community college entrants have a measured IQ of 100 or above, and 76 percent of this group are from blue-collar families, demonstrating that "the community college does in fact serve a valuable democratizing function by drawing capable students from lower socioeconomic-class levels," the report said.

On the other hand, the more than 20 percent of community college entrants with IQ's below 100 are being given an opportunity for post-high-school training in job skills.

The study also brought out the fact that 36 percent of high school graduates with IQ's of 100 or above do not go on to college. This includes 10 percent with IQ's in excess of 120.

"This is a striking indication of the immense amount of talent which is educated short of its potential," Scheffer observed.

The older a high school student is at the time of graduation the less likely he is to go on to college. High school graduates below 18 are almost four times as likely to go on to college as graduates over 18. The community college enrolls the highest percentage of entrants over the age of 18, perhaps giving an added opportunity to "late bloomers," the study showed.

Although the sex ratio proved to be almost exactly one male to one female for both 4-year college entrants and those not going on to college, the community college contains a sex ratio of more than two males to one female, probably reflecting the technical-vocational emphasis in these institutions.

As the community colleges in Oregon grow and develop a more comprehensive curriculum, the proportion of women students will probably increase, Scheffer predicted.

Nationwide, the 2 to 1 ratio holds for 4-year institutions, while this is not true in Oregon. There is no immediate explanation for the increased enrollment of Oregon girls in 4-year colleges, Scheffer said.

NATIONAL COMMISSION ON FOOD MARKETING—REQUEST FOR THE RETURN OF PAPERS FROM THE HOUSE OF REPRESENTATIVES

Mr. MAGNUSON. Mr. President, I yield myself 1 minute. I ask unanimous consent that the House be requested to return to the Senate the official papers on Senate Joint Resolution 71, to establish a National Commission on Food Marketing.

As I explained to the Senate on Friday, it was expected that there would be a conference with the House on the joint resolution. However, we decided that we would not have a conference and that we would accept the House amendment. That is the reason for the request. I understand that we must request the House to return the papers, and therefore I make that request.

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

Is there further morning business? If not, morning business is closed, and the Chair lays before the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1963

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

The PRESIDING OFFICER. The substitute amendment is open to further amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 335 Leg.]

Aiken	Douglas	Johnston
Allott	Eastland	Jordan, Idaho
Anderson	Edmondson	Keating
Bartlett	Ellender	Kennedy
Bayh	Ervin	Kuchel
Beall	Fong	Lausche
Bennett	Fulbright	Long, Mo.
Bible	Goldwater	Long, La.
Boggs	Gruening	Magnuson
Burdick	Hart	Mansfield
Byrd, W. Va.	Hartke	McCarthy
Cannon	Hayden	McClellan
Carlson	Hickenlooper	McGee
Case	Hill	McGovern
Church	Holland	McIntyre
Cotton	Hruska	McNamara
Curtis	Humphrey	Mechem
Dodd	Inouye	Metcalf
Dominick	Jackson	Miller

Monroney	Prouty	Stennis
Morse	Proxmire	Symington
Morton	Randolph	Talmadge
Moss	Ribicoff	Thurmond
Mundt	Robertson	Walters
Muskie	Russell	Williams, N.J.
Nelson	Saltonstall	Williams, Del.
Neuberger	Scott	Young, N. Dak.
Pastore	Simpson	Young, Ohio
Pearson	Smith	
Pell	Sparkman	

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from Tennessee [Mr. GORE], and the Senator from North Carolina [Mr. JORDAN], are absent on official business.

I also announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH], 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 Kentucky [Mr. COOPER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Texas [Mr. TOWER] is necessarily absent.

The Senator from New York [Mr. JAVITS] is detained on official business at the White House.

The PRESIDING OFFICER. A quorum is present.

The Dirksen-Mansfield substitute is open to further amendment.

Mr. ERVIN. Mr. President, I call up my amendment No. 782, modified to conform to the revised substitute amendment No. 1052. I ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On pages 4, 5, and 6, beginning with the designation "(d)" on line 19 on page 4, strike out everything through the word "expedited" on line 11 on page 6.

Mr. ERVIN. Mr. President, I yield myself 1 minute.

I believe that all cases of like character ought to be tried by the same court. Also, I believe that the courts should have control of their own dockets.

The amendment would strike out the provision in title I which would authorize the Attorney General or the attorney for the defendant to go "judge shopping," in order to select the district court or a three-judge court to try a case, according to whichever one suited his wishes or his fancy.

It would also strike out the provision which undertakes to regulate the court's handling of its own dockets.

I believe it a meritorious amendment, and that its adoption would improve the bill.

I reserve whatever time I have not used of the minute I yielded to myself.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN]. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. PELL (after having voted in the affirmative). On this vote I have a pair with the Senator from Maryland [Mr. BREWSTER]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. JORDAN], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

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

I further announce that the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Pennsylvania [Mr. CLARK] are necessarily absent.

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Virginia would vote "yea" and the Senator from California would vote "nay."

On this vote, the Senator from North Carolina [Mr. JORDAN] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Pennsylvania would vote "nay."

I further announce that, if present and voting, the Senator from Florida [Mr. SMATHERS] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business, and if present and voting, would each vote "nay."

The Senator from Texas [Mr. TOWER] is necessarily absent and, if present and voting, would vote "nay."

The Senator from New York [Mr. JAVITS] is detained on official business at the White House, and, if present and voting, would vote "nay."

The result was announced—yeas 23, nays 62, as follows:

[No. 336 Leg.]

YEAS—23

Byrd, W. Va.	Holland	Simpson
Eastland	Johnston	Sparkman
Ellender	Long, Mo.	Stennis
Ervin	Long, La.	Symington
Fulbright	McClellan	Talmadge
Hayden	McGovern	Thurmond
Hickenlooper	Metcalf	Walters
Hill	Russell	

NAYS—62

Aiken	Cannon	Fong
Allott	Carlson	Goldwater
Anderson	Case	Gruening
Bartlett	Church	Hart
Bayh	Cotton	Hartke
Beall	Curtis	Hruska
Bennett	Dodd	Humphrey
Bible	Dominick	Inouye
Boggs	Douglas	Jackson
Burdick	Edmondson	Jordan, Idaho
Keating	Monroney	Proxmire
Kennedy	Morse	Randolph
Kuchel	Morton	Ribicoff
Lausche	Moss	Saltonstall
Magnuson	Mundt	Scott
McCarthy	Muskie	Smith
McGee	Nelson	Williams, N.J.
McIntyre	Neuberger	Williams, Del.
McNamara	Pastore	Young, N. Dak.
Mechem	Pearson	Young, Ohio
Miller	Prouty	

NOT VOTING—15

Brewster	Engle	Pell
Byrd, Va.	Gore	Robertson
Clark	Javits	Smathers
Cooper	Jordan, N.C.	Tower
Dirksen	Mansfield	Yarborough

So Mr. ERVIN's amendment was rejected.

Mr. PASTORE. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I call up my amendment No. 904 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. Is proposed to strike out title II, beginning on page 6, line 12, down to and including line 23, on page 14, as follows:

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, lunchroom, 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 State 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 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 absense, 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.

Mr. BYRD of West Virginia. Mr. President, on my amendment I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. How much time does the Senator from West Virginia yield himself?

Mr. BYRD of West Virginia. I yield myself 15 minutes.

Mr. President, 749 years ago today, on June 15, in the year 1215, the English barons, in a meadow at Runnymede, between Windsor and Staines, forced King John to attach his signature to the great charter of English liberty .

In general terms, Magna Carta was intended to prevent the exercise of arbitrary authority over his subjects by an English King.

The great document, wrenched from a pusillanimous King John, consisted of 63 articles, many of which secured to Englishmen their natural rights in property.

I wish to quote a few words by Woodrow Wilson, taken from his book entitled "Constitutional Government." He said:

> Roughly speaking, constitutional government may be said to have had its rise at Runnymede, when the barons of England exacted Magna Carta of John; and that famous transaction we may take as the dramatic embodiment alike of the theory and of the practice we seek. The barons met John at Runnymede, a body of armed men in counsel, for a parley, which, should it not end as they wished it to end, was to be but a prelude to rebellion. They were not demanding new laws or better, but a righteous and consistent administration of laws they regarded as already established, their immemorial birthright as Englishmen.
>
> They had found John whimsical, arbitrary, untrustworthy, never to be counted on to follow any fixed precedent or limit himself by any common understanding, a lying master

who respected no man's rights and thought only of having his own will; and they came to have a final reckoning with him. And so they thrust Maga Carta under his hand to be signed—a document of definition, which spoke of rights which had been disregarded and which must henceforth be respected, of practices until now indulged in which must be given over and remedied altogether, of ancient methods too long abandoned to which the King must return; and their proposal was this: "Give us your solemn promise as monarch that this document shall be your guide and rule in all your dealings with us, attest that promise by your sign manual attached in solemn form, admit certain of our number a committee to observe the keeping of the covenant, and we are your subjects in all peaceful form and obedience—refuse, and we are your enemies, absolved of our allegiance and free to choose a King who will rule us as he should." Swords made uneasy stir in their scabbards, and John had no choice but to sign. These were the only terms upon which government could be conducted among Englishmen.

That was the beginning of constitutional government, and shows the nature of that government in its simplest form. There at Runnymede a people came to an understanding with its governors, and established once for all that ideal of government which we now call constitutional—the ideal of a government conducted upon the basis of a definite understanding, if need be of a formal pact, between those who are to submit to it and those who are to conduct it, with a view to making government an instrument of the general welfare rather than an arbitrary, self-willed master, doing what it pleases—and particularly for the purpose of safeguarding individual liberty.

And so Magna Carta speaks of no new rights. It grants nothing. It merely safeguards. It provides methods and reforms abuses. It does not say what men shall have by way of freedom and privilege; it speaks only of what restraints the King's government shall observe in seeking to abridge such freedom and privilege as Englishmen already of right enjoy. Let the famous 29th clause serve as an example. It says nothing of the grant to any man of life, liberty, or property; it takes it for granted that every man has the right to these, as our own Declaration of Independence does, and enacts simply that "no man shall be deprived of life, liberty, or property, save by the judgment of his peers and the law of the land." It is seeking to regulate the exercise of power, to adjust its operation, as safely and conveniently as may be, to that general interest which is the sum of the interest of every man.

Mr. LONG of Louisiana. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from West Virginia will suspend. The occupants of the galleries will be in order.

Mr. LONG of Louisiana. And also those on the floor, Mr. President.

The PRESIDING OFFICER. Senators will take their seats.

The Senator from West Virginia may proceed.

Mr. BYRD of West Virginia. By some queer twist or irony of fate, Mr. President, some of us find ourselves, just 749 years later, to the exact day, fighting for an amendment to safeguard individual liberty against the abuses and excesses of arbitrary government.

In its simplest terms, that is what this amendment does. It safeguards the natural and God-given right of the individual, whether he is white or nonwhite, to manage and control the use of his property, within certain reasonable limits, of course, as he desires and not as an all-powerful Government would dictate that he use it.

For when it is remembered that one's daily bread, earned by honest sweat and toil, is property, then property rights become important in the scale of human rights. The natural right to own, manage, improve, and control the use of property is, in reality, one of the most basic of human rights, and it is a right that existed before the Federal Constitution and Bill of Rights, before the Declaration of Independence, and before Magna Carta itself.

As Supreme Court Justice Patterson said in 1795:

> It is evident that the right of acquiring and possessing property, and having it protected, is one of the natural, inherent, and inalienable rights of man.

Madison, in the 10th Federalist Paper, referred to the rights of property as having originated from the diversity in the faculties of men.

Troplong, an influential French jurist of the 19th century, said:

> Liberty is inextricably linked with property; the latter shares the fate of the former.

Mr. LONG of Louisiana. Mr. President, may we have order? It is very difficult to hear a Senator's speech when conversations are in progress on the floor. Some of us are very much interested in what the Senator from West Virginia is saying.

Mr. RUSSELL. Mr. President, I, too, make the point of order that the Senate is not in order. Senators who do not want to hear the debate should retire to the cloakrooms.

The PRESIDING OFFICER (Mr. NELSON in the chair.) The Senate will be in order. Senators will take their seats.

The Senator from West Virginia may proceed.

Mr. BYRD of West Virginia. Mr. President, one may ask the question: What is property? McKenna, in *United States* v. *Ohio Oil Co.*, 234 U.S. 548, said:

> The conception of property is exclusiveness, the rights of exclusive possession, enjoyment, and disposition. Take away these rights and you take away all that there is of property. Take away any of them, force a participation in any of them, and you take property by that extent.

Title II, which my amendment would strike, constitutes a taking of property. Why do I say this? Because it encroaches upon the privilege of use, which is one of that "bundle of privileges" which Cardozo said "make up property or ownership."

The taking may be ever so slight, but every journey to a forbidden end begins with a single step.

How does it take away property? By interfering with and forcing a participation in those rights of exclusive possession to which McKenna referred, and by interfering with one's freedom of contract.

How does title II force a participation in the rights of exclusive possession? By requiring the owner of a lodging house, be that owner white or nonwhite, to open his doors to certain persons against his will and perhaps to his injury.

How does title II interfere with the property owner's freedom of contract? By requiring him, whether he be white or nonwhite, to serve and sell to certain persons against his will.

I believe that all Senators will agree that the power of Congress to enact a law must be traceable to a grant of such power in the Constitution, for Congress possesses only that power which the Constitution gives it. Where is that constitutional grant of power which would support title II? The proponents seek to find it in the 14th amendment and in article I, section 8, clause 3, commonly known as the commerce clause.

It seems to me to be unmistakably clear that the 14th amendment will not give comfort to the opponents, because that amendment does not authorize Congress to prohibit acts of private discrimination.

Section 1 of the 14th amendment provides in part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The crucial words of the 14th amendment are these: "no State shall." These are the magic words out of which any exercise of powers granted by section 5 must evolve. Action on the part of a State or political subdivision thereof is the vital touchstone for the exercise of Federal power authorized by the 14th amendment. The prohibitions in section 1 are restrictions on State action and do not operate against individuals acting alone.

Yet title II seeks to regulate and prohibit purely private individual acts of discrimination by hotel owners, motel owners, restaurateurs, and other owners of private property who engage in accommodating the public. There is not even the shadow of State involvement in these activities.

A further limitation in respect of the 14th amendment lies in the fact that section 5 thereof does not authorize Congress to adopt general legislation, but only corrective legislation is authorized.

Congress is powerless to prohibit any action not prohibited by the 14th amendment. Congress may properly correct, counteract, and nullify any State action prohibited by the amendment and shown to exist, but Congress cannot, on the basis of that amendment, operate against individuals by creating any new Federal right.

I call attention to the *Civil Rights Cases*, 109 U.S. 3, wherein the Supreme Court held unconstitutional a public accommodations statute which had been enacted in 1875—18 Stat. 335. That public accommodations statute was the twin brother of the title II, of the civil rights bill which we are discussing.

Mr. Justice Bradley went immediately to the crux of the matter: "Has Congress constitutional power to make such a law? Of course no one will contend that the power to pass it was contained in the Constitution before the adoption of the

last three amendments." He was referring to the 13th, 14th, and 15th amendments. He continued:

The power is sought, first in the 14th amendment, and the views and arguments of distinguished Senators, advanced whilst the law was under consideration, claiming authority to pass it by virtue of that amendment, are the principal arguments adduced in favor of the power. We have carefully considered those arguments, as was due to the eminent ability of those who put them forward, and have felt in all its force, the weight of authority which always invests a law that Congress deems itself competent to pass. But the responsibility of an independent judgment is now thrown upon this Court; and we are bound to exercise it according to the best lights we have.

We are often importuned by Senators who support this bill to vote for the titles on the chance that they will be later held constitutional. Some persons may say that we as Senators should not concern ourselves much about the constitutionality of this bill, or any other bill for that matter, and that the Supreme Court will fulfill that function at the appropriate time. But in this case, Mr. Justice Bradley sounded a note which I think is pertinent when he referred to "the weight of authority which always invests a law that Congress deems itself competent to pass."

So the courts presume that a law is constitutional when it is enacted by the Congress, and that presumption of constitutionality is based upon the fact that Senators have some responsibility of considering, ascertaining, and determining the constitutionality of a statute which is enacted by the Federal Legislature.

After stating that the 1st section of the 14th amendment "is prohibitory in its character, and prohibitory upon the States," Mr. Justice Bradley went on to say:

It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this, but in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with power to enforce it by appropriate legislation.

With reference to the corrective force to which the amendment is limited, the Court used these words, and I repeat:

The last section of the amendment invests Congress with power to enforce it by appropriate legislation.

To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and innocuous. This is the legislative power conferred upon Congress, and this is the whole of it.

The Court went on to say:

It does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws, and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the 14th amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect: and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect.

Again and again the Court hammered on the point that State action is the object of the 14th amendment prohibition:

Until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity: for the prohibitions of the amendment are against State laws and acts done under State authority.

The Court said that any legislation bottomed on the 14th amendment would have to be directed to the mischiefs and wrongs which the amendment was intended to provide against, "and that is, State laws, or State action of some kind, adverse to the rights of the citizen secured by the amendment."

It is interesting to note that the Court referred to property rights as being included among men's civil rights, a point that is overlooked by some of the ardent civil rights partisans of today, and the Court did this in emphasizing the fact that the 14th amendment was intended to provide corrective action, in general legislation:

It is absurd to affirm, that, because the rights of life, liberty, and property (which include all civil rights that men have), are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation, that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking.

The Court discussed the rights secured by the equal protection and due process clauses:

In this connection it is proper to state that civil rights, such as guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individual, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress. An individual cannot deprive a man of his right to vote, to hold property, to buy and sell, to sue in the courts, or to be a witness or a juror; he may commit an assault against the person, or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but, unless protected in these wrongful acts by some shield of State law or State authority, he cannot destroy or injure the right; he will only render himself amenable to satisfaction or punishment; and amenable therefor to the laws of the State where the wrongful acts are committed.

The Supreme Court decision in the civil rights cases established the following points: First, that the 14th amendment prohibitions are not applicable to individual invasions of individual rights but only to the denials of rights which result from State action; and, second, that the enactment of general legislation cannot spring from the congressional power conferred by section 5 of the amendment; rather, authority only is granted to enact corrective legislation to counteract or regulate State action designed to deny the rights of individuals.

Now I realize that the present Supreme Court at times appears to be more influenced by sociological arguments than by the precedents established by previous Supreme Courts, but the Court may yet adhere to the doctrine of stare decisis when a case comes before it involving private discrimination under title II. The Courts have, in recent years, appeared to establish, even more firmly the decision in the Civil Rights cases.

In the case of *Shelley* v. *Kraemer*, 334 U.S. 1, the Court, in 1948, held that a restrictive covenant entered into by private property owners could not be court enforced, but take note of what the Court did say:

Since the decision of this Court in the *Civil Rights cases*, 109 U.S. 3 (1883), the principle has become firmly embedded in our constitutional law that the action inhibited by the 1st section of the 14th amendment is only such section as may fairly be said to be that of the States. That amendment creates no shield against merely private conduct, however discriminatory or wrongful.

Reaffirmation of this point occurred in the case of *Petersen* v. *City of Greenville*, 373 U.S. 244. This case was decided on May 20, 1963. In its decision the court said:

It cannot be disputed that under our decision private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State in any of its manifestations has been found to have become involved in it.

There are those who advance the notion that where the action of an individual, such as the operation of a business, is regulated by the State by virtue of the simple act of licensing or, under the jurisdiction of the State with reference to sanitary and fire requirements, and so forth, the action of the individual becomes State action and is thus within the scope of the 14th amendment's prohibition. It is argued that the operation of private enterprise then becomes State

action subject to the limitations and conditions embodied by the 14th amendment.

The act of licensing is unquestionably a State action, but, as Justice Harlan stated in Peterson against the City of Greenville, supra:

> This is not the end of the inquiry. The ultimate substantive question is whether there has been State action of a particular character—whether the character of the State's involvement in an arbitrary discrimination is such that it should be held responsible for the discrimination.

Anyone who is willing to view the matter objectively can see that there is no nexus between the fact of licensing and the act of private discrimination. Were it otherwise, the case, a legal picture would be created that would open a Pandora's box. If the State is to be held responsible for the discrimination resulting from the conduct of a privately owned but licensed business, say a barbershop, may it not likewise be responsible for the loss of my hair if the barber mistakenly sprinkles my scalp with an acid rather than a tonic?

Or, in the case of a laundry, for the loss of my shirt?

The Achilles' heel of this argument rests in the confusion between a license and a franchise. In the New York case of *Madden* v. *Queens County Jockey Club*, 72 N.E. 2d 697, the court was asked to determine whether the operator of a racetrack could, without reason or sufficient excuse, exclude a person from admission to the races. In upholding the right of the operator to be arbitrary in the conduct of his business, the court discussed the plaintiff's contention that the license "constituted the licensee an administrative agency of the State and a permit to perform a public purpose." The court said:

> Plaintiff's argument results from confusion between a "license" imposed for the purpose of regulation of revenue, and a franchise. A franchise is a special privilege, conferred by the State on an individual, which does not belong to the individual as a matter of right. It creates a privilege where none existed before, its primary object being to promote the public welfare. A familiar illustration is the right to use the public streets for the purpose of maintaining and operating railroads, waterworks, and electric light, gas and power lines.
>
> A license, on the other hand, is no more than a permission to exercise a preexisting right or privilege which has been subjected to regulation in the interest of the public welfare. The grant of a license to promote the public good, in and of itself, however, makes neither the purpose a public one nor the license a franchise, neither renders the place public nor places the licensee under obligation to the public.

This distinction has also been clearly noted by the Federal courts. In *Bowman* v. *Birmingham Transit Company*, 280 F. 2d 531 (1960), the Fifth Circuit Court of Appeals held that a city transit company could not segregate bus passengers on racial grounds.

In distinguishing between a license and a franchise, the court said:

> It is, of course, fundamental that justification for the grant by a State to a private corporation of a right or franchise to perform such a public utility service as furnishing transportation, gas, electricity, or the like, on the public streets of the city, is that the grantee is about the public's business. It is doing something the State deems useful for the public necessity or convenience. This is what differentiates the public utility which holds what may be called a special franchise from an ordinary business corporation which in common with all others is granted the privilege of operating in corporate form but does not have that special franchise of using State property for private gain to perform a public function.

So, Mr. President, these case holdings appear to reveal the state of the law in connection with the 14th amendment. The courts have consistently held that section 1 of the 14th amendment is a prohibition against "State action." This has been the status of the law over the years and it is the status of the law today. Obviously, the Congress has no authority conferred upon it by the 14th amendment to enact title II of the civil rights bill.

So, what have the supporters of this so-called civil rights bill done? Realizing the difficulty involved in predicating the constitutional basis for title II solely upon the 14th amendment, they have sought to find shelter in the commerce clause of the Constitution.

In the Civil Rights cases which, as we have noted, invalidated a congressional statute prohibiting discrimination in places of public accommodations, the Supreme Court declared:

> No one will contend that the power to pass this law was contained in the Constitution before the adoption of the last three amendments.

The power of Congress to regulate commerce among the several States remains today as it existed in the original Constitution. Consequently, if the commerce power, which "was contained in the Constitution before the adoption of the last three amendments," did not support this kind of legislation in 1883, it will not do so today.

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

Mr. BYRD of West Virginia. Mr. President, I yield myself 5 additional minutes.

The Court, in *Santa Cruz Fruit Packing Co.* v. *N.L.R.B.*, 203 U.S. 453, stated that the exercise of the commerce powers must rest upon "a close and substantial relation to interstate commerce in order to justify the Federal intervention for its protection." In *N.L.R.B.* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, the Court said that the commerce powers may not "be pushed to such an extreme as to destroy the distinction which the commerce clause itself establishes between commerce 'among the several States' and the internal concerns of a State. That distinction between what is national and what is local in the activities of commerce is vital to the maintenance of our Federal system."

It is a difficult matter to establish the line which separates congressional and State power over commerce, but the course of decisions leaves no doubt that the commerce clause was not intended to regulate the use of private property or to govern personal relations within the borders of a State. Yet, this bill would attempt precisely to do this. The bill attempts to make interstate commerce that which is essentially intrastate commerce. This cannot be done without violating the spirit and the letter of the commerce clause. The power of Congress to regulate commerce depends upon the existence of activities which obstruct or burden commerce "among the several States" or foreign commerce. The exercise of this power must have a real or substantial relation or bearing upon commerce among the several States.

There has been no showing that private discriminatory practices in connection with so-called public accommodations have any demonstrable effects upon commerce.

The Court dealt with this aspect squarely and head on in the case of *Williams* v. *Howard Johnson Restaurants*, 268 F. 2d 845.

The Court there said in no uncertain terms:

> We think, however, that the cases cited are not applicable because we do not find that a restaurant is engaged in interstate commerce merely because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from State to State. As an instrument of local commerce, the restaurant is not subject to the constitutional and statutory provisions discussed above and, thus, is at liberty to deal with such persons as it may select.

Mr. President, if this proposed legislation should be enacted, and if it should be sustained, there is no activity of our citizens which may not be controlled by Federal legislation based upon the commerce clause. There is no individual who may not be directly affected and dealt with in relation to any and all of his private affairs. If such power, in reality, exists in the commerce clause, then much of the remainder of the Federal Constitution is nullified. Such a power would be the ultimate power, and the commerce clause could henceforth be relied upon to justify just about anything Congress might choose to do.

The Court in *Carter* v. *Carter Coal Company*, 298 U.S. 238, said; with reference to the commerce clause:

> It is safe to say that if, when the Constitution was under consideration, it had been thought that any such danger lurked behind its plain words, it would never have been ratified.

Madison, in paper No. 45, of the Federalist papers, referred to the commerce clause, by saying:

> The regulation of commerce, it is true, is a new power, but that seems to be an addition which few oppose, and from which no apprehensions are entertained.

Mr. President, there is real cause here for entertainment of grave apprehensions, for if title II is sustained—and I know that Congress will enact it precisely as it appears before us—one may appropriately inquire as to whether there can be any such thing as intrastate commerce ever again. And the words "among the several States" in the commerce clause would become a mere mockery. Even the "transient" guest of a lodginghouse, under title II, comes within the ambit of interstate commerce.

If this philosophy be sustained, it is difficult to comprehend the limitations and bounds of interstate commerce. One could hardly say, "It goes so far and no further."

Moreover, Mr. President, any statute which requires a person to render involuntary personal labor to another raises the question of the constitutionality of that statute under the 13th amendment. I submit that, unless the action is entered into voluntarily, even though the individual is being compensated for the personal services, it still constitutes involuntary servitude. I refer especially to section 201(b)(4) which will involve barbershops, beauty salons, and so forth, in those situations covered by that paragraph.

Mr. President, many times when I sat in the other body, great body though it is, I would say, "Thank God for the Senate." This was because the free and unlimited debate permitted under the Senate rules offered a protection against ill-advised legislation borne upon the wings of passion and fostered by organized, special interest, pressure groups.

We now see, as I prophesied during my speech on the night of last Tuesday, that once the cloture rule is invoked and debate is then limited, this great body no longer is able to protect the liberties of the people. The Senate then becomes but an extension of the House of Representatives.

Madison, in No. 63 of the Federalist Papers, spoke of the Senate as an institution which "may be sometimes necessary as a defense to the people against their own temporary errors and delusions."

He said:

> There are particular moments in public affairs when the people, stimulated by some irregular passion or some illicit advantage or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterward be the most ready to lament and condemn.
>
> In these critical moments, how salutary will be the intereference of some temperate and respectable body of citizens in order to check the misguided career, and to suspend the blow meditated by the people against themselves until reason, justice, and truth can regain their authority over the public mind?
>
> What bitter anguish would not the people of Athens have often escaped if their government had contained so provident a safeguard against the tyranny of their own passions? Popular liberty might then have escaped the indelible reproach of decreeing to the same citizens the hemlock on one day and the statutes on the next.

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

Mr. BYRD of West Virginia. Mr. President, I yield myself 5 additional minutes.

Mr. President, we have seen in the past few days what has happened in the Senate. We have seen the effect of the invoking of cloture upon this body.

Witness the votes that have occurred upon amendments since 71 Senators voted to shut off debate. Up to this moment there have been 34 amendments voted upon by rollcall votes. Of these, 32 were voted down, by votes generally ranging from 2 to 1 to more than 4½ to 1. On only one amendment was there a close vote.

The pattern is clear. Meritorious amendments, designed to make the bill more reasonable and workable, meet the same fate as frivolous amendments meet. The bipartisan steamroller crushes all who would stand in its path and as the command rings out, "Damn the amendments—full speed ahead."

In some instances, the proponents do not even bother themselves to speak in opposition to the amendments being offered. They perfunctorily vote them down, and they can do so because they have the votes. Senators entering the chamber to answer rollcalls merely ask the question, "what is the vote?" The answer is that the leadership's position is against the amendment, so the Senators vote "no."

On Friday I heard one Senator vote "no" after he had rushed into the Chamber, and then turned to inquire, "Now what was it I just voted on?"

Especially, in considering such a controversial bill as this, one would expect Senators to listen to the debate, or at least read the amendments, and then vote on the merits of the amendments. But many of them do not do so. So let history record the results.

I know that my amendment will be voted down just as indifferently, mechanically, and summarily as other amendments have been voted down, but this does not mean that Senators should roll over and play dead. My amendment would not be pleasing to some, but it would provide a safeguard for individual freedom against the excesses of arbitrary government, and it would protect property rights, which are among the most precious of human rights, whether the property owners be white or nonwhite.

Mr. ERVIN. Mr. President, I yield myself 1 minute, or such time as I may use.

I commend the able and distinguished Senator from West Virginia upon one of the most courageous and intelligent speeches ever delivered in this chamber.

I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, the *Civil Rights Cases of 1883*, 109 U.S. 3. The majority opinion in these cases makes it crystal clear that the Senator from West Virginia is clearly right when he states that title II cannot possibly be sustained under the 14th amendment.

Mr. President, I also ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, a statement prepared by one of the most distinguished lawyers in America, Laurence H. Eldredge, of Philadelphia, Pa., in opposition to titles II and X. This statement was originally prepared by Mr. Eldredge for delivery before the Senate Judiciary Committee when it was considering the original administration bill in which title X was designated as title IV. Subsequent to its preparation, the Senate refused to permit the Senate Judiciary Committee to consider this matter despite the rules of the Senate which confer jurisdiction over such matters upon such committee.

I ask unanimous consent that both the Civil Rights cases and Mr. Eldredge's statement be printed in the RECORD in lieu of the argument I would like to make but am not permitted to make because of cloture.

There being no objection, the opinion in the Civil Rights Cases of 1883 and the statement were ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS CASES (109 U.S. 3)—SYLLABUS

UNITED STATES *v.* STANLEY—ON CERTIFICATE OF DIVISION FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF KANSAS

UNITED STATES *v.* RYAN—IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

UNITED STATES *v.* NICHOLS—ON CERTIFICATE OF DIVISION FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF MISSOURI

UNITED STATES *v.* SINGLETON—ON CERTIFICATE OF DIVISION FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

ROBINSON & WIFE *v.* MEMPHIS AND CHARLESTON RAILROAD COMPANY—IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF TENNESSEE

[Submitted October term, 1882, decided October 15, 1883]

Civil rights—Constitution—District of Columbia—inns—places of amusement—public conveyances—slavery—territories

1. The first and second sections of the Civil Rights Act passed March 1, 1875, are unconstitutional enactments as applied to the several States, not being authorized either by the 13th or 14th amendments of the Constitution.

2. The 14th amendment is prohibitory upon the States only, and the legislation authorized to be adopted by Congress for enforcing it is not direct legislation on the matters respecting which the States are prohibited from making or enforcing certain laws, or doing certain acts, but is corrective legislation, such as may be necessary or proper for counteracting and redressing the effect of such laws or acts.

3. The XIIIth amendment relates only to slavery and involuntary servitude (which it abolishes); and although, by its reflex action, it establishes universal freedom in the United States, and Congress may probably pass laws directly enforcing its provisions; yet such legislative power extends only to the subject of slavery and its incidents; and the denial of equal accommodations in inns, public conveyances, and places of public amusement (which is forbidden by the sections in question), imposes no badge of slavery or involuntary servitude upon the party, but at most, infringes rights which are protected from State aggression by the XIVth amendment.

4. Whether the accommodations and privileges sought to be protected by the 1st and 2d sections of the Civil Rights Act, are, or are not, rights constitutionally demandable; and if they are, in what form they are to be protected, is not now decided.

5. Nor is it decided whether the law as it stands is operative in the Territories and District of Columbia: the decision only relating to its validity as applied to the States.

6. Nor is it decided whether Congress, under the commercial power, may or may not pass a law securing to all persons equal accommodations on lines of public conveyance between two or more States.

Statement of Facts

These cases were all founded on the first and second sections of the act of Congress, known as the Civil Rights Act, passed March 1, 1875, entitled "An act to protect all citizens in their civil and legal rights." 18

Stat. 335. Two of the cases, those against Stanley and Nichols, were indictments for denying to persons of color the accommodations and privileges of an inn or hotel; two of them, those against Ryan and Singleton, were, one on information, the other an indictment, for denying to individuals the privileges and accommodations of a theater, the information against Ryan being for refusing a colored person a seat in the dress circle of Maguire's theater in San Francisco; and the indictment against Singleton was for denying to another person, whose color was not stated, the full enjoyment of the accommodations of the theater known as the Grand Opera House in New York, "said denial not being made for any reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude."

The case of Robinson and wife against the Memphis & Charleston Railroad Co. was an action brought in the Circuit Court of the United States for the Western District of Tennessee, to recover the penalty of $500 given by the second section of the act; and the gravamen was the refusal by the conductor of the railroad company to allow the wife to ride in the ladies' car, for the reason, as stated in one of the counts, that she was a person of African descent. The jury rendered a verdict for the defendants in this case upon the merits under a charge of the court to which a bill of exceptions was taken by the plaintiffs. The case was tried on the assumption by both parties of the validity of the act of Congress; and the principal point made by the exceptions was, that the judge allowed evidence to go to the jury tending to show that the conductor had reason to suspect that the plaintiff, the wife, was an improper person, because she was in company with a young man whom he supposed to be a white man, and on that account inferred that there was some improper connection between them; and the judge charged the jury, in substance, that if this was the conductor's bona fide reason for excluding the woman from the car, they might take it into consideration on the question of the liability of the company. The case was brought here by writ of error at the suit of the plaintiffs. The cases of Stanley, Nichols, and Singleton, came up on certificates of division of opinion between the judges below as to the constitutionality of the first and second sections of the act referred to; and the case of Ryan, on a writ of error to the judgment of the Circuit Court for the District of California sustaining a demurrer to the information.

The Stanley, Ryan, Nichols, and Singleton cases were submitted together by the Solicitor General at the last term of court, on the 7th day of November 1882. There were no appearances and no briefs filed for the defendants.

The Robinson case was submitted on the briefs at the last term, on the 29th day of March 1883.

Argument for the United States

Mr. Solicitor General Phillips for the United States.

After considering some objections to the forms of proceedings in the different cases, the counsel reviewed the following decisions of the court upon the 13th and 14th amendments to the Constitution and on points cognate thereto, viz: *The Slaughter-House Cases*, 16 Wall. 36; *Bradwell* v. *The State*, 16 Wall. 130; *Bartemeyer* v. *Iowa*, 18 Wall. 129; *Minor* v. *Happersett*, 21 Wall. 162; *Walker* v. *Sauvinet*, 92 U.S. 90; *United States* v. *Reese*, 92 U.S. 214; *Kennard* v. *Louisiana*, 92 U.S. 480; *United States* v. *Cruikshank*, 92 U.S. 542; *Munn* v. *Illinois*, 94 U.S. 113; *Chicago B. & C. R.R. Co.* v. *Iowa*, 94 U.S. 155; *Blyew* v. *United States*, 13 Wall. 581; *Railroad Co.* v. *Brown*, 17 Wall. 445; *Hall* v. *DeCuir*, 95 U.S. 485; *Strauder* v. *West Virginia*, 100 U.S. 303; *Ex parte Virginia*, 100 U.S. 339; *Missouri* v. *Lewis*, 101 U.S. 22; *Neal* v. *Delaware*, 103 U.S. 370.

Upon the whole these cases decide that—

1. The 13th amendment forbids all sorts of involuntary personal servitude except penal, as to all sorts of men, the word servitude taking some color from the historical fact that the United States were then engaged in dealing with African slavery, as well as from the signification of the 14th and 15th amendments, which must be construed as advancing constitutional rights previously existing.

2. The 14th amendment expresses prohibitions (and consequently implies corresponding positive immunities), limiting State action only, including in such action, however, action by all State agencies, executive, legislative, and judicial, of whatever degree.

3. The 14th amendment warrants legislation by Congress punishing violations of the immunities thereby secured when committed by agents of States in discharge of ministerial functions.

The right violated by Nichols, which is of the same class as that violated by Stanley and by Hamilton, is the right of locomotion, which Blackstone makes an element of personal liberty. Blackstone's Commentaries, book I, chapter 1.

In violating this right, Nichols did not act in an exclusively private capacity, but in one devoted to a public use, and so affected with a public; i.e., a State, interest. This phrase will be recognized as taken from the *Elevator Cases* in 94 U.S., already cited.

Restraint upon the right of locomotion was a well-known feature of the slavery abolished by the 13th amendment. A first requisite of the right to appropriate the use of another man was to become the master of his natural power of motion, and, by a mayhem therein of the common law to require the whole community to be on the alert to restrain that power. That this is not exaggeration is shown by the language of the court in *Eaton* v. *Vaughan*, 9 Missouri, 734.

Granting that by involuntary servitude, as prohibited in the 13th amendment, is intended some institution; viz, custom, etc., of that sort, and not primarily mere scattered trespasses against liberty committed by private persons, yet, considering what must be the social tendency in at least large parts of the country, it is "appropriate legislation" against such an institution to forbid any action by private persons which in the light of our history may reasonably be apprehended to tend, on account of its being incidental to quasi-public occupations, to create an institution.

Therefore, the above act of 1875, in prohibiting persons from violating the rights of other persons to the full and equal enjoyment of the accommodations of inns and public conveyances, for any reason turning merely upon the race or color of the latter, partakes of the specific character of certain contemporaneous solemn and effective action by the United States to which it was a sequel—and is constitutional.

Arguments for Plaintiffs in Error

Mr. William M. Randolph for Robinson and wife, plaintiffs in error.

Where the Constitution guarantees a right, Congress is empowered to pass the legislation appropriate to give effect to that right. *Prigg* v. *Pennsylvania*, 16 Peters, 539; *Ableman* v. *Booth*, 21 How. 506; *United States* v. *Reese*, 92 U.S. 214.

Whether Mr. Robinson's rights were created by the Constitution, or only guaranteed by it, in either event the act of Congress, so far as it protects them, is within the Constitution. *Pensacola Telegraph Co.* v. *Western Union Tel. Co.*, 96 U.S. 1; *The Passenger Cases*, 7 Howard, 283; *Crandall* v. *Nevada*, 6 Wall. 35.

Opinion of the Court

In *Munn* v. *Illinois*, 94 U.S. 113, the following propositions were affirmed:

"Under the powers inherent in every sovereignty, a government may regulate the conduct of its citizens toward each other, and, when necessary for the public good, the manner in which each shall use his own property."

"It has, in the exercise of these powers, been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, hackers, bakers, millers, wharfingers, innkeepers, etc."

"When the owner of property devotes it to a use in which the public has an interest, he in effect grants to the public an interest in such use, and must, to the extent of that interest, submit to be controlled by the public, for the common good, as long as he maintains the use."

Undoubtedly, if Congress could legislate on the subject at all, its legislation by the act of March 1, 1875, was within the principles thus announced.

The penalty denounced by the statute is incurred by denying to any citizen "the full enjoyment of any of the accommodations, advantages, facilities, or privileges" enumerated in the first section, and it is wholly immaterial whether the citizen whose rights are denied him belongs to one race or class or another, or is of one complexion or another. And again, the penalty follows every denial of the full enjoyment of any of the accommodations, advantages, facilities, or privileges, except and unless the denial was "for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude."

Mr. William Y. C. Humes and Mr. David Posten for the Memphis & Charleston Railroad Co., defendants in error.

Mr. Justice Bradley delivered the opinion of the Court. After stating the facts in the above language he continued:

It is obvious that the primary and important question in all the cases is the constitutionality of the law: for if the law is unconstitutional none of the prosecutions can stand.

The sections of the law referred to provide as follows:

"SECTION 1. That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

"SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $500 nor more than $1,000, or shall be imprisoned not less than thirty days nor more than one year: *Provided*, That all persons may elect to sue for the penalty aforesaid, or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this pro-

vision shall not apply to criminal proceedings, either under this Act or the criminal law of any State: *And provided further*, That a judgment for the penalty in favor of the party aggrieved, or a judgment upon an indictment, shall be a bar to either prosecution respectively."

Are these sections constitutional? The first section, which is the principal one, cannot be fairly understood without attending to the last clause, which qualifies the preceding part.

The essence of the law is, not to declare broadly that all persons shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances, and theaters; but that such enjoyment shall not be subject to any conditions applicable only to citizens of a particular race or color, or who had been in a previous condition of servitude. In other words, it is the purpose of the law to declare that, in the enjoyment of the accommodations and privileges of inns, public conveyances, theaters, and other places of public amusement, no distinction shall be made between citizens of different race or color, or between those who have, and those who have not, been slaves. Its effect is to declare, that in all inns, public conveyances, and places of amusement, colored citizens, whether formerly slaves or not, and citizens of other races, shall have the same accommodations and privileges in all inns, public conveyances, and places of amusement as are enjoyed by white citizens; and vice versa. The second section makes it a penal offense in any person to deny to any citizen of any race or color, regardless of previous servitude, any of the accommodations or privileges mentioned in the first section.

Has Congress constitutional power to make such a law? Of course, no one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments. The power is sought, first, in the 14th amendment, and the views and arguments of distinguished Senators, advanced whilst the law was under consideration, claiming authority to pass it by virtue of that amendment, are the principal arguments adduced in favor of the power. We have carefully considered those arguments, as was due to the eminent ability of those who put them forward and have felt, in all its force, the weight of authority which always invests a law that Congress deems itself competent to pass. But the responsibility of an independent judgment is now thrown upon this court; and we are bound to exercise it according to the best lights we have.

The first section of the 14th amendment (which is the one relied on), after declaring who shall be citizens of the United States, and of the several States, is prohibitory in its character, and prohibitory upon the States. It declares that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this, but, in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and innocuous. This is the legislative power conferred upon Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation; but to provide modes of relief against State legislation, or State action, of the kind referred to.

It does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws, and the action of State officers executive, or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the 14th amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect: and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect. A quite full discussion of this aspect of the amendment may be found in *United States* v. *Cruikshank*, 92 U.S. 542; *Virginia* v. *Rives*, 100 U.S. 313; and *Ex parte Virginia*, 100 U.S. 339.

An apt illustration of this distinction may be found in some of the provisions of the original Constitution. Take the subject of contracts, for example. The Constitution prohibited the States from passing any law impairing the obligation of contracts. This did not give to Congress power to provide laws for the general enforcement of contracts; nor power to invest the courts of the United States with jurisdiction over contracts, so as to enable parties to sue upon them in those courts. It did, however, give the power to provide remedies by which the impairment of contracts by State legislation might be counteracted and corrected: and this power was exercised. The remedy which Congress actually provided was that contained in the 25th section of the Judiciary Act of 1789, 1 Stat. 85, giving to the Supreme Court of the United States jurisdiction by writ of error to review the final decisions of State courts whenever they should sustain the validity of a State statute or authority alleged to be repugnant to the Constitution or laws of the United States. By this means, if a State law was passed impairing the obligation of a contract, and the State tribunals sustained the validity of the law, the mischief could be corrected in this court. The legislation of Congress, and the proceedings provided for under it, were corrective in their character.

No attempt was made to draw into the U.S. courts the litigation of contracts generally; and no such attempt would have been sustained. We do not say that the remedy provided was the only one that might have been provided in that case. Probably Congress had power to pass a law giving to the courts of the United States direct jurisdiction over contracts alleged to be impaired by a State law; and under the broad provisions of the act of March 3, 1875, chapter 137, 18 Stat. 470, giving to the circuit courts jurisdiction of all cases arising under the Constitution and laws of the United States, it is possible that such jurisdiction now exists. But under that, or any other law, it must appear as well by allegation, as proof at the trial, that the Constitution had been violated by the action of the State legislature. Some obnoxious State law passed, or that might be passed, is necessary to be assumed in order to lay the foundation of any Federal remedy in the case; and for the very sufficient reason, that the constitutional prohibition is against State laws impairing the obligation of contracts.

And so in the present case, until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity: for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws, or State action of some kind, adverse to the rights of the citizen secured by the amendment. Such legislation cannot properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them.

It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have), are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation; that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking. It is not necessary for us to state, if we could, what legislation would be proper for Congress to adopt. It is sufficient for us to examine whether the law in question is of that character.

An inspection of the law shows that it makes no reference whatever to any supposed or apprehended violation of the 14th amendment on the part of the States. It is not predicated on any such view. It proceeds ex directo to declare that certain acts committed by individuals shall be deemed offenses, and shall be prosecuted and punished by proceedings in the courts of the United States. It does not profess to be corrective of any constitutional wrong committed by the States; it does not make its operation to depend upon any such wrong committed. It applies equally to cases arising in States which have the justest laws respecting the personal rights of citizens, and whose authorities are ever ready to enforce such laws, as to those which arise in States that may have violated the prohibition of the amendment. In other words, it steps into the domain of local jurisprudence, and lays down rules for the conduct of individuals in society toward each other, and imposes sanctions for the enforcement of those rules, without referring in any manner to any supposed action of the State or its authorities.

If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why

may not Congress with equal show of authority enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property? If it is supposable that the States may deprive persons of life, liberty, and property without due process of law (and the amendment itself does suppose this), why should not Congress proceed at once to prescribe due process of law for the protection of every one of these fundamental rights, in every possible case, as well as to prescribe equal privileges in inns, public conveyances, and theaters? The truth is, that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, and power is conferred upon Congress to enforce the prohibition, this gives Congress power to legislate generally upon that subject, and not merely power to provide modes of redress against such State legislation or action. The assumption is certainly unsound. It is repugnant to the 10th amendment of the Constitution, which declares that 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.

We have not overlooked the fact that the fourth section of the act now under consideration has been held by this Court to be constitutional. That section declares "that no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000."

In *Ex parte Virginia,* 100 U.S. 339, it was held that an indictment against a State officer under this section for excluding persons of color from the jury list is sustainable. But a moment's attention to its terms will show that the section is entirely corrective in its character. Disqualifications for service on juries are only created by the law, and the first part of the section is aimed at certain disqualifying laws, namely, those which make mere race or color a disqualification; and the second clause is directed against those who, assuming to use the authority of the State government, carry into effect such a rule of disqualification. In the Virginia case, the State, through its officer, enforced a rule of disqualification which the law was intended to abrogate and counteract. Whether the statute book of the State actually laid down any such rule of disqualification, or not, the State, through its officer, enforced such a rule: and it is against such State action, through its officers and agents, that the last clause of the section is directed. This aspect of the law was deemed sufficient to divest it of any unconstitutional character, and makes it differ widely from the first and second sections of the same act which we are now considering.

These sections, in the objectionable features before referred to, are different also from the law ordinarily called the civil rights bill, originally passed April 9, 1866, 14 Stat. 27, ch. 31, and reenacted with some modifications in sections 16, 17, 18, of the Enforcement Act, passed May 31, 1870, 16 Stat. 140, ch. 114. That law, as reenacted, after declaring that all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses and exactions of every kind, and none other, any law, statute, ordinance, regulation or custom to the contrary notwithstanding, proceeds to enact, that any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any rights secured or protected by the preceding section (above quoted), or to different punishment, pains, or penalties, on account of such person being an alien, or by reason of his color or race, than is prescribed for the punishment of citizens, shall be deemed guilty of a misdemeanor, and subject to fine and imprisonment as specified in the act. This law is clearly corrective in its character, intended to counteract and furnish redress against State laws and proceedings, and customs having the force of law, which sanction the wrongful acts specified. In the Revised Statutes, it is true, a very important clause, to wit, the words "any law, statute, ordinance, regulation or custom to the contrary notwithstanding," which gave the declaratory section its point and effect, are omitted; but the penal part, by which the declaration is enforced, and which is really the effective part of the law, retains the reference to State laws, by making the penalty apply only to those who should subject parties to a deprivation of their rights under color of any statute, ordinance, custom, etc., of any State or Territory; thus preserving the corrective character of the legislation (Rev. St. secs. 1977, 1978, 1979, 5510). The civil rights bill here referred to is analogous in its character to what a law would have been under the original Constitution, declaring that the validity of contracts should not be impaired, and that if any person bound by a contract should refuse to comply with it, under color or pretense that it had been rendered void or invalid by a State law, he should be liable to an action upon it in the courts of the United States, with the addition of a penalty for setting up such an unjust and unconstitutional defense.

In this connection it is proper to state that civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress. An individual cannot deprive a man of his right to vote, to hold property, to buy and sell, to sue in the courts, or to be a witness or a juror; he may, by force or fraud, interfere with the enjoyment of the right in a particular case; he may commit an assault against the person, or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but, unless protected in these wrongful acts by some shield of State law or State authority, he cannot destroy or injure the right; he will only render himself amenable to satisfaction or punishment; and amenable therefor to the laws of the State where the wrongful acts are committed. Hence, in all those cases where the Constitution seeks to protect the rights of the citizen against discriminative and unjust laws of the State by prohibiting such laws, it is not individual offenses, but abrogation and denial of rights which it denounces, and for which it clothes the Congress with power to provide a remedy. This abrogation and denial of rights, for which the States alone were or could be responsible, was the great seminal and fundamental wrong which was intended to be remedied. And the remedy to be provided must necessarily be predicated upon that wrong. It must assume that in the cases provided for, the evil or wrong actually committed rests upon some State law or State authority for its excuse and perpetration.

Of course, these remarks do not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an express or implied denial of such power to the States, as in the regulation of commerce with foreign nations, among the several States, and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, etc. In these cases Congress has power to pass laws for regulating the subjects specified in every detail, and the conduct and transactions of individuals in respect thereof. But where a subject is not submitted to the general legislative power of Congress, but is only submitted thereto for the purpose of rendering effective some prohibition against particular State legislation or State action in reference to that subject, the power given is limitted by its object, and any legislation by Congress in the matter must necessarily be corrective in its character, adapted to counteract and redress the operation of such prohibited State laws or proceedings of State officers.

If the principles of interpretation which we have laid down are correct, as we deem them to be (and they are in accord with the principles laid down in the cases before referred to, as well as in the recent case of *United States* v. *Harris,* 106 U.S. 629), it is clear that the law in question cannot be sustained by any grant of legislative power made to Congress by the 14th amendment. That amendment prohibits the States from denying to any person the equal protection of the laws, and declares that Congress shall have power to enforce, by appropriate legislation, the provisions of the amendment. The law in question, without any reference to adverse State legislation on the subject, declares that all persons shall be entitled to equal accommodations and privileges of inns, public conveyances, and places of public amusement, and imposes a penalty upon any individual who shall deny to any citizen such equal accommodations and privileges. This is not corrective legislation; it is primary and direct; it takes immediate and absolute possession of the subject of the right of admission to inns, public conveyances, and places of amusement. It supersedes and displaces State legislation on the same subject, or only allows it permissive force. It ignores such legislation, and assumes that the matter is one that belongs to the domain of national regulation. Whether it would not have been a more effective protection of the rights of citizens to have clothed Congress with plenary power over the whole subject, is not now the question. What we have to decide is, whether such plenary power has been conferred upon Congress by the 14th amendment; and, in our judgment, it has not.

We have discussed the question presented by the law on the assumption that a right to enjoy equal accommodation and privileges in all inns, public conveyances, and places of public amusement, is one of the essential rights of the citizen which no State can abridge or interfere with. Whether it is such a right, or not, is a different question which, in the view we have taken of the validity of the law on the ground already stated, it is not necessary to examine.

We have also discussed the validity of the law in reference to cases arising in the States only; and not in reference to cases arising in the territories or the District of Columbia, which are subject to the plenary legislation of Congress in every branch of municipal regulation. Whether the law would be a valid one as applied to the territories and

the District is not a question for consideration in the cases before us: they all being cases arising within the limits of States. And whether Congress, in the exercise of its power to regulate commerce amongst the several States, might or might not pass a law regulating rights in public conveyances passing from one State to another, is also a question which is not now before us, as the sections in question are not conceived in any such view.

But the power of Congress to adopt direct and primary, as distinguished from corrective legislation, on the subject in hand, is sought, in the second place, from the 13th amendment, which abolishes slavery. This amendment declares "that neither slavery, nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction;" and it gives Congress power to enforce the amendment by appropriate legislation.

This amendment, as well as the 14th, is undoubtedly self-executing without any ancillary legislation, so far as its terms are applicable to any existing state of circumstances. By its own unaided force and effect it abolished slavery, and established universal freedom. Still, legislation may be necessary and proper to meet all the various cases and circumstances to be affected by it, and to prescribe proper modes of redress for its violation in letter or spirit. And such legislation may be primary and direct in its character; for the amendment is not a mere prohibition of State laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States.

It is true that slavery cannot exist without law, any more than property in lands and goods can exist without law; and, therefore, the 13th amendment may be regarded as nullifying all State laws which establish or uphold slavery. But it has a reflex character also, establishing and decreeing universal civil and political freedom throughout the United States; and it is assumed that the power vested in Congress to enforce the article by appropriate legislation, clothes Congress with power to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States; and upon this assumption it is claimed that this is sufficient authority for declaring by law that all persons shall have equal accommodations and privileges in all inns, public conveyances, and places of amusement; the argument being, that the denial of such equal accommodations and privileges is, in itself, a subjection to a species of servitude within the meaning of the amendment. Conceding the major proposition to be true, that Congress has a right to enact all necessary and proper laws for the obliteration and prevention of slavery with all its badges and incidents, is the minor proposition also true, that the denial to any person of admission to the accommodations and privileges of an inn, a public conveyance, or a theater, does subject that person to any form of servitude, or tend to fasten upon him any badge of slavery? If it does not, then power to pass the law is not found in the 13th amendment.

In a very able and learned presentation of the cognate question as to the extent of the rights, privileges, and immunities of citizens which cannot rightfully be abridged by State laws under the 14th amendment, made in a former case, a long list of burdens and disabilities of a servile character, incident to feudal vassalage in France, and which were abolished by the decrees of the National Assembly, was presented for the purpose of showing that all inequalities and observances exacted by one man from another were servitudes, or badges of slavery, which a great nation, in its effort to establish universal liberty, made haste to wipe out and destroy. But these were servitudes imposed by the old law, or by long custom, which had the force of law, and exacted by one man from another without the latter's consent. Should any such servitudes be imposed by a State law, there can be no doubt that the law would be repugnant to the 14th, no less than to the 13th amendment; nor any greater doubt that Congress has adequate power to forbid any such servitude from being exacted.

But is there any similarity between such servitudes and a denial by the owner of an inn, a public conveyance, or a theater, of its accommodations and privileges to an individual, even though the denial be founded on the race or color of that individual? Where does any slavery or servitude, or badge of either, arise from such an act of denial? Whether it might not be a denial of a right which, if sanctioned by the State law, would be obnoxious to the prohibitions of the 14th amendment, is another question. But what has it to do with the question of slavery?

It may be that by the Black Code (as it was called), in the times when slavery prevailed, the proprietors of inns and public conveyances were forbidden to receive persons of the African race, because it might assist slaves to escape from the control of their masters. This was merely a means of preventing such escapes, and was no part of the servitude itself. A law of that kind could not have any such object now, however justly it might be deemed an invasion of the party's legal right as a citizen, and amenable to the prohibitions of the 14th amendment.

The long existence of African slavery in this country gave us very distinct notions of what it was, and what were its necessary incidents. Compulsory service of the slave for the benefit of the master, restraint of his movements except by the master's will, disability to hold property, to make contracts, to have a standing in court, to be a witness against a white person, and such like burdens and incapacities, were the inseparable incidents of the institution. Severer punishments for crimes were imposed on the slave than on free persons guilty of the same offenses. Congress, as we have seen, by the civil rights bill of 1866, passed in view of the 13th amendment, before the 14th was adopted, undertook to wipe out these burdens and disabilities, the necessary incidents of slavery, constituting its substance and visible form; and to secure to all citizens of every race and color, and without regard to previous servitude, those fundamental rights which are the essence of civil freedom; namely, the same right to make and enforce contracts, to sue, be parties, give evidence, and to inherit, purchase, lease, sell and convey property, as is enjoyed by white citizens. Whether this legislation was fully authorized by the 13th amendment alone, without the support which it afterward received from the 14th amendment, after the adoption of which it was reenacted with some additions, it is not necessary to inquire. It is referred to for the purpose of showing that at that time (in 1866) Congress did not assume, under the authority given by the 13th amendment, to adjust what may be called the social rights of men and races in the community; but only to declare and vindicate those fundamental rights which appertain to the essence of citizenship, and the enjoyment or deprivation of which constitutes the essential distinction between freedom and slavery.

We must not forget that the province and scope of the 13th and 14th amendments are different; the former simply abolished slavery; the latter prohibited the States from abridging the privileges or immunities of citizens of the United States; from depriving them of life, liberty, or property without due process of law, and from denying to any the equal protection of the laws. The amendments are different, and the powers of Congress under them are different. What Congress has power to do under one, it may not have power to do under the other. Under the 13th amendment, it has only to do with slavery and its incidents. Under the 14th amendment, it has power to counteract and render nugatory all State laws and proceedings which have the effect to abridge any of the privileges or immunities of citizens of the United States, or to deprive them of life, liberty or property without due process of law, or to deny to any of them the equal protection of the laws. Under the 13th amendment, the legislation, so far as necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude, may be direct and primary, operating upon the acts of individuals, whether sanctioned by State legislation or not; under the 14th, as we have already shown, it must necessarily be, and can only be, corrective in its character, addressed to counteract and afford relief against State regulations or proceedings.

The only question under the present head, therefore, is, whether the refusal to any persons of the accommodations of an inn, or a public conveyance, or a place of public amusement, by an individual, and without any sanction or support from any State law or regulation, does inflict upon such persons any manner of servitude, or form of slavery, as those terms are understood in this country? Many wrongs may be obnoxious to the prohibitions of the 14th amendment which are not, in any just sense, incidents or elements of slavery. Such, for example, would be the taking of private property without due process of law; or allowing persons who have committed certain crimes (horse stealing, for example) to be seized and hung by the posse comitatus without regular trial; or denying to any person, or class of persons, the right to pursue any peaceful avocations allowed to others. What is called class legislation would belong to this category, and would be obnoxious to the prohibitions of the 14th amendment, but would not necessarily be so to the 13th, when not involving the idea of any subjection of one man to another. The 13th amendment has respect, not to distinctions of race, or class, or color, but to slavery. The 14th amendment extends its protection to races and classes, and prohibits any State legislation which has the effect of denying to any race or class, or to any individual, the equal protection of the laws.

Now, conceding, for the sake of the argument, that the admission to an inn, a public conveyance, or a place of public amusement, on equal terms with all other citizens, is the right of every man and all classes of men, is it any more than one of those rights which the States by the 14th amendment are forbidden to deny to any person? And is the Constitution violated until the denial of the right has some State sanction or authority? Can the act of a mere individual, the owner of the inn, the public conveyance or place of amusement, refusing the accommodation, be justly regarded as imposing any badge of slavery or servitude upon the applicant, or only as inflicting an ordinary civil injury, properly cognizable by the laws of the State, and presumably subject to redress by those laws until the contrary appears?

After giving to these questions all the consideration which their importance demands, we are forced to the conclusion that such an act of refusal has nothing to do with slavery or involuntary servitude, and that if it is violative of any right of the party, his redress is to be sought under the laws of the State; or if those laws are adverse to his rights and do not protect him, his remedy will be found in the corrective legislation which Congress has adopted, or may adopt, for counteracting the effect of State laws, or State action, prohibited by the 14th amendment. It would be running the slavery argument into the ground to make it apply to every act of discrimination which

a person may see fit to make as to the guests he will entertain, or as to the people he will take into his coach or cab or car, or admit to his concert or theater, or deal with in other matters of intercourse or business. Innkeepers and public carriers, by the laws of all the States, so far as we are aware, are bound, to the extent of their facilities, to furnish proper accommodation to all unobjectionable persons who in good faith apply for them. If the laws themselves make any unjust discrimination, amenable to the prohibitions of the 14th amendment, Congress has full power to afford a remedy under that amendment and in accordance with it.

When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that State, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected. There were thousands of free colored people in this country before the abolition of slavery, enjoying all the essential rights of life, liberty, and property the same as white citizens; yet no one, at that time, thought that it was any invasion of his personal status as a freeman because he was not admitted to all the privileges enjoyed by white citizens, or because he was subjected to discriminations in the enjoyment of accommodations in inns, public conveyances and places of amusement. Mere discriminations on account of race or color were not regarded as badges of slavery. If, since that time, the enjoyment of equal rights in all these respects has become established by constitutional enactment, it is not by force of the 13th amendment (which merely abolishes slavery), but by force of the 13th and 15th amendments.

On the whole we are of opinion, that no countenance of authority for the passage of the law in question can be found in either the 13th or 14th amendment of the Constitution; and no other ground of authority for its passage being suggested, it must necessarily be declared void, at least so far as its operation in the several States is concerned.

This conclusion disposes of the cases now under consideration. In the cases of the *United States* v. *Michael Ryan*, and of *Richard A. Robinson and Wife* v. *The Memphis & Charleston Railroad Company*, the judgments must be affirmed. In the other cases, the answer to be given will be that the first and second sections of the act of Congress of March 1, 1875, entitled "An act to protect all citizens in their civil and legal rights," are unconstitutional and void, and that judgment should be rendered upon the several indictments in those cases accordingly.

And it is so ordered.

Dissenting Opinion

Mr. Justice Harlan dissenting.

The opinion in these cases proceeds, it seems to me, upon grounds entirely too narrow and artificial. I cannot resist the conclusion that the substance and spirit of the recent amendments of the Constitution have been sacrificed by a subtle and ingenious verbal criticism. "It is not the words of the law but the internal sense of it that makes the law: the letter of the law is the body; the sense and reason of the law is the soul." Constitutional provisions, adopted in the interest of liberty, and for the purpose of securing, through national legislation, if need be, rights inhering in a state of freedom, and belonging to American citizenship, have been so construed as to defeat the ends the people desired to accomplish, which they attempted to accomplish, and which they supposed they had accomplished by changes in their fundamental law. By this I do not mean that the determination of these cases should have been materially controlled by considerations of mere expediency or policy. I mean only, in this form, to express an earnest conviction that the Court has departed from the familiar rule requiring, in the interpretation of constitutional provisions, that full effect be given to the intent with which they were adopted.

The purpose of the first section of the act of Congress of March 1, 1875, was to prevent race discrimination in respect of the accommodations and facilities of inns, public conveyances, and places of public amusement. It does not assume to define the general conditions and limitations under which inns, public conveyances, and places of public amusement may be conducted, but only declares that such conditions and limitations, whatever they may be, shall not be applied so as to work a discrimination solely because of race, color, or previous condition of servitude. The second section provides a penalty against any one denying, or aiding or inciting the denial, to any citizen, of that equality of right given by the first section, except for reasons by law applicable to citizens of every race or color and regardless of any previous condition of servitude.

There seems to be no substantial difference between my brethren and myself as to the purpose of Congress; for, they say that the essence of the law is, not to declare broadly that all persons shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances, and theaters; but that such enjoyment shall not be subject to conditions applicable only to citizens of a particular race or color, or who had been in a previous condition of servitude. The effect of the statute, the Court says, is, that colored citizens, whether formerly slaves or not, and citizens of other races, shall have the same accommodations and privileges in all inns, public conveyances, and places of amusements as are enjoyed by white persons; and vice versa.

The Court adjudges, I think erroneously, that Congress is without power, under either the 13th or 14th amendment, to establish such regulations, and that the first and second sections of the statute are, in all their parts, unconstitutional and void.

Whether the legislative department of the Government has transcended the limits of its constitutional powers, "is at all times," said this Court in *Fletcher* v. *Peck*, 6 Cr. 128, "a question of much delicacy, which ought seldom, if ever, to be decided in the affirmative, in a doubtful case. * * * The opposition between the Constitution and the law should be such that the judge feels a clear and strong conviction of their incompatibility with each other." More recently in *Sinking Fund Cases*, 99 U.S., 718, we said: "It is our duty when required in the regular course of judicial proceedings, to declare an act of Congress void if not within the legislative power of the United States, but this declaration should never be made except in a clear case. Every possible presumption is in favor of the validity of a statute, and this continues until the contrary is shown beyond a rational doubt. One branch of the Government cannot encroach on the domain of another without danger. The safety of our institutions depends in no small degree on a strict observance of this salutary rule."

Before considering the language and scope of these amendments it will be proper to recall the relations subsisting, prior to their adoption, between the National Government and the institution of slavery, as indicated by the provisions of the Constitution, the legislation of Congress, and the decisions of this Court. In this mode we may obtain keys with which to open the mind of the people, and discover the thought intended to be expressed.

In section 2 of article IV of the Constitution it was provided that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on a claim of the party to whom such service or labor may be due." Under the authority of this clause Congress passed the fugitive slave law of 1793, establishing a mode for the recovery of fugitive slaves, and prescribing a penalty against any person who should knowingly and willingly obstruct or hinder the master, his agent, or attorney, in seizing, arresting, and recovering the fugitive, or who should rescue the fugitive from him, or who should harbor or conceal the slave after notice that he was a fugitive.

In *Prigg* v. *Commonwealth of Pennsylvania*, 16 Pet. 539, this Court had occasion to define the powers and duties of Congress in reference to fugitives from labor. Speaking by Mr. Justice Story it laid down these propositions:

That a clause of the Constitution conferring a right should not be so construed as to make it shadowy, or unsubstantial, or leave the citizen without a remedial power adequate for its protection, when another construction equally accordant with the words and the sense in which they were used, would enforce and protect the right granted;

That Congress is not restricted to legislation for the execution of its expressly granted powers; but, for the protection of rights guaranteed by the Constitution, may employ such means, not prohibited, as are necessary and proper, or such as are appropriate, to attain the ends proposed;

That the Constitution recognized the master's right of property in his fugitive slave, and, as incidental thereto, the right of seizing and recovering him, regardless of any State law, or regulation, or local custom whatsoever; and,

That the right of the master to have his slave, thus escaping, delivered up on claim, being guaranteed by the Constitution, the fair implication was that the National Government was clothed with appropiate authority and functions to enforce it.

The Court said: "The fundamental principle, applicable to all cases of this sort, would seem to be that when the end is required the means are given, and when the duty is enjoined the ability to perform it is contemplated to exist on the part of the functionary to whom it is entrusted." Again: "It would be a strange anomaly and forced construction to suppose that the National Government meant to rely for the due fulfillment of its own proper duties, and the rights which it intended to secure, upon State legislation, and not upon that of the Union. A fortiori, it would be more objectionable to suppose that a power which was to be the same throughout the Union, should be confided to State sovereignty which could not rightfully act beyond its own territorial limits."

The act of 1793 was, upon these grounds, adjudged to be a constitutional exercise of the powers of Congress.

It is to be observed from the report of Priggs' case that Pennsylvania, by her attorney general pressed the argument that the obligation to surrender fugitive slaves was on the States and for the States, subject to the restriction that they should not pass laws or establish regulations liberating such fugitives; that the Constitution did not take from the States the right to determine the status of all persons within their respective jurisdictions; that it was for the State in which the alleged fugitive was found to determine, through her courts or in such modes as she prescribed, whether the person arrested was, in fact, a freeman or a fugitive slave; that the sole power of the General Government in the premises was, by judicial instrumentality, to restrain and correct, not

to forbid and prevent in the absence of hostile State action; and that, for the General Government to assume primary authority to legislate on the subject of fugitive slaves, to the exclusion of the States, would be a dangerous encroachment on State sovereignty. But to such suggestions this Court turned a deaf ear, and adjudged that primary legislation by Congress to enforce the master's right was authorized by the Constitution.

We next come to the Fugitive Slave Act of 1850, the constitutionality of which rested, as did that of 1793, solely upon the implied power of Congress to enforce the master's rights. The provisions of that act were far in advance of previous legislation. They placed at the disposal of the master seeking to recover his fugitive slave, substantially the whole power of the Nation. It invested commissioners, appointed under the act, with power to summon the posse comitatus for the enforcement of its provisions, and commanded all good citizens to assist in its prompt and efficient execution whenever their services were required as part of the posse comitatus. Without going into the details of that act, it is sufficient to say that Congress omitted from it nothing which the utmost ingenuity could suggest as essential to the successful enforcement of the master's claim to recover his fugitive slave. And this Court, in *Ableman* v. *Booth*, 21 How. 506, adjudged it to be "in all of its provisions fully authorized by the Constitution of the United States."

The only other case, prior to the adoption of the recent amendments, to which reference will be made, is that of *Dred Scott* v. *Sanford*, 19 How. 399. That case was instituted in a circuit court of the United States by Dred Scott, claiming to be a citizen of Missouri, the defendent being a citizen of another State. Its object was to assert the title of himself and family to freedom. The defendant pleaded in abatement that Scott—being of African descent, whose ancestors, of pure African blood, were brought into this country, and sold as slaves—was not a citizen. The only matter in issue, said the court, was whether the descendants of slaves thus imported and sold, when they should be emancipated, or who were born of parents who had become free before their birth, are citizens of a State in the sense in which the word "citizen" is used in the Constitution of the United States.

In determining that question the Court instituted an inquiry as to who were citizens of the several States at the adoption of the Constitution, and who, at that time, were recognized as the people whose rights and liberties had been violated by the British Government. The result was a declaration by this Court, speaking by Chief Justice Taney, that the legislation and histories of the times, and the language used in the Declaration of Independence, showed that "neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that instrument;" that "they had for more than a century before been regarded as beings of an inferior race, and altogether unfit to associate with the white race, either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect, and that the Negro might justly and lawfully be reduced to slavery for his benefit;" that he was "bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it;" and, that "this opinion was at that time fixed and universal in the civilized portions of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in mattters of public concern, without for a moment doubting the correctness of this opinion."

The judgment of the Court was that the words "people of the United States" and "citizens" meant the same thing, both describing "the political body, who, according to our republican institutions, form the sovereignty and hold the power and conduct the government through their representatives"; that "they are what we familiarly call the 'sovereign people,' and every citizen is one of this sovereignty"; but, that the class of persons described in the plea in abatement did not compose a portion of this people, were not "included, and were not intended to be included, under the word 'citizen' in the Constitution"; that, therefore, they could "claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States"; that, "on the contrary, they were at that time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the government might choose to grant them."

Such were the relations which formerly existed between the Government, whether National or State, and the descendants, whether free or in bondage, of those of African blood, who had been imported into this country and sold as slaves.

The 1st section of the 13th amendment provides that "neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." Its second section declares that "Congress shall have power to enforce this article by appropriate legislation." This amendment was followed by the Civil Rights Act of April 9, 1866, which, among other things, provided that "all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States" (14 Stat. 27).

The power of Congress, in this mode, to elevate the enfranchised race to national citizenship, was maintained by the supporters of the act of 1866 to be as full and complete as its power, by general statute, to make the children, being of full age, of persons naturalized in this country, citizens of the United States without going through the process of naturalization. The act of 1866, in this respect, was also likened to that of 1843, in which Congress declared "that the Stockbridge tribe of Indians, and each and every one of them, shall be deemed to be and are hereby declared to be, citizens of the United States to all intents and purposes, and shall be entitled to all the rights, privileges, and immunities of such citizens, and shall in all respects be subject to the laws of the United States." If the act of 1866 was valid in conferring national citizenship upon all embraced by its terms, then the colored race, enfranchised by the 13th amendment, became citizens of the United States prior to the adoption of the 14th amendment. But, in the view which I take of the present case, it is not necessary to examine this question.

The terms of the 13th amendment are absolute and universal. They embrace every race which then was, or might thereafter be, within the United States. No race, as such, can be excluded from the benefits or rights thereby conferred. Yet, it is historically true that that amendment was suggested by the condition, in this country, of that race which had been declared, by this Court, to have had—according to the opinion entertained by the most civilized portion of the white race, at the time of the adoption of the Constitution—"no rights which the white man was bound to respect," none of the privileges or immunities secured by that instrument to citizens of the United States. It had reference, in a peculiar sense, to a people which (although the larger part of them were in slavery) had been invited by an act of Congress to aid in saving from overthrow a government which, theretofore, by all of its departments, had treated them as an inferior race, with no legal rights or privileges except such as the white race might choose to grant them.

These are the circumstances under which the 13th amendment was proposed for adoption. They are now recalled only that we may better understand what was in the minds of the people when that amendment was considered, and what were the mischiefs to be remedied and the grievances to be redressed by its adoption.

We have seen that the power of Congress, by legislation, to enforce the master's right to have his slave delivered up on claim was implied from the recognition of that right in the national Constitution. But the power conferred by the 13th amendment does not rest upon implication or inference. Those who framed it were not ignorant of the discussion, covering many years of our country's history, as to the constitutional power of Congress to enact the Fugitive Slave Laws of 1793 and 1850. When, therefore, it was determined, by a change in the fundamental law, to uproot the institution of slavery wherever it existed in the land, and to establish universal freedom, there was a fixed purpose to place the authority of Congress in the premises beyond the possibility of a doubt. Therefore, ex industria, power to enforce the 13th amendment, by appropriate legislation, was expressly granted. Legislation for that purpose, my brethren concede, may be direct and primary. But to what specific ends may it be directed? This Court has uniformly held that the National Government has the power, whether expressly given or not, to secure and protect rights conferred or guaranteed by the Constitution. *United States* v. *Reese*, 92 U.S. 214; *Strauder* v. *West Virginia*, 100 U.S. 303. That doctrine ought not now to be abandoned when the inquiry is not as to an implied power to protect the master's rights, but what may Congress, under powers expressly granted, do for the protection of freedom and the rights necessarily inhering in a state of freedom.

The 13th amendment, it is conceded, did something more than to prohibit slavery as an institution, resting upon distinctions of race, and upheld by positive law. My brethren admit that it established and decreed universal civil freedom throughout the United States. But did the freedom thus established involve nothing more than exemption from actual slavery? Was nothing more intended than to forbid one man from owning another as property? Was it the purpose of the Nation simply to destroy the institution, and then remit the race, theretofore held in bondage, to the several States for such protection, in their civil rights, necessarily growing out of freedom, as those States, in their discretion, might choose to provide? Were the States against whose protest the institution was destroyed, to be left free, so far as national interference was concerned, to make or allow discriminations against that race, as such, in the enjoyment of those fundamental rights which by universal concession, inhere in a state of freedom? Had the 13th amendment stopped with the sweeping declaration, in its first section, against the existence of slavery and involuntary servitude, except for crime, Congress would have had the power, by implication, according to the doctrines of *Prigg* v. *Commonwealth of Pennsylvania*, repeated in *Strauder* v. *West Virginia*, to protect the

freedom established, and consequently, to secure the enjoyment of such civil rights as were fundamental in freedom. That it can exert its authority to that extent is made clear, and was intended to be made clear, by the express grant of power contained in the second section of the amendment.

That there are burdens and disabilities which constitute badges of slavery and servitude, and that the power to enforce by appropriate legislation the 13th amendment may be exerted by legislation of a direct and primary character, for the eradication, not simply of the institution, but of its badges and incidents, are propositions which ought to be deemed indisputable. They lie at the foundation of the Civil Rights Act of 1866. Whether that act was authorized by the 13th amendment alone, without the support which it subsequently received from the 14th amendment, after the adoption of which it was reenacted with some additions, my brethren do not consider it necessary to inquire. But I submit, with all respect to them, that its constitutionality is conclusively shown by their opinion. They admit, as I have said, that the 13th amendment established freedom; that there are burdens and disabilities, the necessary incidents of slavery, which constitute its substance and visible form; that Congress, by the act of 1866, passed in view of the 13th amendment, before the 14th was adopted, undertook to remove certain burdens and disabilities, the necessary incidents of slavery, and to secure to all citizens of every race and color, and without regard to previous servitude, those fundamental rights which are the essence of civil freedom; namely, the same right to make and enforce contracts, to sue, be parties, give evidence, and to inherit, purchase, lease, sell, and convey property as is enjoyed by white citizens; that under the 13th amendment, Congress has to do with slavery and its incidents; and that legislation, so far as necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude, may be direct and primary, operating upon the acts of individuals, whether sanctioned by State legislation or not. These propositions being conceded, it is impossible, as it seems to me, to question the constitutional validity of the Civil Rights Act of 1866. I do not contend that the 13th amendment invests Congress with authority, by legislation, to define and regulate the entire body of the civil rights which citizens enjoy, or may enjoy, in the several States.

But I hold that since slavery, as the court has repeatedly declared, *Slaughter-House Cases*, 16 Wall. 36; *Strauder* v. *West Virginia*, 100 U.S. 303, was the moving or principal cause of the adoption of that amendment, and since that institution rested wholly upon the inferiority, as a race, of those held in bondage, their freedom necessarily involved immunity from, and protection against, all discrimination against them, because of their race, in respect of such civil rights as belong to freemen of other races. Congress, therefore, under its express power to enforce that amendment, by appropriate legislation, may enact laws to protect that people against the deprivation, because of their race, of any civil rights granted to other freemen in the same State; and such legislation may be of a direct and primary character, operating upon States, their officers and agents, and, also, upon, at least, such individuals and corporations as exercise public functions and wield power and authority under the State.

To test the correctness of this position, let us suppose that, prior to the adoption of the 14th amendment, a State had passed a statute denying to freemen of African descent, resident within its limits, the same right which was accorded to white persons, of making and enforcing contracts, and of inheriting, purchasing, leasing, selling, and conveying property; or a statute subjecting colored people to severer punishment for particular offenses than was prescribed for white persons, or excluding that race from the benefit of the laws exempting homesteads from execution. Recall the legislation of 1865–66 in some of the States, of which this court, in the Slaughter-House cases, said that it imposed upon the colored race onerous disabilities and burdens; curtained their rights in the pursuit of life, liberty, and property to such an extent that their freedom was of little value; forbade them to appear in the towns in any other character than menial servants; required them to reside on and cultivate soil, without the right to purchase or own it; excluded them from many occupations of gain; and denied them the privilege of giving testimony in the courts where a white man was a party (16 Wall. 57).

Can there be any doubt that all such enactments might have been reached by direct legislation upon the part of Congress under its express power to enforce the 13th amendment? Would any court have hesitated to declare that such legislation imposed badges of servitude in conflict with the civil freedom ordained by that amendment? That it would have been also in conflict with the 14th amendment, because inconsistent with the fundamental rights of American citizenship, does not prove that it would have been consistent with the 13th amendment.

What has been said is sufficient to show that the power of Congress under the 13th amendment is not necessarily restricted to legislation against slavery as an institution upheld by positive law, but may be exerted to the extent, at least, of protecting the liberated race against discrimination, in respect of legal rights belonging to freemen, where such discrimination is based upon race.

It remains now to inquire what are the legal rights of colored persons in respect of the accommodations, privileges and facilities of public conveyances, inns and places of public amusement?

First, as to public conveyances on land and water. In *New Jersey Steam Navigation Co.* v. *Merchants' Bank*, 6 How. 344, this court, speaking by Mr. Justice Nelson, said that a common carrier is "in the exercise of a sort of public office, and has public duties to perform, from which he should not be permitted to exonerate himself without the assent of the parties concerned." To the same effect is *Munn* v. *Illinois*, 94 U.S. 113. In *Olcott* v. *Supervisors*, 16 Wall. 678, it was ruled that railroads are public highways, established by authority of the State for public use; that they are none the less public highways, because controlled and owned by private corporations; that it is a part of the function of government to make and maintain highways for the convenience of the public; that no matter who is the agent, or what is the agency, the function performed is that of the State; that although the owners may be private companies, they may be compelled to permit the public to use these works in the manner in which they can be used; that, upon these grounds alone, have the courts sustained the investiture of railroad corporations with the State's right of eminent domain, or the right of municipal corporations, under legislative authority, to assess, levy and collect taxes to aid in the construction of railroads. So in *Township of Queensbury* v. *Culver*, 19 Wall. 83, it was said that a municipal subscription of railroad stock was in aid of the construction and maintenance of a public highway, and for the promotion of a public use.

Again, in *Township of Pine Grove* v. *Talcott*, 19 Wall. 666: "Though the corporation [railroad] was private, its work was public, as much so as if it were to be constructed by the State." To the like effect are numerous adjudications in this and the State courts with which the profession is familiar. The Supreme Judicial Court of Massachusetts in *Inhabitants of Worcester* v. *The Western R.R. Corporation*, 4 Met. 564, said in reference to a railroad:

"The establishment of that great thoroughfare is regarded as a public work, established by public authority, intended for the public use and benefit, the use of which is secured to the whole community, and constitutes, therefore, like a canal, turnpike, or highway, a public easement. * * * It is true that the real and personal property, necessary to the establishment and management of the railroad, is vested in the corporation; but it is in trust for the public." In *Erie, etc., R.R. Co.* v. *Casey*, 26 Penn. St. 287, the court, referring to an act repealing the charter of a railroad, and under which the State took possession of the road, said: "It is a public highway, solemnly devoted to public use. When the lands were taken it was for such use, or they could not have been taken at all. * * * Railroads established upon land taken by the right of eminent domain by authority of the commonwealth, created by her laws as thoroughfares for commerce, are her highways. No corporation has property in them, though it may have franchises annexed to and exercisable within them."

In many courts it has been held that because of the public interest in such a corporation the land of a railroad company cannot be levied on and sold under execution by a creditor. The sum of the adjudged cases is that a railroad corporation is a governmental agency, created primarily for public purposes and subject to be controlled for the public benefit. Upon this ground the State, when unfettered by contract, may regulate, in its decretion, the rates of fares of passengers and freight. And upon this ground, too, the State may regulate the entire management of railroads in all matters affecting the convenience and safety of the public; as, for example, by regulating speed, compelling stops of prescribed length at stations, and prohibiting discriminations and favoritisms. If the corporation neglects, or refuses, to discharge its duties to the public, it may be coerced to do so by appropriate proceedings in the name or in behalf of the State.

Such being the relations these corporations hold to the public, it would seem that the right of a colored person to use an improved public highway, upon the terms accorded to freemen of other races, is as fundamental, in the state of freedom established in this country, as are any of the rights which many brethren concede to be so far fundamental as to be deemed the essence of civil freedom. "Personal liberty consists," says Blackstone, "in the power of locomotion, of changing situation, or removing one's person to whatever places one's own inclination may direct, without restraint, unless by due course of law." But of what value is this right of locomotion, if it may be clogged by such burdens as Congress intended by the act of 1875 to remove? They are burdens which lay at the very foundation of the institution of slavery as it once existed. They are not to be sustained, except upon the assumption that there is, in this land of universal liberty, a class which may still be discriminated against, even in respect of rights of a character so necessary and supreme, that, deprived of their enjoyment in common with others, a freeman is not only branded as one inferior and infected, but, in the competitions of life, is robbed of some of the most essential means of existence; and all this solely because they belong to a particular race which the Nation has liberated. The 13th amendment alone obliterated the race line, so far as all rights fundamental in a state of freedom are concerned.

Second, as to inns. The same general observations which have been made as to railroads are applicable to inns. The word "inn" has a technical legal signification. It means, in the act of 1875, just what it meant at common law. A mere private boarding-

house is not an inn, nor is its keeper subject to the responsibilities, or entitled to the privileges of a common innkeeper. "To constitute one an innkeeper, within the legal force of that term, he must keep a house of entertainment or lodging for all travelers or wayfarers who might choose to accept the same, being of good character or conduct." Redfield on Carriers, etc., section 575. Says Judge Story:

"An innkeeper may be defined to be the keeper of a common inn for the lodging and entertainment of travelers and passengers, their horses, and attendants. An innkeeper is bound to take in all travelers and wayfaring persons, and to entertain them, if he can accommodate them, for a reasonable compensation; and he must guard their goods with proper diligence. * * * If an innkeeper improperly refuses to receive or provide for a guest, he is liable to be indicted therefor. * * * They (carriers of passengers) are no more at liberty to refuse a passenger, if they have sufficient room and accommodations, than an innkeeper is to refuse suitable room and accommodations to a guest." (Story on Bailments, secs. 475–476.)

In *Rex* v. *Ivens*, 7 Carrington & Payne, 213, 32 E.C.L. 495, the Court, speaking, by Mr. Justice Coleridge, said: "An indictment lies against an innkeeper who refuses to receive a guest, he having at the time room in his house; and either the price of the guest's entertainment being tendered to him, or such circumstances occurring as will dispense with that tender. This law is founded in good sense. The innkeeper is not to select his guests. He has no right to say to one, you shall come to my inn, and to another you shall not, as everyone coming and conducting himself in a proper manner has a right to be received; and for this purpose innkeepers are a sort of public servants, they having in return a kind of privilege of entertaining travelers and supplying them with what they want."

These authorities are sufficient to show that a keeper of an inn is in the exercise of a quasi-public employment. The law gives him special privileges and he is charged with certain duties and responsibilities to the public. The public nature of his employment forbids him from discriminating against any person asking admission as a guest on account of the race or color of that person.

Third. As to places of public amusement. It may be argued that the managers of such places have no duties to perform with which the public are, in any legal sense, concerned, or with which the public have any right to interfere; and, that the exclusion of a black man from a place of public amusement, on account of his race, or the denial to him, on that ground, of equal accommodations at such places, violates no legal right for the vindication of which he may invoke the aid of the courts. My answer is, that places of public amusement, within the meaning of the act of 1875, are such as are established and maintained under direct license of the law. The authority to establish and maintain them comes from the public. The colored race is a part of that public. The local government granting the license represents them as well as all other races within its jurisdiction. A license from the public to establish a place of public amusement, imports, in law, equality of right, at such places, among all the members of that public. This must be so, unless it be—which I deny—that the common municipal government of all the people may, in the exertion of its powers, conferred for the benefit of all, discriminate or authorize discrimination against a particular race, solely because of its former condition of servitude.

I also submit, whether it can be said—in view of the doctrines of this court as announced in *Munn* v. *State of Illinois*, 94 U.S. 113, and reaffirmed in *Peik* v. *Chicago & N.W. Railway Co.*, 94 U.S. 164—that the management of places of public amusement is a purely private matter, with which government has no rightful concern? In the Munn case the question was whether the State of Illinois could fix, by law, the maximum of charges for the storage of grain in certain warehouses in that State—the private property of individual citizens. After quoting a remark attributed to Lord Chief Justice Hale, to the effect that when private property is "affected with a public interest it ceases to be juris privati only," the court says:

"Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use, but, so long as he maintains the use, he must submit to the control."

The doctrines of *Munn* v. *Illinois* have never been modified by this Court, and I am justified, upon the authority of that case, in saying that places of public amusement, conducted under the authority of the law, are clothed with a public interest, because used in a manner to make them of public consequence and to affect the community at large. The law may therefore regulate, to some extent, the mode in which they shall be conducted, and, consequently, the public have rights in respect of such places, which may be vindicated by the law. It is consequently not a matter purely of private concern.

Congress has not, in these matters, entered the domain of State control and supervision. It does not, as I have said, assume to prescribe the general conditions and limitations under which inns, public conveyances, and places of public amusement, shall be conducted or managed. It simply declares, in effect, that since the Nation has established universal freedom in this country, for all time, there shall be no discrimination, based merely upon race or color, in respect of the accommodations and advantages of public conveyances, inns, and places of public amusement.

I am of the opinion that such discrimination practiced by corporations and individuals in the exercise of their public or quasi-public functions is a badge of servitude the imposition of which Congress may prevent under its power, by appropriate legislation, to enforce the 13th amendment; and, consequently, without reference to its enlarged power under the 14th amendment, the act of March 1, 1875, is not, in my judgment, repugnant to the Constitution.

It remains now to consider these cases with reference to the power Congress has possessed since the adoption of the 14th amendment. Much that has been said as to the power of Congress under the 13th amendment is applicable to this branch of the discussion, and will not be repeated.

Before the adoption of the recent amendments, it had become, as we have seen, the established doctrine of this Court that Negroes, whose ancestors had been imported and sold as slaves, could not become citizens of a State, or even of the United States, with the rights and privileges guaranteed to citizens by the national Constitution; further, that one might have all the rights and privileges of a citizen of a State without being a citizen in the sense in which that word was used in the national Constitution, and without being entitled to the privileges and immunities of citizens of the several States. Still, further, between the adoption of the 13th amendment and the proposal by Congress of the 14th amendment, on June 16, 1866, the statute books of several of the States, as we have seen, had become loaded down with enactments which, under the guise of apprentice, vagrant, and contract regulations, sought to keep the colored race in a condition, practically, of servitude. It was openly announced that whatever might be the rights which persons of that race had, as freemen, under the guarantees of the national Constitution, they could not become citizens of a State, with the privileges belonging to citizens, except by the consent of such State; consequently, that their civil rights, as citizens of the State, depended entirely upon State legislation. To meet this new peril to the black race, that the purposes of the Nation might not be doubted or defeated, and by way of further enlargement of the power of Congress, the 14th amendment was proposed for adoption.

Remembering that this court, in the Slaughter-House cases, declared that the one pervading purpose found in all the recent amendments, lying at the foundation of each, and without which none of them would have been suggested—was "the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly made freeman and citizen from the oppression of those who had formerly exercised unlimited dominion over him"—that each amendment was addressed primarily to the grievances of that race—let us proceed to consider the language of the 14th amendment.

Its first and fifth sections are in these words:

"SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

* * * * *

"SEC. 5. That Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

It was adjudged in *Strauder* v. *West Virginia*, 100 U.S. 303, and *Ex parte Virginia*, 100 U.S. 339, and my brethren concede, that positive rights and privileges were intended to be secured, and are in fact secured, by the 14th amendment.

But when, under what circumstances, and to what extent, may Congress, by means of legislation, exert its power to enforce the provisions of this amendment? The theory of the opinion of the majority of the Court—the foundation upon which their reasoning seems to rest—is, that the General Government cannot, in advance of hostile State laws or hostile State proceedings, actively interfere for the protection of any of the rights, privileges, and immunities secured by the 14th amendment. It is said that such rights, privileges, and immunities are secured by way of prohibition against State laws and State proceedings affecting such rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect; also, that congressional legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect.

In illustration of its position, the Court refers to the clause of the Constitution forbidding the passage by a State of any law impairing the obligation of contracts. That clause does not, I submit, furnish a proper illustration of the scope and effect of the 5th section of the 14th amendment. No express power is given Congress to enforce, by primary direct legislation, the prohibition upon State laws impairing the obligation of contracts. Authority is, indeed, conferred to

enact all necessary and proper laws for carrying into execution the enumerated powers of Congress and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof. And, as heretofore shown, there is also, by necessary implication, power in Congress, by legislation, to protect a right derived from the national Constitution. But a prohibition upon a State is not a power in Congress or in the National Government. It is simply a denial of power to the State. And the only mode in which the inhibition upon State laws impairing the obligation of contracts can be enforced, is, indirectly, through the courts, in suits where the parties raise some question as to the constitutional validity of such laws.

The judicial power of the United States extends to such suits for the reason that they are suits arising under the Constitution. The 14th amendment presents the first instance in our history of the investiture of Congress with affirmative power, by legislation, to enforce an express prohibition upon the States. It is not said that the judicial power of the Nation may be exerted for the enforcement of that amendment. No enlargement of the judicial power was required, for it is clear that had the 5th section of the 14th amendment been entirely omitted, the judiciary could have stricken down all State laws and nullified all State proceedings in hostility to rights and privileges secured or recognized by that amendment. The power given is, in terms, by congressional legislation, to enforce the provisions of the amendment.

The assumption that this amendment consists wholly of prohibitions upon State laws and State proceedings in hostility to its provisions, is unauthorized by its language. The first clause of the first section—"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside"—is of a distinctly affirmative character. In its application to the colored race, previously liberated, it created and granted, as well, citizenship of the United States, as citizenship of the State in which they respectively resided. It introduced all of that race, whose ancestors had been imported and sold as slaves, at once, into the political community known as the "People of the United States." They became, instantly, citizens of the United States, and of their respective States. Further, they were brought, by this supreme act of the Nation, within the direct operation of that provision of the Constitution which declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States" (art IV, sec. 2).

The citizenship thus acquired by that race, in virtue of an affirmative grant from the Nation, may be protected, not alone by the judicial branch of the Government, but by congressional legislation of a primary direct character; this, because the power of Congress is not restricted to the enforcement of prohibitions upon State laws or State action. It is, in terms distinct and positive, to enforce the provisions of this article of amendment; not simply those of a prohibitive character, but the provisions—all of the provisions—affirmative and prohibitive, of the amendment. It is, therefore, a grave misconception to suppose that the fifth section of the amendment has reference exclusively to express prohibitions upon State laws or State action. If any right was created by that amendment, the grant of power, through appropriate legislation, to enforce its provisions, authorizes Congress, by means of legislation, operating throughout the entire Union, to guard, secure, and protect that right.

It is, therefore, an essential inquiry what, if any, right, privilege, or immunity was given, by the Nation, to colored persons, when they were made citizens of the State in which they reside? Did the constitutional grant of State citizenship to that race, of its own force, invest them with any rights, privileges, and immunities whatever? That they became entitled, upon the adoption of the 14th amendment, to all privileges and immunities of citizens in the several States, within the meaning of section 2 of article IV of the Constitution, no one, I suppose, will for a moment question. What are the privileges and immunities to which, by that clause of the Constitution, they became entitled? To this it may be answered, generally, upon the authority of the adjudged cases, that they are those which are fundamental in citizenship in a free republican government, such as are "common to the citizens in the latter States under their constitutions and laws by virtue of their being citizens." Of that provision it has been said, with the approval of this court, that no other one in the Constitution has tended so strongly to constitute the citizens of the United States one people. *Ward* v. *Maryland*, 12 Wall. 418; *Corfield* v. *Coryell*, 4 Wash. C.C. 371; *Paul* v. *Virginia*, 8 Wall. 168; *Slaughter-House Cases*, 16 id. 36.

Although this court has wisely forborne any attempt, by a comprehensive definition, to indicate all of the privileges and immunities to which the citizen of a State is entitled, of right, when within the jurisdiction of other States, I hazard nothing, in view of former adjudications, in saying that no State can sustain her denial to colored citizens of other States, while within her limits, of privileges or immunities, fundamental in republican citizenship, upon the ground that she accords such privileges and immunities only to her white citizens and withholds them from her colored citizens. The colored citizens of other States, within the jurisdiction of that State, could claim, in virtue of section 2 of article 4 of the Constitution, every privilege and immunity which that State secures to her white citizens. Otherwise, it would be in the power of any State, by discriminating class legislation against its own citizens of a particular race or color, to withhold from citizens of other States, belonging to that proscribed race, when within her limits, privileges and immunities of the character regarded by all courts as fundamental in citizenship; and that, too, when the constitutional guarantee is that the citizens of each State shall be entitled to "all privileges and immunities of citizens of the several States." No State may, by discrimination against a portion of its own citizens of a particular race, in respect of privileges and immunities fundamental in citizenship, impair the constitutional right of citizens of other States, of whatever race, to enjoy in that State all such privileges and immunities as are there accorded to her most favored citizens. A colored citizen of Ohio or Indiana, while in the jurisdiction of Tennessee, is entitled to enjoy any privilege or immunity, fundamental in citizenship, which is given to citizens of the white race in the latter State. It is not to be supposed that any one will controvert this proposition.

But what was secured to colored citizens of the United States—as between them and their respective States—by the national grant to them of State citizenship? With what rights, privileges, or immunities did this grant invest them? There is one, if there be no other—exemption from race discrimination in respect of any civil right belonging to citizens of the white race in the same State. That, surely, is their constitutional privilege when within the jurisdiction of other States. And such must be their constitutional right, in their own State, unless the recent amendments be splendid baubles, thrown out to delude those who deserved fair and generous treatment at the hands of the Nation. Citizenship in this country necessarily imports at least equality of civil rights among citizens of every race in the same State. It is fundamental in American citizenship that, in respect of such rights, there shall be no discrimination by the State, or its officers, or by individuals or corporations exercising public functions or authority, against any citizen because of his race or previous condition of servitude. In *United States* v. *Cruikshank*, 92 U.S. 542, it was said at page 555, that the rights of life and personal liberty are natural rights of man, and that "the equality of the rights of citizens is a principle of republicanism." And in *Ex parte Virginia*, 100 U.S. 334, the emphatic language of this Court is that "one great purpose of these amendments was to raise the colored race from that condition of inferiority and servitude in which most of them had previously stood, into perfect equality of civil rights with all other persons within the jurisdiction of the States." So, in *Strauder* v. *West Virginia*, 100 U.S. 306, the Court, alluding to the 14th amendment, said: "This is one of a series of constitutional provisions having a common purpose, namely, securing to a race recently emancipated, a race that through many generations had been held in slavery, all the civil rights that the superior race enjoy." Again, in *Neal* v. *Delaware*, 103 U.S. 386, it was ruled that this amendment was designed, primarily, "to secure to the colored race, thereby invested with the rights, privileges, and responsibilities of citizenship, the enjoyment of all the civil rights that, under the law, are enjoyed by white persons."

The language of this Court with reference to the 15th amendment, adds to the force of this view. In *United States* v. *Cruikshank*, it was said: "In *United States* v. *Reese*, 92 U.S. 214, we held that the 15th amendment has invested the citizens of the United States with a new constitutional right, which is exemption from discrimination in the exercise of the elective franchise, on account of race, color, or previous condition of servitude. From this it appears that the right of suffrage is not a necessary attribute of national citizenship, but that exemption from discrimination in the exercise of that right on account of race, and so forth, is. The right to vote in the States comes from the States; but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been."

Here, in language at once clear and forcible, is stated the principle for which I contend. It can scarcely be claimed that exemption from race discrimination, in respect of civil rights, against those to whom State citizenship was granted by the Nation, is any less, for the colored race, a new constitutional right, derived from and secured by the national Constitution, than is exemption from such discrimination in the exercise of the elective franchise. It cannot be that the latter is an attribute of national citizenship, while the other is not essential in national citizenship, or fundamental in State citizenship.

If, then, exemption from discrimination, in respect of civil rights, is a new constitutional right, secured by the grant of State citizenship to colored citizens of the United States—and I do not see how this can now be questioned—why may not the Nation, by means of its own legislation of a primary direct character, guard, protect, and enforce that right? It is a right and privilege which the Nation conferred. It did not come from the States in which those colored citizens reside. It has been the established doctrine of this court during all its history, accepted as essential to the national supremacy, that Congress, in the absence of a positive delegation of power to the State legislatures, may, by its own legislation, enforce and protect

any right derived from or created by the National Constitution. It was so declared in *Prigg* v. *Commonwealth of Pennsylvania.* It was reiterated in *United States* v. *Reese,* 92 U.S. 214, where the court said that "rights and immunities created by and dependent upon the Constitution of the United States can be protected by Congress. The form and manner of the protection may be such as Congress, in the legitimate exercise of its discretion, shall provide. These may be varied to meet the necessities of the particular right to be protected." It was distinctly reaffirmed in *Strauder* v. *West Virginia,* 100 U.S. 310, where we said that "a right or immunity created by the Constitution or only guaranteed by it, even without any express delegation of power, may be protected by Congress." How then can it be claimed in view of the declarations of this court in former cases, that exemption of colored citizens, within their States, from race discrimination, in respect of the civil rights of citizens, is not an immunity created or derived from the National Constitution?

This Court has always given a broad and liberal construction to the Constitution, so as to enable Congress, by legislation, to enforce rights secured by that instrument. The legislation which Congress may enact, in execution of its power to enforce the provisions of this amendment, is such as may be appropriate to protect the right granted. The word appropriate was undoubtedly used with reference to its meaning, as established by repeated decisions of this Court. Under given circumstances, that which the Court characterizes as corrective legislation might be deemed by Congress appropriate and entirely sufficient. Under other circumstances primary direct legislation may be required. But it is for Congress, not the judiciary, to say that legislation is appropriate—that is—best adapted to the end to be attained. The judiciary may not, with safety to our institutions, enter the domain of legislative discretion, and dictate the means which Congress shall employ in the exercise of its granted powers. That would be sheer usurpation of the functions of a coordinate department, which, if often repeated, and permanently acquiesced in, would work a radical change in our system of government. In *United States* v. *Fisher,* 2 Cr. 358, the Court said that "Congress must possess the choice of means, and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution." "The sound construction of the Constitution," said Chief Justice Marshall, "must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional" (*McCulloch* v. *Maryland,* 4 Wh. 421).

Must these rules of construction be now abandoned? Are the powers of the National Legislature to be restrained in proportion as the rights and privileges, derived from the Nation, are valuable? Are constitutional provisions, enacted to secure the dearest rights of freemen and citizens, to be subjected to that rule of construction, applicable to private instruments, which requires that the words to be interpreted must be taken most strongly against those who employ them? Or, shall it be remembered that "a Constitution of Government, founded by the people for themselves and their posterity, and for objects of the most momentous nature—for perpetual union, for the establishment of justice, for the general welfare, and for a perpetuation of the blessings of liberty—necessarily requires that every interpretation of its powers should have a constant reference to these objects? No interpretation of the words in which those powers are granted can be a sound one, which narrows down their ordinary import so as to defeat those objects" (1 Story Const. sec. 422).

The opinion of the court, as I have said, proceeds upon the ground that the power of Congress to legislate for the protection of the rights and privileges secured by the 14th amendment cannot be brought into activity except with the view, and as it may become necessary, to correct and annul State laws and State proceedings in hostility to such rights and privileges. In the absence of State laws or State action adverse to such rights and privileges, the Nation may not actively interfere for their protection and security, even against corporations and individuals exercising public or quasi public functions. Such I understand to be the position of my brethren.

If the grant to colored citizens of the United States of citizenship in their respective States, imports exemption from race discrimination, in their States, in respect of such civil rights as belong to citizenship, then, to hold that the amendment remits that right to the States for their protection, primarily, and stays the hands of the Nation, until it is assailed by State laws or State proceedings, is to adjudge that the amendment, so far from enlarging the powers of Congress—as we have heretofore said it did—not only curtails them, but reverses the policy which the General Government has pursued from its very organization. Such an interpretation of the amendment is a denial to Congress of the power, by appropriate legislation, to enforce one of its provisions. In view of the circumstances under which the recent amendments were incorporated into the Constitution, and especially in view of the peculiar character of the new rights they created and secured, it ought not to be presumed that the General Government has abdicated its authority, by national legislation, direct and primary in its character, to guard and protect privileges and immunities secured by that instrument. Such an interpretation of the Constitution ought not to be accepted if it be possible to avoid it. Its acceptance would lead to this anomalous result: that whereas, prior to the amendments, Congress, with the sanction of this Court, passed the most stringent laws—operating directly and primarily upon States and their officers and agents, as well as upon individuals—in vindication of slavery and the right of the master, it may not now, by legislation of a like primary and direct character, guard, protect, and secure the freedom established, and the most essential right of the citizenship granted, by the constitutional amendments. With all respect for the opinion of others, I insist that the National Legislature may, without transcending the limits of the Constitution, do for human liberty and the fundamental rights of American citizenship, what it did, with the sanction of this Court, for the protection of slavery and the rights of the masters of fugitive slaves.

If fugitive slave laws, providing modes and prescribing penalties, whereby the master could seize and recover his fugitive slave, were legitimate exercises of an implied power to protect and enforce a right recognized by the Constitution, why shall the hands of Congress be tied, so that—under an express power, by appropriate legislation, to enforce a constitutional provision granting citizenship—it may not, by means of direct legislation, bring the whole power of this Nation to bear upon States and their officers, and upon such individuals and corporations exercising public functions as assume to abridge, impair, or deny rights confessedly secured by the supreme law of the land?

It does not seem to me that the fact that, by the second clause of the first section of the 14th amendment, the States are expressly prohibited from making or enforcing laws abridging the privileges and immunities of citizens of the United States, furnishes any sufficient reason for holding or maintaining that the amendment was intended to deny Congress the power, by general, primary, and direct legislation, of protecting citizens of the several States, being also citizens of the United States, against all discrimination, in respect of their rights as citizens, which is founded on race, color, or previous condition of servitude.

Such an interpretation of the amendment is plainly repugnant to its fifth section, conferring upon Congress power, by appropriate legislation, to enforce not merely the provisions containing prohibitions upon the States, but all of the provisions of the amendment, including the provisions, express and implied, in the first clause of the first section of the article granting citizenship. This alone is sufficient for holding that Congress is not restricted to the enactment of laws adapted to counteract and redress the operation of State legislation, or the action of State officers, of the character prohibited by the amendment. It was perfectly well known that the great danger to the equal enjoyment by citizens of their rights, as citizens, was to be apprehended not altogether from unfriendly State legislation, but from the hostile action of corporations and individuals in the States. And it is to be presumed that it was intended, by that section, to clothe Congress with power and authority to meet that danger. If the rights intended to be secured by the act of 1875 are such as belong to the citizen, in common or equally with other citizens in the same State, then it is not to be denied that such legislation is peculiarly appropriate to the end which Congress is authorized to accomplish, viz, to protect the citizen, in respect of such rights, against discrimination on account of his race. Recurring to the specific prohibition in the 14th amendment upon the making or enforcing of State laws abridging the privileges of citizens of the United States, I remark that if, as held in the *Slaughter-House* cases, the privileges here referred to were those which belonged to citizenship of the United States, as distinguished from those belonging to State citizenship, it was impossible for any State prior to the adoption of that amendment to have enforced laws of that character. The judiciary could have annulled all such legislation under the provision that the Constitution shall be the supreme law of the land, anything in the Constitution or laws of any State to the contrary notwithstanding.

The States were already under an implied prohibition not to abridge any privilege or immunity belonging to citizens of the United States as such. Consequently, the prohibition upon State laws in hostility to rights belonging to citizens of the United States, was intended—in view of the introduction into the body of citizens of a race formerly denied the essential rights of citizenship—only as an express limitation on the powers of the States, and was not intended to diminish, in the slightest degree, the authority which the Nation has always exercised, of protecting, by means of its own direct legislation, rights created or secured by the Constitution. Any purpose to diminish the national authority in respect of privileges derived from the Nation is distinctly negatived by the express grant of power, by legislation, to enforce every provision of the amendment, including that which, by the grant of citizenship in the State, secures exemption from race discrimination in respect of the civil rights of citizens.

It is said that any interpretation of the 14th amendment different from that adopted

by the majority of the court, would imply that Congress had authority to enact a municipal code for all the States, covering every matter affecting the life, liberty, and property of the citizens of the several States. Not so. Prior to the adoption of that amendment the constitutions of the several States, without perhaps an exception, secured all persons against deprivation of life, liberty, or property, otherwise than by due process of law, and, in some form, recognized the right of all persons to the equal protection of the laws. Those rights, therefore, existed before that amendment was proposed or adopted, and were not created by it. If, by reason of that fact, it be assumed that protection of these rights of persons still rests primarily with the States, and that Congress may not interfere except to enforce, by means of corrective legislation, the prohibitions upon State laws or State proceedings inconsistent with those rights, it does not at all follow, that privileges which have been granted by the Nation may not be protected by primary legislation upon the part of Congress.

The personal rights and immunities recognized in the prohibitive clauses of the amendment were, prior to its adoption, under the protection, primarily, of the States, while rights, created by or derived from the United States have always been, and, in the nature of things, should always be, primarily, under the protection of the general government. Exemption from race discrimination in respect of the civil rights which are fundamental in citizenship in a republican government, is, as we have seen, a new right, created by the Nation, with express power in Congress, by legislation, to enforce the constitutional provision from which it is derived. If, in some sense, such race discrimination is within the letter of the last clause of the first section, a denial of that equal protection of the laws which is secured against State denial to all persons whether citizens or not, it cannot be possible that a mere prohibition upon such State denial, or a prohibition upon State laws abridging the privileges and immunities of citizens of the United States, takes from the Nation the power which it has uniformly exercised of protecting, by direct primary legislation, those privileges and immunities which existed under the Constitution before the adoption of the 14th amendment, or have been created by that amendment in behalf of those thereby made citizens of their respective States.

This construction does not in any degree intrench upon the just rights of the States in the control of their domestic affairs. It simply recognizes the enlarged powers conferred by the recent amendments upon the general government. In the view which I take of those amendments, the States possess the same authority which they have always had to define and regulate the civil rights which their own people, in virtue of State citizenship, may enjoy within their respective limits; except that its exercise is now subject to the expressly granted power of Congress, by legislation, to enforce the provisions of such amendments—a power which necessarily carries with it authority, by national legislation, to protect and secure the privileges and immunities which are created by or are derived from those amendments. That exemption of citizens from discrimination based on race or color, in respect of civil rights, is one of those privileges or immunities, can no longer be deemed an open question in this court.

It was said of the case of *Dred Scott* v. *Sandford*, that this court, there overruled the action of two generations, virtually inserted a new clause in the Constitution, changed its character, and made a new departure in the workings of the Federal Government. I may be permitted to say that if the recent amendments are so construed that Congress may not, in its own discretion, and independently of the action or nonaction of the States, provide, by legislation of a direct character, for the security of rights created by the National Constitution; if it be adjudged that the obligation to protect the fundamental privileges and immunities granted by the 14th amendment to citizens residing in the several States, rests primarily, not on the Nation, but on the States; if it be further adjudged that individuals and corporations, exercising public functions, or wielding power under public authority, may, without liability to direct primary legislation on the part of Congress, make the race of citizens the ground for denying them that equality of civil rights which the Constitution ordains as a principle of republican citizenship; then, not only the foundations upon which the national supremacy has always securely rested will be materially disturbed, but we shall enter upon an era of constitutional law, when the rights of freedom and American citizenship cannot receive from the Nation that efficient protection which heretofore was unhesitatingly accorded to slavery and the rights of the master.

But if it were conceded that the power of Congress could not be brought into activity until the rights specified in the act of 1875 had been abridged or denied by some State law or State action, I maintain that the decision of the court is erroneous. There has been adverse State action within the 14th amendment as heretofore interpreted by this Court. I allude to Ex parte Virginia, supra. It appears, in that case, that one Cole, judge of a county court, was charged with the duty, by the laws of Virginia, of selecting grand and petit jurors. The law of the State did not authorize or permit him, in making such selections, to discriminate against colored citizens because of their race. But he was indicted in the Federal court, under the act of 1875, for making such discriminations. The attorney general of Virginia contended before us, that the State had done its duty, and had not authorized or directed that county judge to do what he was charged with having done; that the State had not denied to the colored race the equal protection of the laws; and that consequently the act of Cole must be deemed his individual act, in contravention of the will of the State. Plausible as this argument was, it failed to convince this court, and after saying that the 14th amendment had reference to the political body denominated a State, "by whatever instruments or in whatever modes that action may be taken," and that a State acts by its legislative, executive, and judicial authorities, and can act in no other way, we proceeded:

"The constitutional provision, therefore, must mean that no agency of the State, or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government, deprives another of property, life, or liberty without due process of law; or denies or takes away the equal protection of the laws, violates the constitutional inhibition; and, as he acts under the name and for the State, and is clothed with the State's power, his act is that of the State. This must be so, or the constitutional prohibition has no meaning. Then the State has clothed one of its agents with power to annul or evade it. But the constitutional amendment was ordained for a purpose. It was to secure equal rights to all persons, and, to insure to all pesrons the enjoyment of such rights, power was given to Congress to enforce its provisions by appropriate legislation. Such legislation must act upon persons, not upon the abstract thing denominated a State, but upon the persons who are the agents of the State, in the denial of the rights which were intended to be secured" (*Ex parte Virginia*, 100 U.S. 346–347).

In every material sense applicable to the practical enforcement of the 14th amendment, railroad corporations, keepers of inns, and managers of places of public amusement are agents or instrumentalities of the State, because they are charged with duties to the public, and are amenable, in respect of their duties and functions, to governmental regulation. It seems to me that, within the principle settled in Ex parte Virginia, a denial by these instrumentalities of the State, to the citizen, because of his race, of that equality of civil rights secured to him by law, is a denial by the State, within the meaning of the 14th amendment. If it be not, then that race is left, in respect of the civil rights in question, practically at the mercy of corporations and individuals wielding power under the States.

But the court says that Congress did not, in the act of 1866, assume, under the authority given by the 13th amendment, to adjust what may be called the social rights of men and races in the community. I agree that Government has nothing to do with social, as distinguished from technically legal, rights of individuals. No government ever has brought, or ever can bring, its people into social intercourse against their wishes. Whether one person will permit or maintain social relations with another is a matter with which Government has no concern. I agree that if one citizen chooses not to hold social intercourse with another, he is not and cannot be made amenable to the law for his conduct in that regard; for even upon grounds of race, no legal right of a citizen is violated by the refusal of others to maintain merely social relations with him. What I affirm is that no State, nor the officers of any State, nor any corporation or individual wielding power under State authority for the public benefit or the public convenience, can consistently either with the freedom established by the fundamental law, or with that equality of civil rights which now belongs to every citizen, discriminate against freemen or citizens, in those rights, because of their race, or because they once labored under the disabilities of slavery imposed upon them as a race. The rights which Congress, by the act of 1875, endeavored to secure and protect are legal, not social rights. The right, for instance, of a colored citizen to use the accommodations of a public highway, upon the same terms as are permitted to white citizens, is no more a social right than his right, under the law, to use the public streets of a city or a town, or a turnpike road, or a public market, or a post office, or his right to sit in a public building with others, of whatever race, for the purpose of hearing the political questions of the day discussed.

Scarcely a day passes without our seeing in this courtroom citizens of the white and black races sitting side by side, watching the progress of our business. It would never occur to anyone that the presence of a colored citizen in a courthouse, or courtroom, was an invasion of the social rights of white persons who may frequent such places. And yet, such a suggestion would be quite as sound in law—I say it with all respect—as is the suggestion that the claim of a colored citizen to use, upon the same terms as is permitted to white citizens, the accommodations of public highways, or public inns, or places of public amusement, established under the license of the law, is an invasion of the social rights of the white race.

The Court, in its opinion, reserves the question whether Congress, in the exercise of its power to regulate commerce amongst the several States, might or might not pass a law regulating rights in public conveyances passing from one State to another. I beg to suggest that that precise question was substantially presented here in the only one of these cases relating to railroads—*Robinson*

and Wife v. *Memphis & Charleston Railroad Company*. In that case it appears that Mrs. Robinson, a citizen of Mississippi, purchased a railroad ticket entitling her to be carried from Grand Junction, Tenn., to Lynchburg, Va. Might not the act of 1875 be maintained in that case, as applicable at least to commerce between the States, notwithstanding it does not, upon its face, profess to have been passed in pursuance of the power of Congress to regulate commerce? Has it ever been held that the judiciary should overturn a statute, because the legislative department did not accurately recite therein the particular provision of the Constitution authorizing its enactment? We have often enforced municipal bonds in aid of railroad subscriptions, where they failed to recite the statute authorizing their issue, but recited one which did not sustain their validity.

The inquiry in such cases has been, was there, in any statute, authority for the execution of the bonds? Upon this branch of the case, it may be remarked that the State of Louisiana, in 1869, passed a statute giving to passengers, without regard to race or color, equality of right in the accommodations of railroad and street cars, steamboats or other water crafts, stage coaches, omnibuses, or other vehicles. But in *Hall* v. *De Cuir*, 95 U.S. 487, that act was pronounced unconstitutional so far as it related to commerce between the States, this Court saying that "if the public good requires such legislation it must come from Congress, and not from the States." I suggest that it may become a pertinent inquiry whether Congress may, in the exertion of its power to regulate commerce among the States, enforce among passengers on public conveyances, equality of right, without regard to race, color or previous condition of servitude, if it be true—which I do not admit—that such legislation would be an interference by Government with the social rights of the people.

My brethren say that when a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected. It is, I submit, scarcely just to say that the colored race has been the special favorite of the laws. The statute of 1875, now adjudged to be unconstitutional, is for the benefit of citizens of every race and color. What the Nation, through Congress, has sought to accomplish in reference to that race, is—what had already been done in every State of the Union for the white race—to secure and protect rights belonging to them as freemen and citizens; nothing more. It was not deemed enough "to help the feeble up, but to support him after." The one underlying purpose of congressional legislation has been to enable the black race to take the rank of mere citizens. The difficulty has been to compel a recognition of the legal right of the black race to take the rank of citizens, and to secure the enjoyment of privileges belonging, under the law, to them as a component part of the people for whose welfare and happiness government is ordained.

At every step, in this direction, the Nation has been confronted with class tyranny, which a contemporary English historian says is, of all tyrannies, the most intolerable, "for it is ubiquitous in its operation, and weighs, perhaps, most heavily on those whose obscurity or distance would withdraw them from the notice of a single despot." Today, it is the colored race which is denied, by corporations and individuals wielding public authority, rights fundamental in their freedom and citizenship. At some future time, it may be that some other race will fall under the ban of race discrimination. If the constitutional amendments be enforced, according to the intent with which, as I conceive, they were adopted, there cannot be, in this Republic, any class of human beings in practical subjection to another class, with power in the latter to dole out to the former just such privileges as they may choose to grant. The supreme law of the land has decreed that no authority shall be exercised in this country upon the basis of discrimination, in respect of civil rights, against freemen and citizens because of their race, color, or previous condition of servitude. To that decree—for the due enforcement of which, by appropriate legislation, Congress has been invested with express power—every one must bow, whatever may have been, or whatever now are, his individual views as to the wisdom or policy, either of the recent changes in the fundamental law, or of the legislation which has been enacted to give them effect.

For the reasons stated I feel constrained to withhold my assent to the opinion of the court.

STATEMENT OF LAURENCE H. ELDREDGE, OF PHILADELPHIA, PA., BEFORE THE U.S. SENATE COMMITTEE ON THE JUDICIARY CONCERNING THE PROPOSED CIVIL RIGHTS ACT OF 1963 (S. 1731)

I appreciate this committee's invitation to appear before it. I am deeply concerned about "Title II—Injunctive Relief Against Discrimination in Public Accommodations" and "Title IV—Establishment of Community Relations Service" of the proposed Civil Rights Act of 1963.

Solely for the purpose of identifying myself on the record, may I say that I am actively practicing law in Philadelphia and have been a member of the Philadelphia bar for more than 35 years. I am a former chairman of the board of governors of the Philadelphia Bar Association, and I have been in the past a professor of law in the University of Pennsylvania Law School and in the Temple University School of Law, and I was twice visiting professor at Columbia University Law School. Over the past 30 years I have served as both reporter and adviser to the American Law Institute, with respect to the restatement of torts and the model code of evidence. My community activities have included presidencies of the Better Business Bureau, Episcopal Hospital, the Philadelphia Art Alliance and Pennsylvania Alcoholic Beverage Study, Inc., and a vice presidency of the Philadelphia Grand Opera Company. I recently completed a term as national president of the Lafayette College Alumni Association. I am governor of the Colonial Society of Pennsylvania and a former governor of the Pennsylvania Society of Mayflower Descendants. However, I want to stress the fact that I am appearing only as an individual citizen and what I have to say is only a statement of my own personal views.

I am completely sympathetic to the efforts which members of the Negro race are making to eliminate in our public life the gross injustices which they have suffered in the past. Much of what has happened to them, and is still happening, both in the North and in the South, flagrantly violates our fundamental ideas of equal justice under law and equal rights for all citizens.

Nonetheless, the proposal for the Congress to enact a statute of nationwide application which would compel all persons who engage in providing services or selling goods to serve all prospective customers without any discrimination, under penalty of going to jail for contempt of court, disturbs me greatly.

In the first place, every thoughtful student of legal history knows that there are some things which cannot be accomplished by law. Our laws do and must undergo change, and they reflect the felt necessities of the times. However, with his customary acuity, Justice Holmes warned us long ago:

"It cannot be helped, it is as it should be, that the law is behind the times. I told a labor leader once that what they asked was favor, and if a decision was against them they called it wicked. The same might be said of their opponents. It means that the law is growing. As law embodies beliefs that have triumphed in the battle of ideas and then have translated themselves into action, while there still is doubt, while opposite convictions still keep a battlefront against each other, the time for law has not come; the notion destined to prevail is not yet entitled to the field. It is a misfortune if a judge read his conscious or unconscious sympathy with one side or the other prematurely into the law, and forgets that what seem to him to be first principles are believed by half his fellow men to be wrong."

It is essential for the enforcement of any law that it have, at least, the approval of a majority of the decent people in the community. A law which does not have such community support cannot be enforced. The worst part of the flouting of such a law by decent citizens, and the resentment against it which is created, is that this creates disrespect for law in general and for courts and law enforcement agencies. A striking example of it in our own history, which is well known to you and me if not to the younger generation, is the history of the prohibition amendment. All the power of the U.S. Government, with the aid of the Coast Guard and of State enforcement agencies, could not compel obedience to the law, which was violently opposed by large numbers of responsible citizens in various parts of the country. The result was the growth of a general spirit of lawlessness in the 1920's, admiration in some circles for mob gangsters, and a general spirit of disrespect for law and government which was sickening to every thoughtful student of government.

The Congress of the United States cannot, by statute, compel the people on a nationwide scale to measure up to a standard of what a portion of the population believes to be fair and decent and good morals. Deep-seated prejudices widely held can be eradicated only by education and persuasion. The American people can be led, but they don't like to be driven. They enjoy the satisfaction of doing a good deed; but they resent being compelled to do it under threats of sanctions. It is only in a so-called totalitarian or welfare state that "big brother" decides what every individual citizen must do or not do. Standards of morality and decency are fluid concepts which defy precise definition.

It has always been a fundamental part of the Anglo-Saxon tradition of law that private citizens have a right to lead their own lives as they see fit, to make utter fools of themselves and incur community condemnation, and to be eccentric, unreasonable, bigoted and nasty, if they choose to lead that kind of a life. Of course there are limits to this, and when an eccentricity expands to shooting one's neighbor because he is cross-eyed, that requires community sanctions.

To me a shocking thing about the pending Senate bill is that it is based upon the constitutional power of Congress to regulate interstate commerce. This is intellectual dishonesty. The only rational basis for such legislation would be the 14th amendment. The very fact that the Attorney General has primarily based title II upon the commerce clause emphasizes the distinction which has always existed between the power to control State action and the lack of power to control the conduct of private citizens. Unless the *Civil Rights Cases*, 109 U.S. 3, are squarely overruled, and I believe that would be highly undesirable, the law is clear that Congress has no power conferred upon it

by the 14th amendment to enact either title II or title IV of this bill. The first sentence of that amendment makes all persons born in the United States citizens of the United States. But I cannot accept the suggestion recently made in this committee that that sentence gives the Congress power to define the rights and privileges of American citizens. The power to define rights is the power to expand, contract, or destroy those rights. The rights of American citizens have been defined in the common law and in the Bill of Rights, and Congress cannot change them.

When I taught the law of torts, I thought it was a fundamental concept of property that one of the most important attributes of ownership of real estate is the right to exclusive possession of that real estate, and that anybody who enters without my permission is a trespasser, unless he has a law-given privilege to enter. I may stand at the door of my shop and tell a man who wants to enter, "Keep out. I just saw you kick a dog and I don't like you." I may also keep him out upon less rational grounds, such as the fact that I do not like the color of his necktie. In other words, it has always been a part of my rights as a citizen owning property to be mean, ornery, cantankerous, and wholly unreasonable in living my life. This carries over into my disposition of my property after my death, and citizens may make strange disposition of their property by will. What is done with property during life, and even after death, may incur community condemnation because it does not fit in with the community thinking, and yet, except in extreme instances, no laws are violated.

If I observe a blind man who is a stranger to me walking toward a precipice and I do not raise my voice to save him from certain disaster, I will incur the condemnation of the community but I will not violate any law as it presently exists.

Getting back to the power of government to regulate business, I realize that even the early English common law imposed special duties upon the innkeeper and the common carrier, and a few others, upon the ground that such businesses were of peculiar public interest. There were strong reasons why the weary traveler who knocked at the door of the inn late in the afternoon should not have the door slammed in his face with the only other accommodations a day's journey distant. It is also true that our concept of what businesses are affected with a public interest, and hence subject to special regulation, has undergone change and expansion to reflect "the felt necessities of the times." Nonetheless, the fundamental distinction has always been preserved between "private business" and "public business" or public utilities. Up to the present "private business" has been in the large majority.

It is of course possible, subject to constitutional limitations, for Congress to say that in the year 1963 every person who engages in business or offers services, and hopes the public will come to his premises to buy his wares or partake of his services, is operating a public utility and the Government can tell him how he must conduct himself in accepting or rejecting customers. I suppose this could even apply to doctors and lawyers and dentists.

However, if this change takes place in our law, it will mark a revolutionary change in what has been a fundamental concept of the rights of private citizens engaging in what *has heretofore* been considered "private" business to conduct such business as ineptly as they choose, even though it results in bankruptcy. This is the "big brother" concept with a vengeance. The Congress will set up a nationwide standard which is, in large part, a standard of morality and human decency as to how the businessman must treat customers and prospective customers and refrain from humiliating them. It tells the businessman how he must act, not only with Negroes but also with Jews, Catholics, Presbyterians, Jehovah's Witnesses, and a whole host of other groups. I doubt that it is the function of law to impose such standards even where 75 percent of the Nation strongly approves of the standard and its imposition. Unless we come to a welfare state, the other 25 percent have the right to remain free to be unreasonable and nasty if they can withstand the community condemnation which results from such conduct.

I doubt that the standard presently being considered by the Senate is now approved by a large majority of our population. The question is one of intense dispute among decent people in many States in all geographical parts of this vast Nation. As Holmes put it, the "opposite convictions still keep a battlefront against each other." A legislator, as well as a judge, should not forget "that what seem to him to be first principles are believed by half his fellow men to be wrong."

I turn now to title IV which is called Establishment of Community Relations Service. From what I have read and heard not very much has been said about title IV in these hearings. If I correctly understand the powers it would confer and create, this title is the worst part of the whole bill. Some years ago there was a book called It Can't Happen Here. I ask you to consider carefully what could happen here in these United States if sections 401 and 402 became the law of the land.

Section 401 provides for a Director of the Service to be appointed by the President. It authorizes the Director "to appoint such additional officers and employees as he deems necessary to carry out the purposes of this title." What this unspecified number of employees can do in every part of the United States is set forth in section 402 which defines "the function of the Service," and says what it may do. The Service may intervene in any "dispute, disagreement, or difficulty" relating to an alleged discriminatory practice based on race, color, or national origin, anywhere in these vast United States. Whether a store proprietor fires an employee because of incompetence or theft, or refuses to sell goods because of the applicant's bad credit, as the proprietor contends, or because of the man's color or national origin as the complainant contends, will present a question of fact for investigation.

In a given locality, the Service will necessarily perform its function by employees working in local offices. We cannot expect many of them to possess the wisdom of Solomon and the fairness of the Goddess of Justice. Few human beings do. As I envision it, these local employees can project themselves into any community "dispute, disagreement or difficulty" officiously ("upon its own motion"), or upon the request of any "interested person." I suppose any "interested person" includes any and all persons who claim to have a gripe about anybody engaged in offering goods or services to residents of the community. This authorization could put another 100,000 persons on the Federal payroll who would populate Community Relations Service offices in every county, parish, township, city, borough, and town in the United States. There is, at least, the possibility, human nature being what it is, that this could turn into a great new Federal bureaucracy which could harass and persecute the business and professional men of every community; drag them in for secret Star Chamber inquiries; and all this in the name of a high moral standard which the zealous inquisitor is enforcing as national public policy.

Indeed, even private clubs could be invaded, in view of the except clause on page 15, lines 12 to 14 in section 202(b) of title II. Many private dinners are held in private dining rooms of clubs by groups which would come within the words "customers or patrons of an establishment" on page 15, lines 13, and 14.

Of course, it might not work out that way. But the possibilities are there; and before the Congress creates new Federal powers, never before known in this Nation's history, I respectfully suggest that it should most thoughtfully consider the possible abuse, as well as use, of that power. In some ways title IV strikes me as the most appalling part of this extraordinary bill.

I appreciate the honor of being invited to appear before this distinguished committee. I hope that I have been of some help to you and I shall be glad to try to answer any questions you may have for me.

Mr. McCARTHY. Mr President, I yield myself 2 minutes.

I think the record should show that this amendment, or at least the general area of this proposal, was discussed during the 70 or more days of debate. So if Senators vote it down, it could not properly be considered as being arbitrary action to which Members of this body had given no consideration or no reflection.

The second point I wish to make is that there were 70 days of debate in which this amendment could have been offered, in which Senators who would like to have stricken this title could have offered an amendment to do so. Here we are under cloture, and it is offered now, and the charge is made that Senators who support the bill are unwilling to give this amendment full consideration after the debate has continued for so long.

I should say that those charges do not run against those of us who are supporting the bill and who are likely to vote against this particular amendment.

Mr. HART. Mr. President, I yield myself a couple of minutes.

The distinguished Senator from West Virginia began his interesting and thoughtful speech by reminding us that we are at the "umpteenth" anniversary of Runnymede. That should remind us also that for almost as long as there was a Runnymede, there was an obligation on the part of the innkeepers of England to put up for the night anyone who was traveling and stopped for the night, if he had the money to pay for it.

True enough, we do not have a Federal common law, but it is a reminder of the tradition of Rynnymede that persuades us that title II makes good sense.

Second, at all levels, we have a deep obligation to take action which seeks to balance competing interests—the so-called interest of the persons and the so-called property interest. As to the priority of values that shall be placed upon the desire of one who hangs out a sign and invites the public in, but, under his breath, says, "But not if you are colored," or perhaps fall into some other arbitrary category, as against the interest of permitting the free flow of American citizens traveling north and south without the indignity of being adjudged while they are still 50 feet away, I think the determination of such priority is easy, and it is reflected in title II.

The government controls what can be done with private property after a person dies. The only ones affected are

one's next of kin. Nobody is offended by that. It is in good order.

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

Mr. HART. I yield myself 2 minutes.

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

Mr. HART. On the Senator's time.

Mr. JOHNSTON. But an individual has the right to make a will and give his property to whomsoever he chooses.

Mr. HART. That is correct; and he has the right not to go into the business establishment of a person who hangs out a sign, just as he has a right to die intestate if he wishes.

Lastly, no title of this bill has had as full an analysis by a standing committee of the Senate as has this one. As a member of the Committee on Commerce, I am proud of the quality of the hearing that was conducted by that committee over a dozen days. The committee recommended the adoption of a public accommodations statute. It reported a bill, almost unanimously, that is stronger than title II now before the Senate.

I may say something that hits a sensitive nerve. We are not supposed to legislate under the gun.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. HART. I yield myself 2 minutes.

We legislate in the light of the facts of life. I would suspect that the tea at Boston was not very significant except that at that moment in history it was overwhelmingly significant. A cup of coffee to a Negro serviceman who is drafted in Detroit and who tries to get one in some other State is just as significant at this moment of history as tea was at the time of the Boston Tea Party. Our failure to take care of that situation is indeed a fact of life that we ought to recognize and upon which we ought to respond.

I hope the amendment is defeated.

Mr. LONG of Louisiana. Mr. President, I make the point that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 337 Leg.]

Aiken	Hart	Morse
Allott	Hickenlooper	Morton
Anderson	Hill	Moss
Bartlett	Holland	Mundt
Bayh	Hruska	Muskie
Beall	Humphrey	Nelson
Bennett	Inouye	Neuberger
Bible	Jackson	Pastore
Boggs	Javits	Pearson
Burdick	Johnston	Pell
Byrd, Va.	Jordan, N.C.	Prouty
Byrd, W. Va.	Jordan, Idaho	Proxmire
Cannon	Keating	Randolph
Carlson	Kennedy	Ribicoff
Case	Kuchel	Russell
Church	Lausche	Saltonstall
Cotton	Long, Mo.	Scott
Curtis	Long, La.	Simpson
Dodd	Magnuson	Smith
Dominick	Mansfield	Sparkman
Douglas	McCarthy	Stennis
Eastland	McClellan	Symington
Edmondson	McGee	Talmadge
Ellender	McGovern	Thurmond
Ervin	McIntyre	Walters
Fong	McNamara	Williams, Del.
Fulbright	Mechem	Young, N. Dak.
Goldwater	Metcalf	Young, Ohio
Gore	Miller	
Gruening	Monroney	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment of the Senator from West Virginia [Mr. BYRD]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Arizona [Mr. HAYDEN], the Senator from Virginia [Mr. ROBERTSON], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Indiana [Mr. HARTKE] are absent on official business.

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

I further announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Rhode Island [Mr. PELL], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the senator from Pennsylvania [Mr. CLARK], the Senator from California [Mr. ENGLE], the Senator from Rhode Island [Mr. PELL], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "nay."

On this vote, the Senator from Florida [Mr. SMATHERS] is paired with the Senator from Maryland [Mr. BREWSTER]. If present and voting, the Senator from Florida would vote "yea" and the Senator from Maryland would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Texas [Mr. TOWER] is necessarily absent.

If present and voting, the Senator from Kentucky [Mr. COOPER] would vote "nay."

On this vote, the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Texas would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 23, nays 63, as follows:

[No. 338 Leg.]

YEAS—23

Bennett	Goldwater	Russell
Byrd, Va.	Hill	Simpson
Byrd, W. Va.	Holland	Sparkman
Cotton	Johnston	Stennis
Eastland	Jordan, N.C.	Talmadge
Ellender	Long, La.	Thurmond
Ervin	McClellan	Walters
Fulbright	Mechem	

NAYS—63

Aiken	Cannon	Fong
Allott	Carlson	Gore
Anderson	Case	Gruening
Bartlett	Church	Hart
Bayh	Curtis	Hickenlooper
Beall	Dodd	Hruska
Bible	Dominick	Humphrey
Boggs	Douglas	Inouye
Burdick	Edmondson	Jackson
Javits	McNamara	Pearson
Jordan, Idaho	Metcalf	Prouty
Keating	Miller	Proxmire
Kennedy	Monroney	Randolph
Kuchel	Morse	Ribicoff
Lausche	Morton	Saltonstall
Long, Mo.	Moss	Scott
Magnuson	Mundt	Smith
McCarthy	Muskie	Symington
McGee	Nelson	Williams, Del.
McGovern	Neuberger	Young, N. Dak.
McIntyre	Pastore	Young, Ohio

NOT VOTING—14

Brewster	Hartke	Smathers
Clark	Hayden	Tower
Cooper	Mansfield	Williams, N.J.
Dirksen	Pell	Yarborough
Engle	Robertson	

So the amendment of Mr. BYRD of West Virginia was rejected.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. 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. 339 Leg.]

Aiken	Hayden	Morton
Allott	Hickenlooper	Moss
Anderson	Hill	Mundt
Bartlett	Holland	Muskie
Bayh	Hruska	Nelson
Beall	Humphrey	Neuberger
Bennett	Inouye	Pastore
Bible	Jackson	Pearson
Boggs	Javits	Pell
Burdick	Johnston	Prouty
Byrd, Va.	Jordan, N.C.	Proxmire
Byrd, W. Va.	Jordan, Idaho	Randolph
Cannon	Keating	Ribicoff
Carlson	Kennedy	Robertson
Case	Kuchel	Russell
Church	Lausche	Saltonstall
Cotton	Long, Mo.	Scott
Curtis	Long, La.	Simpson
Dodd	Magnuson	Smathers
Dominick	Mansfield	Smith
Douglas	McCarthy	Sparkman
Eastland	McClellan	Stennis
Edmondson	McGee	Symington
Ellender	McGovern	Talmadge
Ervin	McIntyre	Thurmond
Fong	McNamara	Walters
Fulbright	Mechem	Williams, N.J.
Gore	Metcalf	Williams, Del.
Gruening	Miller	Young, N. Dak.
Hart	Monroney	Young, Ohio
Hartke	Morse	

The PRESIDING OFFICER. (Mr. NELSON in the chair). A quorum is present.

Mr. RUSSELL. Mr. President, I call up my amendment No. 766 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out all of the language on line 9, page 17 in subparagraph (b) following the word "origin" and substituting a period for the comma after the word "origin", the language to be stricken reading as follows: "but 'desegregation' shall not mean the assignment of students to public school in order to overcome racial imbalance.", strike out the language beginning on page 21, line 18, after the word "section" down through and including "standards" on line 1, page 22, the language to be stricken

from the substitute bill reading as follows:

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.

Mr. RUSSELL. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RUSSELL. I yield myself 3 minutes.

Mr. President, in a bill that is shot through and through with sectionalism and hypocrisy of the most monumental——

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order.

Mr. RUSSELL. Mr. President, I ask that my time not begin to run until the Senate is in order.

The PRESIDING OFFICER. The time of the Senator from Georgia will not run until the Senate is in order.

The Senate will be in order.

The Senator from Georgia may proceed.

Mr. RUSSELL. Mr. President, in a bill that is sectional in character and shot through and through with hypocrisy, the most glaring of all the hypocrisies is the provision of the bill in title IV, which would prohibit the Attorney General from moving against de facto segregation.

I wish to make it perfectly clear that I do not believe it constitutional for the Attorney General or anyone else to undertake to correct racial imbalance in the schools. Under our constitutional system, I do not believe that the Federal Government has any power whatever over the schools of the country.

However, the bill contains a provision to remove the jurisdiction of Federal courts from any action looking to the correction of de facto segregation at the same time that it provides for three-judge courts to be assembled immediately to move into the section of the country whence I come to strike down segregation under the separate-but-equal doctrine that has been sustained and approved by the greatest jurists who have ever adorned the Supreme Court of the United States.

The Supreme Court has stricken down so-called de jure segregation, or the separate-but-equal theory. But the bill says the Government cannot move into the area of de facto segregation, nor can anyone else do so; it prohibits the courts from even assuming jurisdiction or handing down any order whatever that would deal with desegregation in the great cities of this land where segregation is just as complete as it ever was by law in the State whence I come. My amendment would strike this discriminatory provision from the bill.

Mr. President, this bill is lopsided throughout; but this particular provision is so manifestly unfair that my amendment should commend itself to the basic sense of fairness of the Senate, if any is left. However, in view of the way the Senate has mechanically mowed down amendment after amendment that has been offered here—even taking the position that cemeteries are engaged in interstate commerce—and in view of the haste with which Senators have proceeded to vote to strike down all the amendments, the chance of getting the Senate to adopt such an amendment as this one seems remote.

However, Mr. President, I appeal to Senators not to vote for such a hypocritical provision as will deny jurisdiction to the Federal courts to even consider the effect of segregation of students in the schools in the great cities where, as all of us know, as a practical matter there is total segregation in many of the schools while sending the full forces of the Department of Justice into the South to force an intermingling of the races even in areas where both races prefer separate facilities.

Mr. President, let us at least stop, hesitate, and think for 1 minute, and consider what Senators are doing when they vote to arm the Attorney General with almost every weapon on earth, so as to enable him to invade the Southern States and destroy the social order and upset the system that obtains there. Senators from the Northern States will, by their votes, be protecting their own States, by virtually exempting them from the provisions of the fair employment and equal accommodations titles of the bill.

In dealing with title IV, Senators should not vote to make the bill so absurdly lopsided, prejudiced, and hypocritical as even to deny the courts jurisdiction to consider whether de facto segregation is a violation of the constitutional privileges of any American child.

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

Mr. EASTLAND. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. EASTLAND. Mr. President, the object of the bill is to preserve segregation in the northern cities. That is why this provision is included in the bill, among other provisions which the Senator from Georgia desires to have stricken from it.

In its decision in the Brown case, the U.S. Supreme Court said, in referring to children of the two races:

> To separate them from others of similar age and qualification, because of their race, generates a feeling of inferiority as to their status in the community, and may affect their very hearts and minds in a way unlikely ever to be undone. Segregation of white and colored children in public schools has a detrimental effect upon the colored child.
>
> While the policy of separate races is usually interpreted as denoting inferiority of the Negro group, a sense of inferiority affects the motivation of a child to learn.

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

Mr. EASTLAND. I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator from Mississippi may proceed for 1 more minute.

Mr. EASTLAND. Let Senators consider the situation in the northern cities, where there is de facto segregation. An attempt was made to argue that the bill would apply to areas other than the South; but anyone who studies the bill knows, from the Brown case decision, how the Supreme Court would rule.

So by means of this bill, Senators propose to limit the jurisdiction of the courts. Why? In order to preserve segregation in the North, but to destroy segregation in the South.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia [Mr. RUSSELL]. On this question, the yeas and nays have been ordered.

Mr. HUMPHREY. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. HUMPHREY. Mr. President, this matter requires a statement. Therefore, I take this time to state, for the proponents of the bill, that the language of title IV which provides that nothing in the title shall empower any Federal court or official to issue an order requiring the transportation of school children to correct racial imbalance in the schools has been the subject of considerable discussion. This provision of title IV recognizes that the problems of racial imbalance and school transportation are presently the subjects of considerable court consideration and local administrative action, as well as a great deal of discussion, often heated, among parents and educators. In some instances, courts have decided that racial imbalances may constitute a denial of equal protection of the laws. *Balaban* v. *Rubin*, 32 U.S. L.W. 2465; *Blocker* v. *Board of Education*, 32 U.S. LW. 2465; *Jackson* v. *Pasadena School Board*, 382 F 2d 878. On the other hand, relief has been denied on the grounds that school racial imbalance resulting from de facto segregation is not per se unconstitutional. *Bell* v. *City of Gary*, 324 F. 2d 309, certiorari denied, 32 U.S. LW. 3384. Some communities are attempting to correct racial imbalances by the transporting of children; others refuse to do so. The purpose of the pending Dirksen-Mansfield-Humphrey-Kuchel substitute is to make clear that the resolution of these problems is to be left where it is now, namely, in the hands of local school officials and the courts. This bill is made neutral on the resolution of these problems by the language of title IV. It is to be used as the vehicle to require transportation to correct racial imbalances; it is not to be used as an excuse for local officials to refuse to carry out their obligations. Obviously this provision could not affect a court's determination concerning racial imbalance and possible corrective measures; this is dependent upon the court's interpretation of the 14th amendment.

As floor manager of this legislation, I wish to note the intention of those who

sought to deal with the vexing problem of de facto segregation through the language contained in Dirksen substitute amendment.

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

Mr. HUMPHREY. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 more minute.

Mr. HUMPHREY. Mr. President, the Constitution declares segregation by law to be unconstitutional, but it does not require integration in all situations. I believe this point has been made very well in the courts, and I understand that other Senators will cite the particular cases.

I shall quote from the case of Bell against School City of Gary, Ind., in which the Federal court of appeals cited the following language from a special three judge district court in Kansas:

"Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color." *Brown* v. *Board of Education*, D.C. 139 F. Supps. 468, 470.

In *Briggs* v. *Elliott* (EDSC), 132 F. Supp. 776, 777, the Court said: "The Constitution, in other words, does not require integration. It merely forbids discrimination."

In other words, an overt act by law which demands segregation is unconstitutional. That was the ruling of the historic Brown case of 1954.

If school district boundaries are determined without any consideration of race or color, there is no affirmative duty under the Constitution to alter these boundaries so that a particular racial balance in the schools will result. Senators should distinguish between segregation which results from an overt or affirmative act by the State or the local school board and de facto segregation which results from neighborhood residence patterns. This is a matter better left to the courts and to the localities to resolve as each community deems wisest. It is not a consideration of the present bill.

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I believe this amendment can truly be called a "red herring" amendment, because it does not relate to what we are trying to correct by means of the bill. The amendment relates to racial imbalance and therefore does not relate to a civil right guaranteed by the U.S. Constitution, and does not go to the point made in the decision in the case of Brown against Board of Education.

The bill would only provide Federal enforcement for the constitutional right to go to any public school under normal school plans—and the State courts and the Federal courts have authority, when they have jurisdiction, to pass on normal school plans—which admit children, based on reasonable standards, based on neighborhood, or on whatever other basis there may be for the standard, and which require that a child cannot be kept out because of his color, if he falls within the normal pattern.

While the courts do not deal with racial imbalance, as involving a civil right under the Constitution within the decisions of the Supreme Court, that does not exclude the use of busing—as, for example, in the New Rochelle school case—in cases in which there is found to be segregated exclusion within the prohibition of the Brown case.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. I yield myself one-half minute more.

The PRESIDING OFFICER. The Senator from New York is recognized for one-half a minute more.

Mr. JAVITS. In the New Rochelle case, the court dealt with the civil right to desegregate through the use of busing. That is entirely agreeable to us.

Mr. President, I call this the "red herring" amendment. It seeks to equate racial imbalance with segregation which is interdicted by the Constitution, by the Supreme Court, and by the law which we are trying to enact.

I am glad this amendment is before the Senate. I think it is high time that the Senate express itself decisively upon this point.

Mr. SALTONSTALL. Mr. President, I yield myself such time as I may need on this amendment.

I am very surprised at the amendment for this reason. I was present at the meetings when the bill was revised, and this clause was particularly studied and discussed. We tried to provide that the court would not be given any more power than it now has with respect to achieving a racial balance in schools by busing of children or in correcting a racial imbalance.

As I see it, it refers to the local administration, wherever that local administration may be. It is not an effort to do something for the North as against the South. I am certainly opposed to anything in the bill that is of a regional character.

The substitute bill provides that the local authorities, within their responsibilities, shall operate the school system, and are not required to achieve a racial balance or correct a racial imbalance through moving children by bus into a community where they ordinarily would not go to school.

I am for this provision in the substitute because it makes clear the authority of the local school boards, and also clarifies the intent of this title with respect to the limited Federal authority over local situations.

For that reason, I am surprised at the amendment of the distinguished Senator from Georgia [Mr. RUSSELL]. If I correctly understand it, it would give the local authorities less power than they would have in this field under the substitute.

Mr. SMATHERS. Mr. President, will the Senator yield on my time, in order that I might ask him a question?

Mr. SALTONSTALL. I yield.

Mr. SMATHERS. What the Senator from Massachusetts is saying is that if there is now de facto segregation, whether it is in Massachusetts or in New York, the courts now have no authority to bring about desegregation. The condition which obtains in Massachusetts today will obtain until the local authorities change it. Is that what the Senator is saying?

Mr. SALTONSTALL. This question arose in Massachusetts. As I understand what happened there the Boston school committee opposed moving the children out of their present school districts simply because there were too many colored children and not enough white children in one school or vice versa.

Mr. SMATHERS. The Senator agrees with that majority decision?

Mr. SALTONSTALL. Yes.

Mr. SMATHERS. Would the Senator be willing to grant the same right to the people in the South that has been granted to the people in Massachusetts?

Mr. SALTONSTALL. As I understand, this provision would certainly apply to all parts of the country. That is the reason I agreed to the language in the substitute bill.

Mr. SMATHERS. Do I correctly understand that what the Senator from Massachusetts and other Senators are saying is that they expect the local school board authorities in the South to have the final determination on this point just as they will in Massachusetts and New York, and that no longer can the children be bused from one area to another, and no longer can there be desegregation, even though in fact there is segregation?

Mr. SALTONSTALL. The whole purpose of the substitute amendment is to see that the courts will not be given by this law, any more power on the question of busing and the question of racial imbalance than they have at the present time.

Mr. SMATHERS. The Senator will agree that whatever rights the local school board has in Massachusetts and other areas, the same rights should be given to the local school boards in Georgia, Florida, and all the rest of the States?

Mr. SALTONSTALL. Certainly.

Mr. RUSSELL. Mr. President, I yield myself 2 additional minutes.

Mr. President, one may talk of "red herrings." I am willing to leave it to the judgment of any objective person as to who is dragging the "red herrings." An effort has been made to defend two perfectly indefensible provisions of the bill. We have been told over and over since 1954 that the Supreme Court has decided against segregation. It has said that the minds, the hearts, and the lives of the young colored people would be destroyed unless they could sit by the white children in school.

The proponents say now: "When you threaten our school, we will build a fort that not even the Supreme Court of the United States can attack, because we will not let it have jurisdiction of this matter. It matters not what happens to the minds, the hearts, and the futures of the little colored children in Boston

and New York, because we are not going to let the Court act there at all. We are going to give the Government every weapon, every device, every power that the mind of man can conceive to move into the Southern States and proceed against the same state of affairs."

Mr. President, I assert without fear of contradiction that this is the most unjust and oppressive attempt to define different standards for different sections of the country that has ever been witnessed in the history of the American Congress.

Senators underestimate the intelligence of the Negro citizens of New York, Chicago, Boston, and the other nonsouthern cities. These citizens are primarily interested in eliminating de facto segregation in the ghettos of those cities and they will understand that Senators who pose as their friends have denied them the elementary right of bringing a legal proceeding to determine their rights.

Mr. ELLENDER. Mr. President, I yield myself 1 minute.

I discussed this new language at length a few days ago. I am surprised to note how naive the Senator from Massachusetts can be. The House of Representatives provided language in its bill that made it almost impossible for the busing of students from one neighborhood school to another, in the large cities. But the proponents of this measure in the Senate were not satisfied with the House language. They want it spelled out. This language, as the Senator from Georgia [Mr. RUSSELL] has stated, prevents officials and the courts from intervening.

Would anyone in the Senate deny that the main source of the trouble in New York, Chicago, and Cleveland resulted from the fact that Negroes are not permitted to be bused to white schools so as to bring on balance of whites and Negroes in public schools? Why, Mr. President, when the Negroes wake up and find out how they have been betrayed on the question of school imbalance, particularly in the large cities, there will be mischief to pay.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia [Mr. RUSSELL]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. WALTERS (when his name was called). On this vote I have a pair with the Senator from Maryland [Mr. BREWSTER]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Arizona [Mr. HAYDEN], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

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

I further announce that the Senator from Pennsylvania [Mr. CLARK] and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK] and the Senator from California [Mr. ENGLE] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business, and if present and voting, would each vote "nay."

The Senator from Texas [Mr. TOWER] is necessarily absent and, if present and voting, would vote "nay."

The result was announced—yeas 18, nays 71, as follows:

[No. 340 Leg.]

YEAS—18

Byrd, Va.	Holland	Smathers
Eastland	Johnston	Sparkman
Ellender	Jordan, N.C.	Stennis
Ervin	Long, La.	Talmadge
Fulbright	McClellan	Thurmond
Hill	Russell	Young, N. Dak.

NAYS—71

Aiken	Gruening	Monroney
Allott	Hart	Morse
Anderson	Hartke	Morton
Bartlett	Hickenlooper	Moss
Bayh	Hruska	Mundt
Beall	Humphrey	Muskie
Bennett	Inouye	Nelson
Bible	Jackson	Neuberger
Boggs	Javits	Pastore
Burdick	Jordan, Idaho	Pearson
Byrd, W. Va.	Keating	Pell
Cannon	Kennedy	Prouty
Carlson	Kuchel	Proxmire
Case	Lausche	Randolph
Church	Long, Mo.	Ribicoff
Cotton	Magnuson	Saltonstall
Curtis	McCarthy	Scott
Dodd	McGee	Simpson
Dominick	McGovern	Smith
Douglas	McIntyre	Symington
Edmondson	McNamara	Williams, N.J.
Fong	Mechem	Williams, Del.
Goldwater	Metcalf	Young, Ohio
Gore	Miller	

NOT VOTING—11

Brewster	Engle	Tower
Clark	Hayden	Walters
Cooper	Mansfield	Yarborough
Dirksen	Robertson	

So Mr. RUSSELL's amendment was rejected.

Mr. HUMPHREY. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HART. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AID TO FAMILIES WITH DEPENDENT CHILDREN—AMENDMENT NO. 1054

Mr. RIBICOFF. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 1 minute.

Mr. RIBICOFF. Mr. President, under the aid to families with dependent children program, a child is eligible for relief assistance up to the age of 18. Many children reach their 18th birthday while still in high school, or in a vocational school. The existing age limitation cuts these children off. If the child is the only child in the family, the mother is cut off as well. This is a most unfortunate result that tends to undermine all the other efforts we are making to encourage young boys and girls to stay in school and complete their education. For many of these children, the burden of supporting themselves and their mothers forces them to drop out of school—sometimes just a few weeks or months before securing their high school diplomas.

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

Mr. RIBICOFF. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection the Senator from Connecticut is recognized for 1 additional minute.

Mr. RIBICOFF. To avoid this senseless result, I propose a stay-in-school amendment to the aid to families with dependent children program, to let each State continue children on public assistance beyond age 18, so long as they are bona fide students in a high school or vocational school. This new coverage would be optional with the States. The Department of Health, Education, and Welfare estimates that about 50,000 children would be aided. The amendment also precludes State eligibility requirements under the age of 18, a restriction now found in only 2 of the 50 States.

I therefore submit, for appropriate reference, an amendment to H.R. 10473, and ask unanimous consent that it be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment was referred to the Committee on Finance, as follows:

At the end of the bill insert the following:

"SEC. 2. Section 406(a) of the Social Security Act is amended by inserting '(1)' after 'needy child', by striking out 'under the age of eighteen,', and by inserting before the semicolon at the end thereof ', and (2) who is (A) under the age of eighteen, or (B) under the age of twenty-one and (as determined in accordance with standards prescribed by the Secretary) a student regularly attending a high school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational or technical training designed to fit him for gainful employment.'

"SEC. 3. (a) Section 402(b) of the Social Security Act is amended by striking out the comma after 'dependent children' and inserting in lieu thereof '(1)', by striking out '(1)' after 'State' and '(2)' after 'or' and inserting in lieu thereof '(A)' and '(B)', respectively, and by inserting before the period at the end thereof ', or (2) effective July 1, 1965, an age requirement which denies aid with respect to any child who is under the age of eighteen.'

"SEC. 4. So much of section 407 of the Social Security Act which precedes paragraph (1) is amended by striking out 'under the age of eighteen' and inserting in lieu thereof 'who meets the requirements of section 406(a)(2),', by inserting a comma after 'parent', and by striking out 'relatives specified in section 406(a)' and inserting in lieu thereof 'relatives specified in section 406(a)(1)'."

SITUATION IN SOUTH VIETNAM

Mr. MORSE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 minutes.

Mr. MORSE. Mr. President, this morning the Secretary of State briefed the Foreign Relations Committee on southeast Asian American policy for more than 2 hours. I believe that at least 90 percent of what he said should have been in public instead of in executive session. I told the Secretary of State at the meeting, and on the record, that I was incorporating by reference every speech that I have made for weeks in the Senate against the State Department's policy in southeast Asia and that I stand by every word of criticism I have made of that policy.

I also told him that I would welcome the opportunity to meet him on any platform, or on as many platforms as he wished to select, and debate before the American people what I consider to be the State Department's unsound warmaking American policy in southeast Asia.

It is my opinion that once again the Secretary of State did not give one single valid reason for the warmaking policy of the United States in southeast Asia. In fact, his briefing this morning is already out of date. I ask unanimous consent to have printed in the RECORD a dispatch which just came off the ticker, showing that instead of a lull which the State Department seems to believe is going on in the South Vietnam war, the opposite is true. This dispatch states that the Vietcong have doubled their attacks in the past week, and the casualties of the Government have doubled, whereas the casualties of the Vietcong have been reduced by 20 percent.

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

SAIGON, VIETNAM.—The ministry of defense announced today a sharp increase in Communist Vietcong activity which could indicate a month-long lull in Vietnamese civil war is about to be broken in renewed widespread fighting.

The ministry reported government casualties nearly doubled during the week ending Saturday, while Vietcong casualties dropped 20 percent.

The report said 172 government soldiers were killed or captured during the week, compared to 92 in the previous week. Vietcong losses were 185 compared to 233 in the previous week. Toll of the wounded was not given.

Vietcong operations jumped from 151 the previous week to 217 last week, the ministry said. Only 134 Vietcong-initiated operations were reported 3 weeks ago. Government operations have been stepped up, too, but not to the same extent, from 168 in the previous week to 187 last week.

Mr. MORSE. Mr. President, I am more convinced than ever, after listening to the Secretary of State, that we are heading for a major war in Asia if we continue our unilateral military action in Asia. It is an unconscionable policy. We should take the southeast Asia policy to the United Nations without further delay. We have that clear, moral duty to the world and the cause of peace. Our conduct in southeast Asia, in my judgment, is irreconcilable with our international law obligations.

Today's New York Times publishes an editorial that is typical of the "double think" that is characterizing American policy in Asia and those who speak for it. The Times calls the United States "policeman to the world." It points to our joint effort with the United Nations to keep peace in the Mediterranean.

But the Times conveniently overlooks the fact that we are making war, not peace, in southeast Asia. "Independence and a genuine neutrality are legitimate goals," says the Times, just as though the United States were seeking independence or neutrality or both for the people of that area.

South Vietnam is not independent at all. The Khanh government, and its two predecessors, are totally dependent, financially and militarily, on the United States for its existence. The United States has quite carefully backed certain military factions in Vietnam to make certain that that country does not become independent, because with true independence might come neutrality. The United States has come to fear a government in South Vietnam that might neutralize the country as much as it fears a Vietcong victory.

We enforce a peace in Cyprus, because it is not in our interest to have a war there. But we wage war in Asia, because we believe that a peaceful solution would not be in our interest.

When practiced by Britain, that kind of policy was called imperialism.

When practiced by the Soviet Union, it was called aggression.

But when practiced by the United States, its apologists dress it up as an unwelcome burden of policing the world.

The United Nations is the only legitimate policeman in international affairs. That is why we are supporting it in Cyprus. Why are we not supporting it in Vietnam? Only because we know that what we are doing in Vietnam is illegal and would not be endorsed by the U.N.

In recent days I have heard the excuse from the State Department that the U.N. could not finance an operation in southeast Asia. But this allegation was not heard when the Security Council voted to send a peacekeeping mission to Cyprus.

I ask: Why cannot the United States support and cooperate with a similar U.N. mission in Laos and Vietnam?

We can, if we have the will to do so, if we believe the world's policeman should represent the world, and if we appreciate that, in the long run, our own interests will be better served by the United Nations acting in Asia to keep peace than by an American war in Asia.

We should stop our policy of warmaking in Asia, and return to our commitment under the United Nations Charter and the Geneva accords. We should stop being an outlaw nation tested by international law.

SEVENTY-FIFTH BIRTHDAY ANNIVERSARY OF FORMER SENATOR PRENTISS M. BROWN

Mr. McNAMARA. Mr. President, I yield myself such time as I may need. I shall be brief.

The PRESIDING OFFICER. The Senator my proceed.

Mr. McNAMARA. Mr. President, June 18 will mark the 75th birthday of Prentiss M. Brown, a distinguished citizen of Michigan, and a former Member of the Senate.

Senator Brown has had a long and active career in business, politics, and public office, and that career is continuing today almost unabated.

Born in 1889 in St. Ignace, Mich., on the northern tip of the Straits of Mackinac, Prentiss Brown first attained public office in 1914 as prosecuting attorney for Mackinac County.

He held that position until 1926 and served also as city attorney for St. Ignace from 1916 to 1928.

Senator Brown began his congressional career with election to the House of Representatives for the 73d Congress—taking office March 3, 1933.

Reelected to the 74th Congress—he next ran for the Senate and served in this body from November 19, 1936, until January 3, 1943.

After brief duty as Administrator of the Office of Price Administration in 1943, Senator Brown returned to Michigan to resume his business activities full-time.

Prentiss Brown's executive and business ability carried him to the chairmanship of the board of the Detroit Edison Co.—southeast Michigan's major electric supplier—and he held this position until 1954.

Today Senator Brown refuses to retire completely from business and civic affairs.

His most recent public duty has been chairmanship of the Mackinac Bridge Authority—the organization responsible for the construction of the 5-mile bridge connecting Michigan's Upper and Lower Peninsulas.

Mr. President, I am sure that his colleagues who still serve in the Senate join with his many friends in Michigan and elsewhere in wishing Prentiss Brown a happy birthday and many more years of productive effort.

I ask unanimous consent that an article written by James Pooler on Prentiss Brown, published in the June 14 issue of the Detroit Free Press may be printed in the RECORD.

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

SPOTLIGHT ON SENATOR PRENTISS BROWN, SERVANT OF THE STATE

(By James S. Pooler)

Big Mac stands as a monument to him—and his love of Michigan.

And 30 grandchildren have swelled the ranks of his 7 homegrown Democrats.

There are laws in the land that he wrote—like that one that rallied the wealthy to save the banks here and throughout the Nation.

And to think that next Thursday Prentiss Brown will be 75 years old.

In honor of the occasion, Governor Romney saluted him Friday, and proclaimed June 18 as "Prentiss M. Brown Day" in Michigan.

You go out to the River House thinking that this has been quite a career since that day in 1914 when, fresh out of his bar exams, he was elected prosecutor of St. Ignace, to go on to Congress, to the Senate and also to contribute mightily to the economic life of his State.

And there's the "Senator," gray-haired now but, Good Lord, you should belie your years like that—just a gray thatch on top of young vigor. Bouncing around, like spending a week in his apartment at River House when he comes down for board meetings of the National Bank of Detroit or the Detroit Edison and then 3 weeks "at home," St. Ignace, where the old roots are.

But his heart is all over Michigan, and there's intimacy with so much of it and us, for you start off reminiscing of the Great Lakes fishing tugs, the fishing families, the famous wrecks and the hinge turns on the fact that the old Senator keeps a hand in things today.

Like writing our new Senator, PHIL HART, in support of his plan to turn Canadian rivers into the Great Lakes—"anything to keep the level up"—and reminding him that "away back when I was in the Senate there was a plan to build a weir at Port Huron to diminish the flow out of Lake Huron" in which there still is interest in Washington.

Which was a great point to plunge into those colorful years of the great depression, the Roosevelt era, when Prentiss Brown first went down to Washington.

This was in the years when he said that there were so few Democrats in the Upper Peninsula he had to raise his own—seven of them—but there turned out to be enough to send him to Congress in 1932, the first Democrat ever elected in Michigan's 11th District.

There he landed on the House Banking Committee in a position to influence some mighty important legislation—not just for those times but into today.

"I saw one thing wrong—that double liability on bank stockholders—they were liable for the amount they had in stock," he said.

The law was amended—bank deposits were put in—and double indemnity on bank stockholders removed.

Which brought two benefits. The wealthy, no longer "threatened with being socked twice," rallied to save the closed banks. And today you still get your savings insured up to $10,000.

Then on to a little-known story of loyalty and politics. Normally Republican Michigan elected Democrat Brown to the Senate in 1936. Before he could take his seat, Senator James Couzens died and there were 2 months left to serve in his term.

True to the old school tie of Upper Peninsula boys, Brown wanted the grand old man of Michigan politics, "my friend and supporter," ex-governor Chase S. Osborn, given the honor of serving out Couzens' unfilled term.

"But Gov. Frank Fitzgerald said, 'No'," Brown recalled. "He said if he appointed me it would give me seniority on the other new Democrats elected to the Senate that year."

It may have been a kick in the teeth to loyalty but it turned out to be good practical politics. For Senator Brown, with his 2 months seniority, went on two of the top committees—Finance and the Banking and Currency—most vital to those troubled economic times.

He sponsored such legislation to gladden the average man's heart as putting Government employees, even Federal judges, under income taxes like the rest of us, and led the fight against inflation with such matters as his draft of the law for the Office of Price Administration—which didn't do him any good politically with such groups as farmers and others who didn't want controls.

It was the kind of integrity, you remembered, which got him voted by the press "the most typical American in the Senate," and praised for his "intelligence, industry, and courage."

That last word—courage—reminded you that he'd gotten in bad with President Roosevelt.

"Yes," he grinned, "I was one of the handful of Senators who went up to the White House and told him he couldn't win on his decision to pack the Supreme Court."

But he didn't stay in the presidential "doghouse" long for after Roosevelt appointed Senator James Byrnes to the Supreme Court, he "needed help in the Senate" and called on Brown.

Later he was to appoint friend Prentiss as Administrator of the Office of Price Administration—the law for which, Brown says not without some pride, "still is on the books for Presidential emergency."

But you can lose a man in the pattern of politics or even big business. Brown was to come back to chairman the board of Detroit Edison, to serve on innumerable other business boards, to head brotherhood weeks, to chairman fund drives for his old alma mater, Albion.

But here is the fellow who got his "first tailormade pair of pants by hitting .402 on the Albion baseball team in my sophomore year," and who knows how an athlete can outrank even a U.S. Senator.

This was in the days when Forrest Evashevski, now his son-in-law, was courting his daughter, Ruth. The two of them were bound for Washington in a new car. It was the week after Evashevski had quarterbacked the Michigan team to a whopping victory over Ohio State.

"And we got nailed by a speed cop in, of all places, Ohio," Brown said. He flashed his credentials—a U.S. Senator is immune to such misdemeanors as speeding.

The cop ignored them. He got to peering at Evashevski—"the last guy you'd want him to recognize"—and insisted on his name.

"Gee," said the cop, "the guy who beat Ohio State. I never expected to meet you," and waved them on, grandly, a man who could distinguish quarterbacks from mere Senators.

Here is a man who is a lawyer—"I might have been a good one if I'd had more time for it," he said wryly.

His clients go back to pennypinching lumber barons. There was one, worth $8 million, who nursed his Cadillac along and at Gaylord always stopped and put in 10 gallons of "blue" gas, the cheapest grade. One day Brown finally asked why.

"Haven't you figured it out," the millionaire said. "It's downhill all the way from Gaylord to Bay City."

From such characters a young lawyer got a very small fee, even when fighting cases involving millions.

At 75 a man can look back on many things—and ahead if he's young in heart—and so you come to that big thing, the Mackinac Bridge, that probably only an Upper Peninsula boy, knowing the importance of linking Michigan's two peninsulas, could see from a dream to a reality. Prentiss Brown has been chairman of the bridge authority since its beginning in 1948.

He knows the tough fight it was to sell those $80 million in 4 percent bonds and the $20 million second lien 5½ percent—the day when the first little insurance company bought $2 million worth and then a bigger one $6 million.

He can take pride that there now is $6 million in reserve. When there's $12 million they can start to retire the bonds.

Dreamer, businessman, looker-ahead, Prentiss Brown is the "authority" all right.

"I think the nothern part of the State is in for a great era," he predicts. "Touristwise things are going great. And mining's reviving with the pelletizing of low grade ore."

With an eye on agriculture he says potatoes are coming on great—"the climate's like Maine's"—and doggone if he can't cite record crops to the acre. It looks a little rosy for the once neglected Upper Peninsula.

Which is more than enough to gratify a man. But there's family too. His 7 homegrown Democrats have multiplied to 37 with the 30 grandchildren.

The old drive is still going. Beside all his continuing links to industry and banks, the family still runs what likely is "the oldest passenger line on the Great Lakes," the Arnold Transit Co., operating a ferry line between Mackinaw City, St. Ignace, and Mackinac Island.

And he has enough vigor left over to head up the $100-a-plate dinner for President Johnson here on June 26.

Which is why next Thursday a large number of citizens will be saying "Happy Birthday" to Prentiss Brown who, during three-quarters of the century of living, has contributed so much to his State and Nation.

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

Mr. McNAMARA. I am glad to yield.

Mr. HART. No opportunity is more welcome than this, to join in the appreciation which has just been voiced by my distinguised colleague the Senator from Michigan [Mr. MCNAMARA], as we observe the birthday anniversary of former Senator Prentiss M. Brown.

My colleague has cited some of the public contributions that have been made by former Senator Brown over a long and useful life. I should like to comment on the quiet role that he has played in his private life.

He has been a good friend to many people in need, but never with ceremony or public attention. He has been a quiet counselor to all who have sought his counsel. Not all of them are among the great and mighty. His attitude is the same toward all, and reflects a deep religious conviction and good sense of values, which all in Michigan have come to admire.

He is a neighbor of ours. Senator Brown's home is at St. Ignace Island. Our home is on Mackinac Island in the Straits of Mackinac. There Mrs. Hart and our children met and came to know Senator and Mrs. Brown and their children.

This has been an enriching experience to our family, one that I prize.

I believe that Senator Brown was the first Senator I ever met. The first impression could not have been finer, and his good counsel has helped me over the intervening years. I welcome this opportunity publicly to acknowledge it.

VISIT TO THE SENATE BY DR. S. M. SADJADY, PRESIDENT OF THE IRANIAN SENATE

Mr. SCOTT. Mr. President, it is my great honor and privilege to present to the Senate the President of the Iranian

Senate, Dr. S. M. Sadjady. We are happy to have him with us. [Applause, Senators rising.]

CIVIL RIGHTS ACT OF 1963

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

Mr. ERVIN. 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. 341 Leg.]

Aiken	Hickenlooper	Moss
Allott	Hill	Mundt
Anderson	Holland	Muskie
Bartlett	Hruska	Nelson
Bayh	Humphrey	Neuberger
Beall	Inouye	Pastore
Bennett	Jackson	Pearson
Bible	Javits	Pell
Boggs	Johnston	Prouty
Burdick	Jordan, N.C.	Proxmire
Byrd, Va.	Jordan, Idaho	Randolph
Byrd, W. Va.	Keating	Ribicoff
Cannon	Kennedy	Robertson
Carlson	Kuchel	Russell
Case	Lausche	Saltonstall
Church	Long, Mo.	Scott
Cotton	Long, La.	Simpson
Curtis	Magnuson	Smathers
Dominick	Mansfield	Smith
Douglas	McCarthy	Sparkman
Eastland	McClellan	Stennis
Edmondson	McGee	Symington
Ellender	McGovern	Talmadge
Ervin	McIntyre	Thurmond
Fong	McNamara	Walters
Fulbright	Mechem	Williams, N.J.
Gore	Metcalf	Williams, Del.
Gruening	Miller	Young, N. Dak.
Hart	Monroney	Young, Ohio
Hartke	Morse	
Hayden	Morton	

The PRESIDING OFFICER (Mr. NELSON in the chair). A quorum is present.

Mr. McCLELLAN. Mr. President, I call up my amendment No. 519 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 35, between lines 20 and 21, insert the following new subsection:

"(h) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice (1) for an employer to hire any individual, or for an employment agency or labor organization to refer for employment, at the request of an employer, any individual, of a particular race, color, religion, sex, or national origin, in those certain instances where the employer involved believes, on the basis of substantial evidence, that the hiring of such an individual of a particular race, color, religion, sex, or national origin will be more beneficial to the normal operation of the particular business or enterprise involved or to the good will thereof than the hiring of an individual without consideration of his race, color, religion, sex, or national origin, or (2) for an employer to fail or refuse to hire any individual in those certain instances where the employer involved believes, on the basis of substantial evidence, that the hiring of such individual would not be in the best interests of the particular business or enterprise involved, or for the good will thereof."

Mr. McCLELLAN. Mr. President, I ask that the amendment be modified so as to read:

On page 45, between lines 13 and 14, insert the following new subsection: "(k)".

The PRESIDING OFFICER. The amendment will be so modified.

Mr. McCLELLAN. On my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, I yield myself 2 minutes.

The amendment permits the hiring by an employer, or by an employment agency or labor organization to refer for employment at an employer's request, of any individual of a particular race, color, creed, or religion, when the employer believes, on the basis of substantial evidence, that the hiring of such an individual of a particular race, color, religion, sex, and so forth, would be more beneficial to the normal operations of his particular business or to its good will than the hiring of an individual of another particular race, color, or creed; and it would also permit an employer to fail or refuse to hire any individual under the same circumstances.

The provisions of the bill as now written, which this amendment is designed to amend, are destructive of property rights and are confiscatory in their consequences; therefore, these provisions should be eliminated. The present provisions of the bill constitute an infringement on personal liberty, denying to the employer the right to exercise his judgment in his own business affairs as to whom he might employ to help him carry on his business and whom he might employ to make the business more prosperous.

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

Mr. McCLELLAN. I yield myself half a minute.

The provisions of the bill are also coercive, in that they deny to the individual who has created a business the freedom of choice to employ his assistants and those who will be associated with him in carrying on the business.

Without this amendment, the bill as now written constitutes destruction of the right of a person to be free in the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas. The yeas and nays have been ordered——

Mr. McCLELLAN. Mr. President, I note the absence of a quorum.

Mr. CASE. Mr. President, will the Senator withhold his suggestion of the absence of a quorum?

Mr. McCLELLAN. I am glad to do so.

Mr. CASE. Mr. President, I yield myself half a minute.

The issue is clearly drawn by this amendment. The Senator from Arkansas does not believe in the FEPC title of the bill and would eliminate them, in effect, by the provisions of his amendment. I think there is no question about that.

We who believe in fair employment practices and the intervention of the Federal Government in this field to the extent provided for by the leadership amendment must resist the amendment of the Senator from Arkansas with all our power, because it would destroy the bill.

Mr. McCLELLAN. Mr. President, I yield myself half a minute.

I intended no subterfuge, no deception. I think the terms of the bill as they are now written are abhorrent to our sense of freedom, justice, and human liberty; therefore, I oppose them and ask that they be eliminated.

Mr. CASE. Mr. President, I yield myself 5 seconds.

The Senator from New Jersey never suggested any dissembling on the part of the Senator from Arkansas.

Mr. McCLELLAN. 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. 342 Leg.]

Aiken	Hayden	Morton
Allott	Hickenlooper	Moss
Anderson	Hill	Mundt
Bartlett	Holland	Muskie
Bayh	Hruska	Nelson
Beall	Humphrey	Neuberger
Bennett	Inouye	Pastore
Bible	Jackson	Pearson
Boggs	Javits	Pell
Burdick	Johnston	Prouty
Byrd, Va.	Jordan, N.C.	Proxmire
Byrd, W. Va.	Jordan, Idaho	Randolph
Cannon	Keating	Ribicoff
Carlson	Kennedy	Robertson
Case	Kuchel	Russell
Church	Lausche	Saltonstall
Cotton	Long, Mo.	Scott
Curtis	Long, La.	Simpson
Dodd	Magnuson	Smathers
Dominick	Mansfield	Smith
Douglas	McCarthy	Sparkman
Eastland	McClellan	Stennis
Edmondson	McGee	Symington
Ellender	McGovern	Talmadge
Ervin	McIntyre	Thurmond
Fong	McNamara	Walters
Fulbright	Mechem	Williams, N.J.
Gore	Metcalf	Williams, Del.
Gruening	Miller	Young, N. Dak.
Hart	Monroney	Young, Ohio
Hartke	Morse	

The PRESIDING OFFICER (Mr. KENNEDY in the chair). A quorum is present.

The question is on agreeing to the amendment of the Senator from Arkansas [Mr. McCLELLAN].

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALTERS (when his name was called). On this vote, I have a pair with the Senator from Maryland [Mr. BREWSTER]. If the Senator from Maryland were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER] is absent on official business.

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

I further announce that the Senator from Pennsylvania [Mr. CLARK] and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] and the Senator from Pennsylvania [Mr. CLARK] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Texas [Mr. TOWER] is necessarily absent.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

If present and voting, the Senator from Kentucky [Mr. COOPER] would vote "nay."

On this vote, the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Texas would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 30, nays 61, as follows:

[No. 343 Leg.]

YEAS—30

Bennett	Gore	Mundt
Byrd, Va.	Hickenlooper	Robertson
Byrd, W. Va.	Hill	Russell
Cotton	Holland	Simpson
Curtis	Johnston	Smathers
Dominick	Jordan, N.C.	Sparkman
Eastland	Long, La.	Stennis
Ellender	McClellan	Talmadge
Ervin	Mechem	Thurmond
Fulbright	Morton	Williams, Del.

NAYS—61

Aiken	Hruska	Morse
Allott	Humphrey	Moss
Anderson	Inouye	Muskie
Bartlett	Jackson	Nelson
Bayh	Javits	Neuberger
Beall	Jordan, Idaho	Pastore
Bible	Keating	Pearson
Boggs	Kennedy	Pell
Burdick	Kuchel	Prouty
Cannon	Lausche	Proxmire
Carlson	Long, Mo.	Randolph
Case	Magnuson	Ribicoff
Church	Mansfield	Saltonstall
Dodd	McCarthy	Scott
Douglas	McGee	Smith
Edmondson	McGovern	Symington
Fong	McIntyre	Williams, N.J.
Gruening	McNamara	Young, N. Dak.
Hart	Metcalf	Young, Ohio
Hartke	Miller	
Hayden	Monroney	

NOT VOTING—9

Brewster	Dirksen	Tower
Clark	Engle	Walters
Cooper	Goldwater	Yarborough

So Mr. MCCLELLAN'S amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HILL. 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. 344 Leg.]

Aiken	Beall	Byrd, Va.
Allott	Bennett	Byrd, W. Va.
Anderson	Bible	Cannon
Bartlett	Boggs	Carlson
Bayh	Burdick	Case
Church	Jordan, N.C.	Neuberger
Cotton	Jordan, Idaho	Pastore
Curtis	Keating	Pearson
Dodd	Kennedy	Pell
Dominick	Kuchel	Prouty
Douglas	Lausche	Proxmire
Eastland	Long, Mo.	Randolph
Edmondson	Long, La.	Ribicoff
Ellender	Magnuson	Robertson
Ervin	Mansfield	Russell
Fong	McCarthy	Saltonstall
Fulbright	McClellan	Scott
Gore	McGee	Simpson
Gruening	McGovern	Smathers
Hart	McIntyre	Smith
Hartke	McNamara	Sparkman
Hayden	Mechem	Stennis
Hickenlooper	Metcalf	Symington
Hill	Miller	Talmadge
Holland	Monroney	Thurmond
Hruska	Morse	Walters
Humphrey	Morton	Williams, N.J.
Inouye	Moss	Williams, Del.
Jackson	Mundt	Young, N. Dak.
Javits	Muskie	Young, Ohio
Johnston	Nelson	

The PRESIDING OFFICER. A quorum is present.

Mr. ERVIN. Mr. President, I call up my amendments Nos. 792 and 793. I ask unanimous consent that the reading of these two amendments be omitted, that they be printed in the RECORD at this point, and that the Senate vote on the two amendments en bloc.

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

The amendments offered by Mr. ERVIN are as follows:

On page 15, line 12, strike out "certifies" and insert in lieu thereof: "satisfies the court by competent evidence after notice and an opportunity to be heard are given to the proposed adverse parties".

On page 15, lines 13 and 14, strike out "in his judgment,".

On page 15, line 22, insert the following between the period and "The": "After notice and an opportunity to be heard are given to them, the district court of the United States may authorize".

On page 15, line 22, change the capital "T" in "The" to a little "t".

On page 15, line 22, strike out "may" and insert in lieu thereof "to".

On page 16, line 3, strike out "The Attorney General may deem" and capitalize the "a" in the article "A".

On page 16, line 4, insert "are" between "persons" and "unable".

On page 16, line 9, strike out "he is satisfied that".

On page 21, line 4, strike out "certifies" and insert in lieu thereof "satisfies the court by competent evidence after notice and an opportunity to be heard are given to the proposed adverse parties".

On page 21, line 5, strike out the two commas and the words "in his judgment".

On page 22, line 1, insert between the period and the word "The", "After notice and an opportunity to be heard are given to them, the district court of the United States may authorize", and change the capital "T" in "The" to a little "t".

On page 22, line 4, strike out "The Attorney General may deem" and capitalize the article "a".

On page 22, line 5, insert "are" between "persons" and "unable".

On page 22, line 10, strike out "he is satisfied that".

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I yield myself 1½ minutes.

Titles III and IV of the bill provide that the Attorney General may bring suits to desegregate public facilities and public schools, if two conditions exist. The first condition is that the party or individual seeking relief must be unable to bring the suit. The second is that the bringing of the suit must promote public policy as declared in the respective titles.

It is a perversion and prostitution of the judicial process to provide by legislation that a lawyer in a case can determine whether the court has jurisdiction of the case. That is precisely what these two sections of the bill provide.

They provide that the Attorney General, without offering any evidence before the court and without any action being taken by the court, can issue a certificate stating that the two conditions essential to jurisdiction exists and thereby confer jurisdiction on the courts to try the suits. That ought not to be. Every court ought to have power to determine for itself whether it has jurisdiction to try a case.

All my amendments provide is that this question, instead of being determined by the Attorney General, shall be determined by the court itself, after notice to the adverse parties and opportunity to be heard.

These two amendments ought to be voted for by every Senator who believes in a procedure for which respect can be entertained.

I reserve whatever amount of time remains out of the minute and a half I yielded to myself.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc offered by the Senator from North Carolina (Nos. 792 and 793). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], The Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

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

I further announce that the Senator from Pennsylvania [Mr. CLARK] and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Arkansas [Mr. FULBRIGHT]. If present and voting, the Senator from Maryland would vote "nay" and the Senator from Arkansas would vote "yea."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from California [Mr. ENGLE.] If present and voting, the Senator from Virginia would vote "yea" and the Senator from California would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Texas [Mr. TOWER] is necessarily absent.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

If present and voting, the Senator from Kentucky [Mr. COOPER] would vote "nay."

On this vote, the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Texas would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 37, nays 53, as follows:

[No. 345 Leg.]

YEAS—37

Allott	Hill	Pearson
Byrd, Va.	Holland	Russell
Byrd, W. Va.	Hruska	Simpson
Carlson	Johnston	Smathers
Cotton	Jordan, N.C.	Sparkman
Curtis	Jordan, Idaho	Stennis
Dominick	Long, La.	Talmadge
Eastland	McClellan	Thurmond
Ellender	Mechem	Walters
Ervin	Metcalf	Williams, Del.
Gore	Miller	Young, N. Dak.
Hayden	Morton	
Hickenlooper	Mundt	

NAYS—53

Aiken	Hartke	Morse
Anderson	Humphrey	Moss
Bartlett	Inouye	Muskie
Bayh	Jackson	Nelson
Beall	Javits	Neuberger
Bennett	Keating	Pastore
Bible	Kennedy	Pell
Boggs	Kuchel	Prouty
Burdick	Lausche	Proxmire
Cannon	Long, Mo.	Randolph
Case	Magnuson	Ribicoff
Church	Mansfield	Saltonstall
Dodd	McCarthy	Scott
Douglas	McGee	Smith
Edmondson	McGovern	Symington
Fong	McIntyre	Williams, N.J.
Gruening	McNamara	Young, Ohio
Hart	Monroney	

NOT VOTING—10

Brewster	Engle	Tower
Clark	Fulbright	Yarborough
Cooper	Goldwater	
Dirksen	Robertson	

So Mr. ERVIN'S amendments Nos. 792 and 793 were rejected.

Mr. HUMPHREY. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HART. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. EASTLAND. 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. 346 Leg.]

Aiken	Gore	McGovern
Allott	Gruening	McIntyre
Anderson	Hart	McNamara
Bartlett	Hartke	Mechem
Bayh	Hayden	Metcalf
Beall	Hickenlooper	Miller
Bennett	Hill	Monroney
Bible	Holland	Morse
Boggs	Hruska	Morton
Burdick	Humphrey	Moss
Byrd, Va.	Inouye	Mundt
Byrd, W. Va.	Jackson	Muskie
Cannon	Javits	Nelson
Carlson	Johnston	Neuberger
Case	Jordan, N.C.	Pastore
Church	Jordan, Idaho	Pearson
Cotton	Keating	Pell
Curtis	Kennedy	Prouty
Dodd	Kuchel	Proxmire
Dominick	Lausche	Randolph
Douglas	Long, Mo.	Ribicoff
Eastland	Long, La.	Russell
Edmondson	Magnuson	Saltonstall
Ellender	Mansfield	Scott
Engle	McCarthy	Simpson
Ervin	McClellan	Smathers
Fong	McGee	Smith
Sparkman	Thurmond	Young, N. Dak.
Stennis	Walters	Young, Ohio
Symington	Williams, N.J.	
Talmadge	Williams, Del.	

The PRESIDING OFFICER. A quorum is present.

Mr. JOHNSTON. Mr. President, I call up my amendment No. 493, corrected to make it conform as an amendment to the substitute amendment No. 1052.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 6, beginning with "as follows:", strike out all through line 18, on page 4, and in lieu thereof insert "by adding at the end thereof the following new subsection:".

On page 4, line 19, strike out "(h)" and insert "(g)".

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, I realize that the Senate probably will vote against the amendment, as it has voted down all the other amendments that have been proposed, except one or two.

The PRESIDING OFFICER. How much time does the Senator yield to himself?

Mr. JOHNSTON. I yield myself 2 minutes. Mr. President, the amendment would strike the voter qualifications sections of title I. The present language is unconstitutional, and can be justified neither under article I of the Constitution nor under the 15th amendment.

Article I, section 4 of the U.S. Constitution provides that the States shall prescribe "the time, place, and manner" of holding elections, subject to alteration by Congress. The present language of the bill would go far beyond an alteration of "time, place, or manner" of Federal election, and would intrude the Federal Government into a regulation of voter qualifications. The right to establish voter qualifications is clearly and unambiguously given to the States in the words which are still a part of the U.S. Constitution, namely that voters for Senators and Representatives "shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

The 15th amendment to the U.S. Constitution provides that no person shall be denied the right to vote because of race or color. Surely that provision cannot be stretched to give Congress the power to determine the literacy requirements which a State may demand of all its citizens as a qualification for voting for the most numerous branch of the State Legislature.

Mr. President, if this section passes in its present form, we will have thrown the State baby out with the Federal bath water. I urge the acceptance of this amendment.

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

Mr. JOHNSTON. I yield myself 1 more minute. All I ask is that Senators vote their consciences. If they feel that the Constitution does not set the qualifications for voters, they should vote against the amendment. If they believe the Constitution means something, they should vote for the amendment. I am here to carry out my oath of office as a Senator. I believe that my vote requires me to vote against provisions such as the one I would strike by my amendment.

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

FOOD FOR PEACE

Mr. McGOVERN. Mr. President, I yield myself 1 minute.

The Secretary of Agriculture, Orville L. Freeman, has authored a most interesting summary of some of the highlights of the food for peace program for Parade magazine, June 14, 1964.

Food for peace has been one of Secretary Freeman's major interests. He has contributed greatly to the expansion of the program over the past 3½ years.

I ask unanimous consent that his excellent 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:

FOOD FOR PEACE

(By Orville L. Freeman, U.S. Secretary of Agriculture)

WASHINGTON, D.C.—For centuries alchemists believed in the existence of a philosopher's stone, which by the merest touch would turn base metals into gold. It was a good thing they never found it. If they had, the world would have starved to death. No one would have tilled the fields or cared for the kine, and there would have been nothing to put on the golden plates.

Yet from the dawn of history, man has had a philosopher's stone right under his nose—the food he eats. And it has a magic of its own.

It will change sick, feeble children into healthy citizens of the future. It will hack roads through jungles and over mountains, fling bridges and dams across rivers, set powerplants humming to provide the muscle for industry. More important still, it will remove from men's hearts the hatred and violence born of hunger.

As a Nation, we have many achievements of which we can be proud. But there is none finer than our food for peace program, 10 years old this year.

Too many Americans, I find, tend to regard the program as just another "giveaway." Yet nothing could be further from the truth.

In the first place, food for peace provides jobs for some 300,000 Americans in the farm and food trades. It has prevented an enormous buildup in storage of our agricultural surpluses. Foreign currencies, earned by food for peace sales, have paid for $850 million in U.S. expenses overseas.

RESULTS IN JAPAN

By helping to put countries back on their economic feet, food for peace has created markets for our own goods worth millions of dollars a year. Japan, for example, having received $470 million in U.S. food and fiber assistance over the past 10 years, bought $651 million worth of American farm products last year alone. According to Tokyo school officials, Japanese children have become too big for their desks. They have been consuming two or three times as many wheat, milk, and meat products as they did before World War II, thanks to school lunch programs and food for peace sales.

Other nations that have become cash customers include Spain, Italy, Israel, Greece, and Taiwan. Spain, a major olive oil producer, has become the largest cash buyer of American soybean oil.

Food for peace has made friends for us, not only among the world's statesmen but among those they lead: the countless millions who live on the razor edge of starvation.

In the towering Andes ranges of Peru, for example, the Indians have long chewed cocoa leaves, from which cocaine is derived. The drugging effect dulls the pangs of hunger. It also dulls their minds and condemns them to early death. Today, Indian children who get American food are growing up sturdy and strong without the need for this killing narcotic.

Children in Kerala, India, suffered from xerosis (abnormal dryness) of the eyes and skin due to a deficiency of vitamin A. When they began getting school lunches of U.S. food, this ailment disappeared and the children gained weight rapidly.

A Chilean mother, whose family had been given a food for peace wheat mixture, became worried when she and her children no longer felt hunger pangs. She thought they were a normal part of life.

Some 10 million children in Latin America are now receiving U.S. food, ranging from a glass of milk to a full meal a day, under Operation Ninos (the Spanish word for children). For many, their school meal is their only meal. It is not enough, God knows, but they are healthier than they have ever been.

There is no stigma of charity about food for peace. There are food-for-work projects in Korea, Tunisia, Morocco, and many other lands. With food as part of the pay packet, men go out to reclaim land, dig irrigation ditches, build schools, roads, or clinics for their communities. When they sit down to a meal at the end of the day, they can enjoy it because they have earned it. Such projects are helping to feed 5 million people in 22 countries.

Emergency relief for victims of floods, droughts, crop failures, and other natural disasters has virtually removed the threat of famine from the world. When hundreds of thousands of people were left homeless by spring cyclones in east Pakistan last year, food for peace came to the rescue. The terrible earthquake that killed 1,500 people in Skopje, Yugoslavia, left thousands more homeless. They were also helped by food for peace.

TASTES GOOD, LIKE BREAD SHOULD

Food for peace is also always on the lookout for new ideas. Many people in other lands do not eat foods that we regard as commonplace. To raise the protein intake of Arab children, the Department of Agriculture and the American milling industry developed an enriched bread that looks and tastes like beladi bread, the staple of the Arab diet. Bulgur, a wheat product used in Bible times, has also been reintroduced by food for peace, creating a new cash market for the product, which keeps well, can be stored easily.

Men may not live by bread alone, but they cannot live without it. The Communists may promise paradise on earth, but they have failed to feed their people. Yet 3½ million American farmers have shown that they can feed not only their own countrymen but millions of other people throughout the world besides. That lesson has not been lost on those now enjoying better lives because of food for peace.

And another lesson the men and women of the Peace Corps learned was that filling people's stomachs was the first requisite for getting them to improve their own lives.

I am convinced that when the history of this era is written, the food for peace program will be recorded as the distinguishing characteristic of our Nation. We may not have killed the dragon of world hunger, but we have at least attacked it in its lair.

THE BLOOD BANK SCANDAL

Mr. McGOVERN. Mr. President, our distinguished colleague from Missouri [Mr. LONG] has authored a most provocative article, entitled "The Blood Bank Scandal" for Parade magazine, June 14, 1964.

Senator LONG, the author of S. 2560, has taken the lead in trying to protect Americans against improperly operated blood banks.

I commend his important article to the attention of the Congress and ask that it be printed at this point in the RECORD.

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

THE BLOOD BANK SCANDAL

(By EDWARD V. LONG, U.S. Senator, Democrat, of Missouri)

WASHINGTON, D.C.—Did you know that in many American cities a skid row derelict, sapped by malnutrition and sodden with alcohol, can sell a pint of his blood for $5 or $6, enough for several more bottles of cheap wine? Do you realize that his blood, given to you or a loved one during an emergency transfusion, may not save but cost a life or cause serious illness?

I don't mean to sound lurid, but the American people need to be shocked into an awareness of a health scandal that is rapidly assuming perilous proportions. Nothing is more vital in modern medicine than the blood transfusion.

Yet a group of Russian doctors, specialists in blood disorders, recently toured American blood banks and commented that "the Russian system is much better organized." It would be easy to put this down to Soviet bragging. Unfortunately, when I began to probe, I found to my horror that those Russian doctors had spoken the truth.

In its 25 years of existence, blood banking in this country has become not only a lifesaving service but a lucrative business. Nearly 6 million units of blood, or 750,000 gallons, are used every year—enough human blood to fill a large oil tanker.

This is collected and distributed by some 6,000 blood banks. They range from huge organizations like the Red Cross to hole-in-the-wall "leeches" which collect blood for the cash it brings: blood money in the truest sense.

With some variations, blood banks fall into two categories: (1) nonprofit community banks which get most of their blood freely from volunteers and (2) privately owned commercial blood banks which draw their blood from paid, often professional, donors.

The skid row bum, willing to exchange his blood for wine, can pick up $5 for a pint of blood, an extra buck or two for rarer types. According to type and need, the blood can be processed and resold to doctors and hospitals at $12 to $60 a pint.

MINIMAL PRECAUTIONS

It must be said, of course, that many private banks are highly reputable. They are scrupulous in keeping records and checking on their donors. But others take blood with only a minimum of medical precaution. Apart from a perfunctory blood pressure check, the donor may have no test for his fitness to give blood.

Yet it is vital to know how much alcohol a donor has consumed, whether he has ever suffered from jaundice, hepatitis, malaria, syphilis or any other infectious disease that might still lurk in his bloodstream.

The worst problem has been hepatitis, an always serious, sometimes fatal liver disease, which in some areas is transmitted in 1 of every 150 to 200 transfusions. Since 2.5 million Americans receive transfusions every year, an alarming number—running into the thousands—are infected with hepatitis.

Most contaminated blood comes from the commercial blood banks, which supply approximately one-fifth of all blood used in transfusions. For a commercial bank, with a quick market for blood, is inclined to ask fewer questions of its donors.

Yet, despite this danger, a Federal agency—an agency created to protect the public—is threatening to force the nonprofit blood banks out of business and to place all blood on the market to be sold like castor oil or mouthwash. This agency is the Federal Trade Commission, which, acting on the complaints of two small but reputable commercial blood banks, charged the Kansas City Community Blood Bank with unfair competition.

The case has been dragging on for years, and legal bills have already cost this nonprofit institution more than $100,000. Incredibly, the first FTC rulings have gone against the Kansas City Community Blood Bank. If these rulings become final, then not only will a fine blood bank go out of existence, or at least be seriously restricted, but hundreds of other nonprofit community blood banks will share the same fate.

AN END TO CHAOS

Not the least of these will be the great New York City Blood Center, now being readied to handle the transfusion needs of 18 million people. It was founded to end anarchy in the collection, processing, and distribution of blood in the Nation's largest city.

Because there were no central records, nobody knew how much blood was stored in the city, or of what kind, on any particular day. Frequently, operations had to be delayed until blood could be found in distant cities and brought to New York. In an emergency, doctors sometimes had to use blood that didn't exactly match that of the patient and hope for the best. There was undue reliance on professional donors and their dubious medical histories. In short, there was never any certainty that the right type of blood, in the right quantity, would be available to save a human life.

The new blood center will knit together all nonprofit blood banks and, in cooperation with the Red Cross, will supply the blood needs of the entire metropolitan area. An IBM computer will keep a central inventory of every pint of blood stored not only in the center itself, but in all cooperating hospitals. The computer will respond to emergency requests for blood with a list of places where it is available or a list of certified donors—all in roughly 2 minutes.

Yet this great service, like the Kansas City Community Blood Bank, now stands in danger of liquidation by the FTC.

Not long ago, it was revealed that people in a Tokyo slum were selling their blood, half a pint at a time, as often as 25 times a month. They kept up their strength between donations by drinking such exotic stimulants as chicken blood and iron filings mixed with salt water. Their blood money averaged $22.50 a month, more than they could make by working.

After our Ambassador to Japan, Edwin Reischauer, received an emergency transfusion, he developed a dangerous case of hepatitis. Many indignant newspapers in this country criticized the Japanese blood program. "It would never have happened if he had been given American blood," they implied. No? Consider these cases.

FOR THE RECORD

In New York, a Federal grand jury charged a commercial blood bank with changing the dates on containers—a serious offense since

whole blood, kept longer than the maximum 21 days, may produce ill effects in a recipient.

A commercial bank in New Jersey was investigated following an outbreak of hepatitis. It was found that people had been transfused with blood (more than 200 pints) taken from donors who were known to be narcotics addicts.

A parole violator who was a heavy drinker confessed that in 1 month he gave five pints of blood in five different cities while working as a bargehand on the Ohio and Mississippi Rivers. None of the banks gave him a medical examination.

Last year, a New Yorker was given an open-heart operation which required 23 pints of blood to keep him alive. The operation was successful, but he came down with malignant malaria. This was traced to blood that had come from a commercial bank. The donor, who had transmitted the disease and was himself in danger, could not be located. He was one of three who had given assumed names and addresses to the bank.

Investigation of this bank uncovered that it collected 75 pints of blood every day, more than half from Bowery bums. The derelicts themselves boasted it was the only way they knew of picking up a few dollars for lying down. Their word was accepted when they were asked if they had ever suffered from an infectious disease.

We must act to clean up the trade in human blood. The last thing we should do is aid the blood profiteers by forcing the closure of community blood banks. I cannot believe that the authors of our antitrust laws ever intended that they should apply to nonprofit organizations providing a vital medical service. You will never persuade me that human blood was meant to be an item of commerce.

The Federal Trade Commission, in its strained and obtuse approach to the problem, should consider the precedent it would be setting. As medical science progresses and new techniques of transplanting are perfected, there will be no item of human tissue that will not be put on the auction block to the highest bidder. Eyes, teeth, skin, kidneys, hearts, livers, sinews, bones—all will be for sale. A father or mother who wants to give an eye for a child, much less a pint or two of blood, might find himself in the middle of an antitrust suit.

I cannot believe the American people will allow such a travesty of humanity to take place. With the support of other Senators, I have introduced a bill—S. 2560—to save our community blood banks and set a proper precedent. It must not fail.

Here's how you can help.

Write to your Congressman and ask him to act on my bill this year, not to shelve it for the indefinite future.

Get in touch with local authorities and insist that regulations be enforced or, where necessary, new ones adopted to safeguard against those private blood banks that do not keep records or check donors.

WHAT MAKES A GREAT SENATOR?

Mr. McGOVERN. Mr. President, David Broder, the brilliant political reporter for the Washington Star, has written a thoughtful article entitled "What Makes a Great Senator?" for the New York Times magazine, June 14, 1964.

I think Members of the Senate will find this article of interest and I therefore ask that it be printed at this point in the RECORD.

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

WHAT MAKES A GREAT SENATOR?

(By David S. Broder)

WASHINGTON.—In Oklahoma this spring a famous football coach, Bud Wilkinson, easily defeated two professional politicians for the Republican nomination for the U.S. Senate. In Ohio, astronaut John Glenn won over 200,000 votes in the Democratic primary against the incumbent Senator, even though he had withdrawn from the race. In California, Republicans chose a onetime movie dancer, George Murphy, as their candidate for the Senate, while Pierre Salinger, a former presidential press agent, untested at the polls, battled an experienced votegetter for the Democratic nomination and won.

In this Capital, where the politicians can spot a threatening trend a continent away, there is already a good deal of mumbling about what these "celebrity types" will do to the Senate. It is not that Washington has anything against such men. But the city cherishes, along with its cherry blossoms and its cheap liquor, the notion that it takes something very special to be a Senator of the United States, and it is not sure that mere fame fills the bill.

Just what qualities mark a man as fit for membership in the world's most self-exalted legislative body are undefined. But the imprecision of the standards in no way lessens the intensity of the belief that there are standards to be maintained.

The difficulty of judging the quality of a Senator was discussed in this magazine 7 years ago by John F. Kennedy. "There are no standard tests to apply to a Senator," he wrote, "no Dun & Bradstreet rating, no scouting reports. His talents may vary with his time, his contributions may be limited by his politics. To judge his true greatness * * * is nearly an impossible task."

Mr. Kennedy, at the time, was engaged in the task of selecting the five greatest Senators, whose portraits were to adorn the Senate reception room. But the difficulty of picking the outstanding men in the history of the institution is essentially the same as the problem of defining the qualities that make for distinction in the Senate today.

Must the "good Senator" be a man of eloquence, who can supply the oratorical gloss to finished legislation during floor debate? Or is it more important that he have the legal skills that make him a superb craftsman behind committee doors?

Is it sufficient that the good Senator excel at protecting his State's interests and representing its point of view on the issues of the day? Or must he also don the toga and advise the Secretary of State and the President on how to handle their jobs?

Is the good Senator the man who adheres always to the dictates of his own conscience—a relentless investigator, a shunner of compromise? Or is he the cheerful pragmatist whose willingness to split the difference makes it possible to pass a bill now and then?

Is he a John Kennedy or a BARRY GOLDWATER, using the Senate as the base for a national campaign? Or is he a CARL HAYDEN or a GEORGE AIKEN, whose labors are scarcely noticed by the public?

Simply to raise these questions is to suggest that there is room in a 100-man Senate for men of differing tastes and talents. Any arbitrary standard that ignores these individual variations is certain to be wrong.

In one basic sense, Washington's belief in the distinctiveness of the Senate is well justified. The most striking single fact about the Senators we have is that they are uncommon Americans. Prof. Donald R. Matthews described the typical Senator of the post-World War II decade as "a late middle-aged or elderly, white, Protestant, native-born man with rural or small-town and upper-middle-class origins, a college-educated lawyer and a 'joiner.'" As Mr. Matthews noted in his classic study, "U.S. Senators and Their World," this combination of characteristics is so far from the norm of American society that "probably less than 5 percent of the American people have any significant chance of every serving in the Senate so long as the present informal 'requirements' for the office hold."

The major abnormality about Senators, in career terms, is that they are professional officeholders. Mr. Matthews found that almost half the postwar Senators achieved their first public office before they turned 30 and that three-quarters of them were on the public payroll before they were 40. The average Member had spent approximately half his adult life in officeholding—even before he became a Senator.

Of the 100 current Senators, 66 came to that body directly from other public offices; 21 more relied chiefly on the fame won in prior public service—service which, in most cases, had terminated only briefly before their Senate campaigns began. That leaves only 13 of today's Senators who launched their campaigns from reputations earned outside public office. Most of these men are "political accidents" of one sort or another.

With so much similarity in their backgrounds, what determines which Senators rise to distinction and which stay submerged in the pack? Again, one must be wary of generalizations.

A favorite myth, for example, is that Governors—or other executive types—fare badly in the Senate. They are, according to legend, extremely unhappy at sharing their sovereignty and command authority with 99 others. But then comes a man like the late Robert Kerr, from the governorship of Oklahoma, who finds the paths to power in the Senate ridiculously easy to explore. No one was ever more at home or more skillful in committee machinations or in floor debates than ex-Governor Kerr.

In a body dominated by lawyers, there is a strong tendency to think that lawyers have a special calling for the Senate. Even JOE CLARK, of Pennsylvania, normally a man to deride the prejudices of "The Senate Establishment," is convinced that "lawyers make the best Senators; to make laws you have to know law." But Lyndon Johnson, the ablest leader the Senate has had in years, was no lawyer, nor is MIKE MANSFIELD, nor is HUBERT HUMPHREY.

Energy, eloquence, wit, good humor, intelligence, frankness, honor—all these are worthy qualities, esteemed by Senators, as by most men, in their fellows. But to catalog these virtures is not to describe the special qualities that make a man a good Senator. For, in candor, there have been good Senators, even great ones, who were a mite bad tempered, or a mite dull or less than irreproachable in their personal codes.

Thus, all the popular generalizations prove false, in some degree. One comes closer to the truth by noting that the best Senators, generally, are those who have acquired seniority and who use their powers, not simply for the advantage of their States, but also to serve their conception of the national interest.

It takes time to develop influence in the Senate and a Senator's greatness is measured by the reach of his influence. It is a place, as LEE METCALF of Montana has remarked, "where you have to do a lot of favors for others before they start doing them for you." It is a unique political structure—an assemblage of delegates from sovereign States,

each man, in theory, the equal of any other. The seniority system is its only acknowledged ranking order and its influence is pervasive.

The five men selected by Mr. Kennedy's committee to be enshrined in the Senate's Hall of Fame—Henry Clay, Daniel Webster, John C. Calhoun, Robert La Follette and Robert A. Taft—served a total of 86 years. Their first responsibility, no less than that of the lowliest of today's freshman Senator's, was to gain reelection. Only with the confidence of his own constituency, renewed at the polls, can a Senator play his role on the national stage.

But if seniority is an essential for effective and distinctive senatorial service, it is obviously not a guarantee of such a career. A special combination of personal qualities and political circumstances marks the history of the best members.

What are those qualities? First is the instinct or the drive in some men that takes them to the heart of the issues of their time. The late Robert Taft and the late Styles Bridges were contemporaries in the Senate and both achieved great power. But Bridges confined himself by choice to the private, backroom trades of projects, patronage and appropriations, while Taft engaged himself publicly in all the major debates of his era—touching the responsibilities of American government in foreign affairs, domestic welfare and labor relations. It is Taft, not Bridges, who has a memorial on Capitol Hill today.

A second quality is diligence, again well typified by Taft or by his successor in the Republican leadership today, EVERETT DIRKSEN of Illinois. Senator DIRKSEN owes much of his influence to the simple fact that he studies more intensively and knows more intimately the provisions of the bills he is debating than the vast majority of his colleagues.

A third quality is breadth of interest, a refusal to be bound by the parochial concerns of one's own State. Senators have achieved great reputations in the past as spokesmen for their States and regions, but as our politics have become national and international, so have the perspectives of the best Senators. It is the man who can see beyond the borders of his own State whose contribution is remembered—George Norris of Nebraska sponsoring the Tennessee Valley Authority, Lyndon Johnson of Texas guiding the first civil rights bill in a century into law, Arthur Vandenberg of Michigan leading the Senate into an acceptance of its world responsibilities.

The Senate, for all the criticism it receives, is a tolerant place. It finds uses for all sorts of talents. Most Members take the established route up the seniority ladder to a committee chairmanship and increasing influence with the establishment. But the Senate, to its credit, also provides outlets for "the angry men" who cannot conform to these comfortable career lines.

An Estes Kefauver investigating drugs, a John McClellan exposing labor racketeering or a John Williams documenting financial chicanery are not the most congenial companions for "The Club" Members. But persistence and publicity are forces the Senate recognizes. The iconoclasts, too, can make their mark in the history books.

There are circumstances which can disqualify Senators from playing the roles of which they are capable, as with the southerners today. The southern Senators are men of ability, and some—like J. W. FULBRIGHT and RICHARD RUSSELL—have achieved distinction in special fields like foreign policy and defense. But their isolation from the mainstream of American politics on the central question of race relations bars them from leadership roles, to their own loss and the loss of the country.

By and large, though, seniority, talent, diligence, breadth of vision, and a grasp of major issues will enable a Senator to contribute his full share to the making of national policy. The Senate has its shortcomings, but it is not arbitrary or capricious in the way it weighs its Members and judges them for what they are. In time, undoubtedly, the Senate will pass fair judgment on those of the current celebrity candidates who join its ranks.

Just now, however, these men are under a cloud—and understandably so. Their candidacies represent a shortcutting of the normal political process, an effort by one party or the other to gain temporary advantage on the cheap. The cost of electing a Senator has grown so heavy that a candidate with built-in name value offers enormous practical advantages. Running against an incumbent in a large State, a celebrity can save his party hundreds of thousands of dollars that would have to be spent to build up an ordinary politician to the point where he would have a reasonable hope of victory.

Judging from past experience, a few of these celebrities will win, but more will be rejected by the voters—simply because they have nothing but their names to recommend them. The pertinent point, however, is that whatever contribution fame makes to their first election, their ultimate influence and standing will depend on their ability to gain reelection as Senators. NORRIS COTTON, of New Hampshire, puts it neatly when he says, "They may get here the first time because they're celebrities, but if they come back, it's because they're politicians."

Most observers would agree with Senator CLARK that "it would be disastrous to convert the Senate into a repository for miscellaneous famous Americans," a sort of living hall of fame. But that is not really in prospect—not when the present membership is slanted so heavily in the direction of career officeseekers and when any new Senator must prove his political skills by gaining reelection before he can begin to exercise real influence.

The serious question is whether the Senate might not be made a more representative body if some of its Members were recruited from fields other than professional politics. Senator COTTON, a career man on Capitol Hill himself, suggests that the Senate might receive an infusion of energy and ideas from men of diverse backgrounds, just as the professional foreign service receives a leavening influence from the Ambassadors drawn from private life.

Hopefully, the celebrity candidates would be found, as time goes on, not just in the realms of sports and entertainment and derring-do, but in the arts and science, the professions and industry. A handful of educators and businessmen and even one labor leader sit in the Senate now. If James Van Allen decided to run from Iowa or Jonas Salk from Pennsylvania, would the Republic be destroyed? It is hard to think so.

John Jay, in the Federalist papers, spoke of Senators as "men of talents and integrity." The lawyers and the professional politicians have had the place pretty much to themselves for a long time. They have no monopoly on the qualities that make for greatness in a Senator. It may be well now to consider emphasizing the plural in "talents."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 2) to establish water resources research centers at land-grant colleges and State universities, to stimulate water research at other colleges, universities, and centers of competence, and to promote a more adequate national program of water research, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. ROGERS of Texas, Mr. HALEY, Mr. SAYLOR, and Mr. BURTON of Utah were appointed managers on the part of the House at the conference.

The message also announced that the House had passed, without amendment, the joint resolution (S.J. Res. 103) to increase the amount authorized to be appropriated for the work of the President's Committee on Employment of the Physically Handicapped.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 1887) for the relief of Yon Ok Kim, Chang In Wu, and Jung Yol Sohn.

The message returned to the Senate, in compliance with its request, the joint resolution (S.J. Res. 71) to establish a National Commission on Food Marketing to study the food industry from the producer to the consumer.

CIVIL RIGHTS ACT OF 1963

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

Mr. HUMPHREY. Mr. President, I yield myself 30 seconds. The amendment, No. 493, offered by the Senator from South Carolina, would strike from title I everything but the provisions for three-judge district courts and for expediting voting cases. Eliminated would be first, the uniform standards provision, second, the immaterial errors provision, third, the written literacy test provision, and fourth, the rebuttable sixth-grade presumption provision. These provisions are designed to strike at the principal means by which voting discrimination by registrars is carried out, as evidenced by the cases the Department of Justice has instituted to enforce the 1957 Civil Rights Act. Adoption of this amendment would mean that discrimination will continue to be easily accomplished and difficult to prove.

The effect of this amendment is to practically destroy title I.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. JOHNSTON]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALTERS (when his name was called). On this vote I have a pair with the junior Senator from Maryland [Mr. BREWSTER]. If he were present and voting, he would vote "nay"; if I were at

liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER] is absent on official business.

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

I further announce that the Senator from Pennsylvania [Mr. CLARK] and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK] and the Senator from California [Mr. ENGLE] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business, and if present and voting, would each note "nay."

The Senator from Texas [Mr. TOWER] is necessarily absent and, if present and voting, would vote "nay."

The result was announced—yeas 18, nays 74, as follows:

[No. 347 Leg.]

YEAS—18

Byrd, Va.	Holland	Russell
Eastland	Johnston	Smathers
Ellender	Jordan, N.C.	Sparkman
Ervin	Long, La.	Stennis
Fulbright	McClellan	Talmadge
Hill	Robertson	Thurmond

NAYS—74

Aiken	Hart	Monroney
Allott	Hartke	Morse
Anderson	Hayden	Morton
Bartlett	Hickenlooper	Moss
Bayh	Hruska	Mundt
Beall	Humphrey	Muskie
Bennett	Inouye	Nelson
Bible	Jackson	Neuberger
Boggs	Javits	Pastore
Burdick	Jordan, Idaho	Pearson
Byrd, W. Va.	Keating	Pell
Cannon	Kennedy	Prouty
Carlson	Kuchel	Proxmire
Case	Lausche	Randolph
Church	Long, Mo.	Ribicoff
Cotton	Magnuson	Saltonstall
Curtis	Mansfield	Scott
Dodd	McCarthy	Simpson
Dominick	McGee	Smith
Douglas	McGovern	Symington
Edmondson	McIntyre	Williams, N.J.
Fong	McNamara	Williams, Del.
Goldwater	Mechem	Young, N. Dak.
Gore	Metcalf	Young, Ohio
Gruening	Miller	

NOT VOTING—8

Brewster	Dirksen	Walters
Clark	Engle	Yarborough
Cooper	Tower	

So Mr. JOHNSTON'S amendment was rejected.

Mr. HUMPHREY. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HART. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. SPARKMAN. 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. 348 Leg.]

Aiken	Anderson	Bayh
Allott	Bartlett	Beall
Bennett	Holland	Moss
Bible	Hruska	Mundt
Boggs	Humphrey	Muskie
Burdick	Inouye	Nelson
Byrd, Va.	Jackson	Neuberger
Byrd, W. Va.	Javits	Pastore
Cannon	Johnston	Pearson
Carlson	Jordan, N.C.	Pell
Case	Jordan, Idaho	Prouty
Church	Keating	Proxmire
Cotton	Kennedy	Randolph
Curtis	Kuchel	Ribicoff
Dodd	Lausche	Robertson
Dominick	Long, Mo.	Russell
Douglas	Long, La.	Saltonstall
Eastland	Magnuson	Scott
Edmondson	Mansfield	Simpson
Ellender	McCarthy	Smathers
Ervin	McClellan	Smith
Fong	McGee	Sparkman
Fulbright	McGovern	Stennis
Goldwater	McIntyre	Symington
Gore	McNamara	Talmadge
Gruening	Mechem	Thurmond
Hart	Metcalf	Walters
Hartke	Miller	Williams, N.J.
Hayden	Monroney	Williams, Del.
Hickenlooper	Morse	Young, N. Dak.
Hill	Morton	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. THURMOND. Mr. President, I call up my amendment No. 928, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 8, in line 2, after "travelers", it is proposed to insert a semicolon, and to delete the rest of line 2, all of line 3, and all through the semicolon in line 4, as follows: "or a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce;".

Mr. THURMOND. Mr. President, on this question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself three-quarters of a minute.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for three-quarters of a minute.

Mr. THURMOND. Mr. President, this amendment to title II restricts the eating establishment coverage of title II to places which serve interstate travelers. As the bill is presently worded, eating establishments are covered merely because they serve food or use utensils which have been transported in interstate commerce. This is far too broad; and this amendment would delete that portion of title II, and thereby would limit the coverage to places which serve interstate travelers.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALTERS (when his name was called). On this vote I have a pair with the junior Senator from Maryland [Mr. BREWSTER]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER] and the Senator from Oregon [Mrs. NEUBERGER] are absent on official business.

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

I further announce that the Senator from Pennsylvania [Mr. CLARK] and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK] and the Senator from California [Mr. ENGLE] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Texas [Mr. TOWER] is necessarily absent.

If present and voting, the Senator from Kentucky [Mr. COOPER] would vote "nay."

On this vote, the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 30, nays 61, as follows:

[No. 349 Leg.]

YEAS—30

Bennett	Hickenlooper	Mundt
Byrd, Va.	Hill	Robertson
Cotton	Holland	Russell
Curtis	Hruska	Simpson
Dominick	Johnston	Smathers
Eastland	Jordan, N.C.	Sparkman
Ellender	Long, La.	Stennis
Ervin	McClellan	Talmadge
Fulbright	Mechem	Thurmond
Goldwater	Morton	Williams, Del.

NAYS—61

Aiken	Hartke	Monroney
Allott	Hayden	Morse
Anderson	Humphrey	Moss
Bartlett	Inouye	Muskie
Bayh	Jackson	Nelson
Beall	Javits	Pastore
Bible	Jordan, Idaho	Pearson
Boggs	Keating	Pell
Burdick	Kennedy	Prouty
Byrd, W. Va.	Kuchel	Proxmire
Cannon	Lausche	Randolph
Carlson	Long, Mo.	Ribicoff
Case	Magnuson	Saltonstall
Church	Mansfield	Scott
Dodd	McCarthy	Smith
Douglas	McGee	Symington
Edmondson	McGovern	Williams, N.J.
Fong	McIntyre	Young, N. Dak.
Gore	McNamara	Young, Ohio
Gruening	Metcalf	
Hart	Miller	

NOT VOTING—9

Brewster	Dirksen	Tower
Clark	Engle	Walters
Cooper	Neuberger	Yarborough

So Mr. THURMOND'S amendment (No. 928) was rejected.

Mr. KUCHEL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SMATHERS. Mr. President, I call up amendment No. 480, and ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 9, after line 7, insert the following:

(f) The provisions of this title shall not apply to any barber shop or beauty parlor.

Mr. SMATHERS. Mr. President, I yield myself 3 minutes.

This is obviously a simple up-or-down type of amendment. What we seek to do is to exclude from title II of the public accommodations section its application to barbers and beauticians on the ground that the activity of barbers and beauticians, according to the Florida State Association of Barbers—and I am sure other State associations—is of such a personal nature that they believe they should have the right of choice as to whom they should serve.

I cannot help believing that they should have the right of choice, just as doctors, dentists, and chiropodists and others who perform personal services, have the right of choice.

We do not provide in the bill, and I do not think we intend to provide, that if a lawyer happens to be working in an office that may have some connection with a hotel, the lawyer from that time on shall never have the choice as to whom he will represent. Surely lawyers and other types of professional people have a choice as to whom they will work for. In my experience, and I believe in the experience of every Senator from the South who has practiced as a lawyer, no discrimination has been made as to clients lawyers represent. I am sure there never has been a lawyer in the South who did not represent both white and colored citizens. But at least they had the right of choice, if they wanted to exercise that long-established right of choice.

I cannot help thinking that we should give to barbers and beauticians the same right of choice that has been given to other people. This provision as written in the substitute, brings under Federal law all barbers and beauticians, if they happen to be located in a building which itself is classified as an operating public accommodations. A barber in such a building might find himself in direct competition with a man across the street who is not in such a building. There would therefore be unfair competition. I insist that these operators should have the right of choice.

I would hope they would not discriminate. I would hope they would be figuratively speaking, color blind. But we are not going to accomplish anything of long-range value by commanding them, contrary to the 13th amendment, that they have to serve somebody they might not want to serve in something that requires personal and private attention, and this is of particular interest and sensitiveness with respect to beauticians.

Those people have been writing in, saying, "We would like to be excluded from the provisions of the bill."

If doctors and other professionals are to be excluded, I think these people are entitled to that long established, and heretofore agreed to personal privilege of an individual's right to private choice.

Mr. HUMPHREY. Mr. President, I yield myself 30 seconds.

I point out that only barbers and beauticians who are located in motels and hotels engaged in interstate commerce covered by title II are covered by the provisions of the bill. Other shops not within such hotels and motels are excluded. It seems to me indefensible to say to a patron of a hotel or motel that he is not entitled to services available to all others in that hotel or motel.

Incidentally, a house doctor is required to serve all clients in such public accommodation.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

I join in supporting the amendment. I think the Senator from Florida has stated the best reason for it, namely, the difficulty that would arise from competition between those located in a building engaged in interstate commerce, and those not so located. I think this would certainly be a difficult matter to adjust.

I hope the Senator will support the amendment.

Mr. SMATHERS. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida [Mr. SMATHERS]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The chief clerk proceeded to call the roll.

Mr. WALTERS (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Maryland [Mr. BREWSTER]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER] is absent on official business.

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

I further announce that the Senator from Pennsylvania [Mr. CLARK] and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK] and the Senator from California [Mr. ENGLE] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Arizona [Mr. GOLDWATER], is necessarily absent.

The Senator from Texas [Mr. TOWER] is necessarily absent.

If present and voting, the Senator from Kentuky [Mr. COOPER] would vote "nay."

On this vote, the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 30, nays 61, as follows:

[No. 350 Leg.]

YEAS—30

Bennett	Cotton	Eastland
Byrd, Va.	Curtis	Ellender
Byrd, W. Va.	Dominick	Ervin
Fulbright	Jordan, N.C.	Smathers
Gore	Long, La.	Sparkman
Hickenlooper	McClellan	Stennis
Hill	Mechem	Talmadge
Holland	Monroney	Thurmond
Hruska	Robertson	Williams, Del.
Johnston	Russell	Young, N. Dak.

NAYS—61

Aiken	Humphrey	Moss
Allott	Inouye	Mundt
Anderson	Jackson	Muskie
Bartlett	Javits	Nelson
Bayh	Jordan, Idaho	Neuberger
Beall	Keating	Pastore
Bible	Kennedy	Pearson
Boggs	Kuchel	Pell
Burdick	Lausche	Prouty
Cannon	Long, Mo.	Proxmire
Carlson	Magnuson	Randolph
Case	Mansfield	Ribicoff
Church	McCarthy	Saltonstall
Dodd	McGee	Scott
Douglas	McGovern	Simpson
Edmondson	McIntyre	Smith
Fong	McNamara	Symington
Gruening	Metcalf	Williams, N.J.
Hart	Miller	Young, Ohio
Hartke	Morse	
Hayden	Morton	

NOT VOTING—9

Brewster	Dirksen	Tower
Clark	Engle	Walters
Cooper	Goldwater	Yarborough

So Mr. SMATHERS' amendment (No. 480) was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MAGNUSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADDRESS BY HON. DOUGLAS DILLON, SECRETARY OF THE TREASURY, AT PRIZE DAY CEREMONIES, GROTON SCHOOL, MASSACHUSETTS

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

There has come to my attention a speech delivered on June 10, 1964, by Hon. Douglas Dillon, Secretary of the Treasury, at the Prize Day ceremonies of the Groton School, Massachusetts.

Mr. Dillon presented one of the most persuasive and eloquent statements I have seen made by anyone in regard to public service in our Government. I commend it to my colleagues. I think they will all read it with a great deal of pleasure, as I did.

I ask unanimous consent that it be printed in the body of the RECORD, as a part of my remarks.

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

REMARKS OF THE HONORABLE DOUGLAS DILLON, SECRETARY OF THE TREASURY, AT PRIZE DAY CEREMONIES, GROTON SCHOOL, GROTON, MASS., WEDNESDAY, JUNE 10, 1964

This is a very special and happy occasion for me for, although I have been back to the school many times since that Prize Day 37 years ago when Groton sent me forth into the world, this is the first time I have been back here for Prize Day.

This is the occasion when we of an older generation pay homage to those who are about to enter upon their most fruitful and productive years. It is, of course, not always easy for one generation to speak to another. I recall that vivid scene in "The Education of Henry Adams," in which the young

Henry, not "much more than 6 years old," engaged "one summer morning in a passionate outburst of rebellion against going to school." Clinging with all the strength in his small arms to the bottom of a staircase, the boy was on the verge of victory, when his grandfather—the former President of the United States, John Quincy Adams—appeared. Silently, the old man took young Henry by the hand and walked him nearly a mile through the hot sun of early summer to his school. Thereby, the old President earned the lifelong admiration of his grandson, because, in the words of The Education, "during their long walk he had said nothing, uttered no syllable of revolting cant about the duty of obedience and the wickedness of resistance to law," and the boy "gave his grandfather credit for intelligent silence."

But much as I admire that story, I cannot today be silent, for I am convinced that one of the great needs of our Nation is not for silent, passive observers, but for active, intelligent, and effective voices. It is of that need—particularly in public service—that I wish to speak today.

You sixth formers who are graduating today have received something very special—the best secondary school education available in our land. You have enjoyed the rare opportunity of working closely with a superb faculty under the guidance and leadership of a great headmaster, John Crocker. Today, as in the past, Groton has stressed, not only the pursuit of excellence in all things, but the importance of public service as one of the highest of human endeavors.

It can fairly be said that never before in our history has the need or the opportunity for public service been so great. As our civilization grows and becomes more complex, ever greater responsibilities descend upon Government at every level—upon the county courthouse and upon the city hall, upon our State capitals, and upon the Federal Government in Washington.

Think of today's problems of education, or urban renewal, in a great city such as New York or Chicago, or Philadelphia, problems unthought of only a few years ago. Think of the challenges posed by our exploration of outer space, an enterprise so vast and expensive that it could only be undertaken by the Federal Government.

There has never been a more exciting or momentous time to live—and we Americans live at the very center of challenge and opportunity. Yet, as the counterpart of its tremendous opportunities, this age of nuclear weapons and supersonic travel holds tremendous dangers as well. There is, of course, the awesome danger of nuclear war and worldwide holocaust that we can neither ignore or forget when we formulate or evaluate national policy.

But behind this danger is another equally fundamental. I speak of the danger that, in this world of dazzling and sometimes bewildering change—in this world of incredibly complex and shattering events—our courage may fade, our endurance flag, our patience run out. And we may seek refuge in the deceptive security of the past, or of a single oversimplified solution, or of a sudden rash act. But we cannot—and we must not—yield to the temptation of such easy escapes from reality. For in the real world alone will we find our destiny—and in that world there is no simple answer to our problems, no single cure for our ills, and no easy way to success.

I have, however, not the slightest doubt that we will be well preserved against this danger, as against others, if young men of talent, intelligence, and training like yourselves do not hold back, but take hold of the complex and difficult problems of our times and move to the very vanguard of events in the years that lie ahead.

Those years hold the promise of an affluence for our people far beyond anything we have ever known. The great challenge will be, not merely to take part in creating that affluence, although that is important, but to transform it into something more than an orgy of comfort—to make of it a springboard that can bring the life of this Nation closer to its ideals. Nowhere will that challenge be greater—nowhere can it be met with better result—than in public service.

As you sixth formers go out into the world this morning, I urge you to give serious thought to public service, for its needs and its opportunities are limitless. So, except in material ways, are its rewards.

When I speak of public service, I mean many things. There are the scientists probing outer space for the National Aeronautics and Space Administration. There are the dedicated members of our Foreign Service working in more than 100 countries to advance the cause of freedom as well as to protect the interests of our country. There are the unsung toilers in our Central Intelligence Agency. There are the city planners grappling with the mounting and tortuous problems posed by our ever-spreading cities. There are the judges charged with preserving our laws, our Constitution, our very way of life. And then there are those who seek elective public office—the men we speak of as politicians.

I have no patience with the presumption shared by some that the word "politician" is somehow unsavory. There has been, and will continue to be, corruption in politics as long as human beings are corruptible—just as there will be in business or in any other walk of life. But there is nothing inherently corrupt or grimy about politics—either in theory or in practice. And far more than in other aspects of our national life, any taint that may soil our political activities can only do so to the extent that we, the people of our land, by our indifference or by our unconcern, permit it to exist. I know of few callings of any kind that are, on the whole, so well honored and so well served by the men who follow it.

While I have never run for public office, I have worked actively for many years with our elective officials—at the county level, in the statehouse in New Jersey and, for the past 11 years at the national level, first in Paris, and then in Washington. Over those years I have come to know well many holders of political office. I have seen the pressures under which they operate. And I have come to know one thing—and to know it well: Our country, in the years ahead, will be just as good as, and no better, than the men who serve her in elective public office. For these men not only represent the people who chose them, but have the power to influence profoundly the thinking and conduct of their communities—and, ultimately, of the Nation as a whole.

I fully recognize that many of you, for one reason or another, may find it impracticable to make a career in public life. You may find your calling in the practice of medicine or of law, or in teaching or in the ministry. You may join the fields of banking or of business. Excellence in all these areas is essential to the progress of a free people. But to those of you who find that you cannot participate directly in public life, may I express the hope that you will endeavor to share in that life by working actively in the political vineyards.

That does not mean just once every 4 years when we elect a President, but on a continuing basis at the State and local levels. Do not shrug off your responsibility and argue that government is something for someone else to worry about. Local government is the very root and core of our national political system. It cannot thrive without your help and the help of men like you. You can help shape the course of community events by helping your elected officials. They need and want that help badly, and in many ways—in the form, naturally, of political contributions and votes, but also in the form of active help at the precinct level and, perhaps most important of all, in the form of intelligent, friendly, and unprejudiced advice, both before and after election.

It may be that some of you will seek election to the U.S. Congress, or will be in the forefront of help and counsel for someone else who does. If either course is ever open to you, then I fervently hope that you will take it.

In our Government of checks and balances, as you know, we put great power in our President. But, as you must also know, he can do little or nothing without the support of the Congress. And that support does not come to a President automatically, as it does to the leaders of governments operating under the parliamentary system, with its requirement for strict party discipline. This, in our American view, is as it should be, for otherwise the centralization of power would be far too great. But it also imposes a heavy responsibility upon our Congress, a responsibility that will be met well or ill according to the quality of those who make up the Congress. We may, as we proclaim, be a nation of laws and not of men, but we must never forget that it is men, the men whom we elect, who make our laws.

In my years in Washington I have come to know and admire many of our Senators and Representatives. My respect for them, and the manner in which they so ably discharge their heavy responsibilities, is unbounded. No man could find a better way to serve his country than through membership in one of the Houses of our Congress—and nowhere, with the exception of the Presidency, is it more imperative that we have men and women of the highest ability.

Let no one deceive you: Public life is hard, sometimes frustrating, and—as heaven and the public servant well know—it is often underpaid. Many of our public officials put in longer and harder hours than most other citizens. And by and large their material compensation is less for equal effort. Their life is filled with a thousand vexations, and their work continually hampered by one obstacle or another.

But there is also great reward. It is not acclaim, for few public officials are fortunate enough to receive public plaudits—or even, once they leave office, to live very long in the memories of their constituents, let alone in the pages of the history books. Rather, the reward of which I speak is the one of which we hear all too often—and experience, perhaps, all too seldom: the reward that comes from doing something that matters—from serving in a cause far greater than oneself or one's immediate personal interests—from serving one's country, one's ideals, and one's fellow citizens.

There is also reward in the fact that in few pursuits, except public service, can one come so closely in touch with the most vital and vibrant issues and opportunities of one's time. In this sense, the life of a public official, while it has its long hours of routine, is continually filled with unexpected and varied challenges. Public life, as I have observed and experienced it, is far from monotonous. It is exciting, even thrilling. And it is this excitement, created by the continual encounter with ever-changing experiences, that gives to public life its zest and appeal.

Our late President John Kennedy once said, "Of those to whom much is given, much is required." He also delighted in remarking that, "The Greeks were right when they defined happiness as the full use of one's powers along the lines of excellence." And there was in his mind—as there is in mind today—a close kinship between those two

thoughts. For nowhere is there more required of those to whom much has been given than in the public service. And nowhere is there an occupation that offers so abundantly the sheer joy that comes from using one's powers to the fullest and in the pursuit of the most excellent purposes. For you who leave Groton today, I can think of no higher recommendation.

BALANCE OF PAYMENTS

Mr. FULBRIGHT. Mr. President, I hold in my hand an editorial from yesterday's newspaper which contains a part of a statement from an annual report of the Bank for International Settlement relating to the question of balance of payments. This problem has troubled a great many of my colleagues in the Senate, as well as others in government, ever since 1955. This is the most authoritative and hopeful statement with regard to the present status of our international payments that I have seen.

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

Mr. FULBRIGHT. I yield myself 1 more minute.

I think it is well worth our consideration as it has a great bearing upon other legislation, such as foreign aid, with which this body deals.

I ask unanimous consent that the editorial be printed in the RECORD as a part of my remarks.

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

THE TROUBLE SPOT SHIFTS

Analysts of the international economic scene await with eagerness the annual reports of the Bank for International Settlement, a central banking institution established in Basle to cope with the problems of reparation payments after the First World War. The latest report once again demonstrates that the quintessential conservatism characterizing thought among European central bankers need not preclude an analysis of the world economy that is cogent, authoritative, and insightful.

The important conclusion of this year's report is rapidly summarized:

"For the first time in some years, a major change has taken place in the economic picture over the last 12 months. In essence, the economic trouble spot has shifted from the United States to continental Western Europe and the conflict between domestic and external considerations, which has complicated policymaking in both Europe and the United States for several years, has been significantly reduced.

"In the United States there are firmer grounds for confidence with regard to both domestic economic growth and the restoration of equilibrium in the balance of payments. On both fronts more vigorous policy measures in the year just past have made a major contribution to the improvement."

The cause of the shift in the economic trouble spot has generally been excessive demand in Western Europe resulting in rising prices, in tightness in the labor markets, soaring imports and a deterioration of trade balances. And while policies of restraint have been adopted to counter these pressures, the BIS suggests that they are too mild.

One cannot assume that the Europeans will be so kind as to resolve our balance-of-payments problem by submitting abjectly to inflation. But the pressures which are causing consternation in Europe are in large part the result of a radical change in personal consumption patterns, and that change, like other deepseated trends, is not likely to be checked in the near future. Thus, while the U.S. payments balance grows stronger and our negotiators no longer appear as supplicants, the likelihood of obtaining agreement on the reform of the international monetary system should increase.

CIVIL RIGHTS ACT OF 1963

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

Mr. LONG of Louisiana. 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. 351 Leg.]

Aiken	Hayden	Morse
Allott	Hickenlooper	Morton
Anderson	Hill	Moss
Bartlett	Holland	Mundt
Bayh	Hruska	Muskie
Beall	Humphrey	Nelson
Bennett	Inouye	Pastore
Bible	Jackson	Pearson
Boggs	Javits	Pell
Burdick	Johnston	Prouty
Byrd, W. Va.	Jordan, N.C.	Proxmire
Cannon	Jordan, Idaho	Randolph
Carlson	Keating	Ribicoff
Case	Kennedy	Russell
Church	Kuchel	Saltonstall
Cotton	Lausche	Scott
Curtis	Long, Mo.	Simpson
Dodd	Long, La.	Smathers
Dominick	Magnuson	Smith
Douglas	Mansfield	Sparkman
Eastland	McCarthy	Stennis
Edmondson	McClellan	Symington
Ellender	McGee	Talmadge
Ervin	McGovern	Thurmond
Fong	McIntyre	Walters
Fulbright	McNamara	Williams, N.J.
Gore	Mechem	Williams, Del.
Gruening	Metcalf	Young, N. Dak.
Hart	Miller	Young, Ohio
Hartke	Monroney	

The PRESIDING OFFICER. A quorum is present.

Mr. THURMOND. Mr. President, I call up my amendment No. 929 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk read as follows: On page 12, it is proposed to delete beginning with line 5 down through line 9 on page 14, as follows:

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 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 circut 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.

Renumber section 207 as section 206.

Mr. THURMOND. Mr. President, on my amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself three-quarters of a minute.

This amendment deletes the new section 206 from title II of the Dirksen-Mansfield substitute.

Section 206 would give the Attorney General power to instigate suits in the name of the United States when he believed there was a pattern or practice of discrimination in a particular State or area.

It is evident that this section is aimed specifically at the South. I believe it serves no useful purpose in the proposed legislation. Therefore, it should be deleted by the adoption of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from Arizona [Mr.

HAYDEN], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

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

I further announce that the Senator from Pennsylvania [Mr. CLARK] and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK] would vote "nay."

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Virginia [Mr. ROBERTSON].

If present and voting, the Senator from Maryland would vote "nay" and the Senator from Virginia would vote "yea."

On this vote, the Senator from California [Mr. ENGLE] is paired with the Senator from Virginia [Mr. BYRD].

If present and voting, the Senator from California would vote "nay" and the Senator from Virginia would vote "yea."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Texas [Mr. TOWER] is necessarily absent.

If present and voting, the Senator from Kentucky [Mr. COOPER] would vote "nay."

On this vote, the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Texas would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 23, nays 65, as follows:

[No. 352 Leg.]

YEAS—23

Byrd, W. Va.	Holland	Smathers
Cotton	Johnston	Sparkman
Curtis	Jordan, N.C.	Stennis
Eastland	Long, La.	Talmadge
Ellender	McClellan	Thurmond
Ervin	Mechem	Walters
Fulbright	Russell	Williams, Del.
Hill	Simpson	

NAYS—65

Aiken	Hartke	Monroney
Allott	Hickenlooper	Morse
Anderson	Hruska	Morton
Bartlett	Humphrey	Moss
Bayh	Inouye	Mundt
Beall	Jackson	Muskie
Bennett	Javits	Nelson
Bible	Jordan, Idaho	Pastore
Boggs	Keating	Pearson
Burdick	Kennedy	Pell
Cannon	Kuchel	Prouty
Carlson	Lausche	Proxmire
Case	Long, Mo.	Randolph
Church	Magnuson	Ribicoff
Dodd	Mansfield	Saltonstall
Dominick	McCarthy	Scott
Douglas	McGee	Smith
Edmondson	McGovern	Symington
Fong	McIntyre	Williams, N.J.
Gore	McNamara	Young, N. Dak.
Gruening	Metcalf	Young, Ohio
Hart	Miller	

NOT VOTING—12

Brewster	Dirksen	Neuberger
Byrd, Va.	Engle	Robertson
Clark	Goldwater	Tower
Cooper	Hayden	Yarborough

So Mr. THURMOND's amendment was rejected.

Mr. HUMPHREY. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. PASTORE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. LONG of Louisiana. Mr. President, I call up my amendment No. 1009.

The PRESIDING OFFICER (Mr. BAYH in the chair). The amendment of the Senator from Louisiana will be stated.

The CHIEF CLERK. On page 6, beginning with line 1, it is proposed to strike out all through line 17 on page 11 (title II), and in lieu thereof to insert the following:

TITLE II—LOANS TO PROVIDE PLACES OF PUBLIC ACCOMMODATION WHICH SERVE THE PUBLIC WITHOUT DISCRIMINATION

SEC. 201. (a) Section 7 of the Small Business Act is amended by adding at the end thereof a new subsection as follows:

"(e)(1) If the Administration finds that any person is deprived of the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation, on account of his race, color, religion, or national origin, and that such deprivation is pursuant to a pattern or practice within the area of the State in which such place of public accommodation is situated, the Administration is empowered to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to provide places of public accommodation within such area offering comparable goods, services, facilities, privileges, advantages, or accommodations without discrimination or segregation on the ground of race, color, religion, or national origin. For purposes of this subsection, each of the following establishments which serves the public is a place of public accommodation—

"(A) any inn, hotel, motel, or other place of business which provides lodging to transient guests;

"(B) 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; and any gasoline station;

"(C) any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment; and

"(D) any establishment (i) which is physically located within the premises of any establishment otherwise described in this subsection, or within the premises of which is physically located any such described establishment, and (ii) which holds itself out as serving patrons of such described establishment.

"(2) Financial assistance under this subsection shall be subject to the following limitations—

"(A) No financial assistance shall be extended pursuant to this subsection unless the borrower agrees to provide to all persons the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation to be provided by such financial assistance without discrimination or segregation on the ground of race, color, religion, or nation origin.

"(B) No financial assistance shall be extended unless such assistance is not otherwise available on reasonable terms.

"(C) In agreements to participate in loans on a deferred basis, such participation shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

"(D) No loan, including renewals and extensions thereof, shall be made for a period or periods exceeding twenty years.

"(E) The rate of interest for the Administration's share of any loan shall not exceed 5 per centum per annum.

(b) Section 4(c) of such Act is amended by—

(1) striking out "$1,666,000,000" and inserting in lieu thereof "$2,166,000,000"; and

(2) inserting after the fourth sentence the following: "Not to exceed an aggregate of $500,000,000 shall be outstanding from the fund at any one time for the purposes described in section 7(e) of this Act."

Amend the title so as to read: "A bill to enforce the constitutional right to vote, to authorize loans to provide places of public accommodation which serve the public without discrimination, 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. LONG of Louisiana. Mr. President, I yield myself 2 minutes.

Mr. President, this is a substitute for title II. It takes the approach that this Senator has always thought should be taken with regard to the problem of equal facilities.

It provides that in any area where there are alleged to be insufficient facilities for any minority group, loans would be available in the aggregate amount of $500 million to provide equal facilities in regard to hotels, motels, or any other facilities referred to in title II of the bill.

If one were to go to my own hometown of Baton Rouge, La., he would find hotels owned and operated by colored citizens. They are very good hotels and motels—as good as any in town.

If one were to go to New Orleans, he would find some of the best hotels and motels in that city being owned and operated by colored citizens. All except three of the hotels accept colored citizens. Those hotels include some of the very best and some of the most expensive in town. There are some hotels that provide service on a completely segregated basis and exclude white citizens.

The object of this amendment is to provide that in any area in America where there may not be adequate facilities for one race or another on a free and equal basis of free choice, such facilities would be provided, in addition to permitting colored people to own their own motels or hotels. So if they did not want to build such facilities for their own people, others could do it.

This amendment would make $500 million available through the Small Business Administration which is all that would be needed, to provide adequate facilities anywhere in America where anyone feels that the facilities available are not adequate.

This amendment is offered as a substitute for title II. I feel that this is a much better way to do it.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1009 offered by the Senator from Louisiana [Mr. LONG]. The yeas and nays have been requested.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Arizona [Mr. HAYDEN], the Senator from Oregon [Mr. MORSE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

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

I further announce that the Senator from Pennsylvania [Mr. CLARK] and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK] and the Senator from California [Mr. ENGLE] would each vote "nay."

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Virginia [Mr. ROBERTSON]. If present and voting, the Senator from Maryland would vote "nay," and the Senator from Virginia would vote "yea."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Texas [Mr. TOWER] is necessarily absent.

The Senator from Wyoming [Mr. SIMPSON] and the Senator from Massachusetts [Mr. SALTONSTALL], are detained on official business, and, if present and voting, would each vote "nay."

If present and voting, the Senator from Kentucky [Mr. COOPER] would vote "nay."

On this vote, the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Texas would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 17, nays 68, as follows:

[No. 353 Leg.]

YEAS—17

Byrd, Va.	Holland	Smathers
Eastland	Johnston	Sparkman
Ellender	Jordan, N.C.	Stennis
Ervin	Long, La.	Talmadge
Fulbright	McClellan	Thurmond
Hill	Russell	

NAYS—68

Aiken	Case	Hickenlooper
Allott	Church	Hruska
Anderson	Cotton	Humphrey
Bartlett	Curtis	Inouye
Bayh	Dodd	Jackson
Beall	Dominick	Javits
Bennett	Douglas	Jordan, Idaho
Bible	Edmondson	Keating
Boggs	Fong	Kennedy
Burdick	Gore	Kuchel
Byrd, W. Va.	Gruening	Lausche
Cannon	Hart	Long, Mo.
Carlson	Hartke	Magnuson
Mansfield	Morton	Randolph
McCarthy	Moss	Ribicoff
McGee	Mundt	Scott
McGovern	Muskie	Smith
McIntyre	Nelson	Symington
McNamara	Pastore	Williams, N.J.
Mechem	Pearson	Williams, Del.
Metcalf	Pell	Young, N. Dak.
Miller	Prouty	Young, Ohio
Monroney	Proxmire	

NOT VOTING—15

Brewster	Goldwater	Saltonstall
Clark	Hayden	Simpson
Cooper	Morse	Tower
Dirksen	Neuberger	Walters
Engle	Robertson	Yarborough

So the amendment of Mr. LONG of Louisiana was rejected.

Mr. MAGNUSON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. HILL. Mr. President, I call up my amendment No. 679 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 7, line 16, after "(b)," insert "it has more than five employees and".

Mr. HILL. Mr. President, this amendment would exempt from the provisions of title II, the public accommodations section, any business that has five or a lesser number of employees. Any business employing one, two, three, four, or five employees would be exempt from the public accommodations section of the bill.

We know that many businesses with five or fewer employees are family-operated businesses. Why should family-operated businesses, come under title II, the public accommodations section of this bill? The father, mother, and the children, members of the family, operate the business. Many businesses which have five or fewer employees—perhaps one, two, three, or four employees—are operated more or less on a shoestring basis. Such businesses do not have strong financial structure behind them, so why should they come under this particular title of the bill?

These businesses come under the fair employment practices title of the bill, and they have the same burdens and obligations which that title would impose on businesses with a minimum of 25 employees. As Senators know, under the pending bill a boarding house which does not have more than six rooms for rental is exempt under title II.

It is only fair, right, and equitable to exempt a family business operating on a shoestring basis with five or fewer employees; and that is what this amendment will do.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MAGNUSON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Washington is recognized for 1 minute.

Mr. MAGNUSON. The test is not the number of employees in this category. The test is whether these businesses hold themselves open to the public. It does not make any difference whether they employ 10 or 2 employees. If a restaurant is opened for the public in interstate commerce, it does not make any difference whether it is a family restaurant or any other kind of restaurant; it must not discriminate in its services to the public.

The exemption is entirely different from that of the five-room lodging house, which in many cases is not open to interstate commerce, or to the public.

That is the distinction.

We took up this matter with the committee and had long discussions on it; and it was felt that it had no bearing whatsoever on this particular section of the bill, or the segment of the people who are serving the public as the Senator from Alabama [Mr. HILL] contends.

Mr. PASTORE. Mr. President, will the Senator from Washington yield one-half minute on my own time?

Mr. MAGNUSON. I yield.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for one-half minute.

Mr. PASTORE. The effect of the amendment would be that in a restaurant employing four people, a Negro could not go in and get a cup of coffee, but in a restaurant employing six people, he could.

I believe that would be inequitable and unfair.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama (No. 679). On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Tennessee [Mr. WALTERS]. If he were present and voting he would vote "yea." If I were at liberty to vote I would vote "nay." I therefore withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Arizona [Mr. HAYDEN], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Montana [Mr. METCALF], the Senator from Oregon [Mr. MORSE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Virginia [Mr. ROBERTSON], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

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

I further announce that the Senator from Pennsylvania [Mr. CLARK] and the Senator from Texas [Mr. YARBOROUGH], are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], and the Senator from California [Mr. ENGLE], would each vote "nay."

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Virginia [Mr. ROBERTSON].

If present and voting, the Senator from Maryland would vote "nay," and the Senator from Virginia would vote "yea."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from Illinios [Mr. DIRKSEN] are absent on official business.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Texas [Mr. TOWER] is necessarily absent.

If present and voting, the Senator from Kentucky [Mr. COOPER] would vote "nay."

On this vote, the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 21, nays 62, as follows:

[No. 354 Leg.]

YEAS—21

Byrd, Va.	Gore	Mechem
Byrd, W. Va.	Hill	Russell
Cotton	Holland	Smathers
Eastland	Johnston	Sparkman
Ellender	Jordan, N.C.	Stennis
Ervin	Long, La.	Talmadge
Fulbright	McClellan	Thurmond

NAYS—62

Aiken	Hart	Morton
Allott	Hartke	Moss
Anderson	Hickenlooper	Mundt
Bartlett	Hruska	Muskie
Bayh	Humphrey	Nelson
Beall	Inouye	Pastore
Bennett	Jackson	Pearson
Bible	Javits	Pell
Boggs	Jordan, Idaho	Prouty
Burdick	Keating	Proxmire
Cannon	Kennedy	Randolph
Carlson	Kuchel	Ribicoff
Case	Lausche	Saltonstall
Church	Long, Mo.	Scott
Curtis	Magnuson	Simpson
Dodd	McGee	Smith
Dominick	McGovern	Symington
Douglas	McIntyre	Williams, Del.
Edmondson	McNamara	Young, N. Dak.
Fong	Miller	Young, Ohio
Gruening	Monroney	

NOT VOTING—17

Brewster	Hayden	Robertson
Clark	Mansfield	Tower
Cooper	McCarthy	Walters
Dirksen	Metcalf	Williams, N.J.
Engle	Morse	Yarborough
Goldwater	Neuberger	

So Mr. HILL's amendment was rejected.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CASE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. 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. 355 Leg.]

Aiken	Cannon	Ervin
Allott	Carlson	Fong
Anderson	Case	Fulbright
Bartlett	Church	Gore
Bayh	Cotton	Gruening
Beall	Curtis	Hart
Bennett	Dodd	Hartke
Bible	Dominick	Hickenlooper
Boggs	Douglas	Hill
Burdick	Eastland	Holland
Byrd, Va.	Edmondson	Hruska
Byrd, W. Va.	Ellender	Humphrey
Inouye	McIntyre	Ribicoff
Jackson	McNamara	Russell
Javits	Mechem	Saltonstall
Johnston	Metcalf	Scott
Jordan, N.C.	Miller	Simpson
Jordan, Idaho	Monroney	Smathers
Keating	Morton	Smith
Kennedy	Moss	Sparkman
Kuchel	Mundt	Stennis
Lausche	Muskie	Symington
Long, Mo.	Nelson	Talmadge
Long, La.	Neuberger	Thurmond
Magnuson	Pastore	Walters
Mansfield	Pearson	Williams, N.J.
McCarthy	Pell	Williams, Del.
McClellan	Prouty	Young, N. Dak.
McGee	Proxmire	Young, Ohio
McGovern	Randolph	

The PRESIDING OFFICER. A quorum is present.

Mr. McCLELLAN. Mr. President, I call up my good amendment No. 547 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 33, line 1, after "employment," insert "solely".

On page 33, line 7, after "employee," insert "solely".

On page 33, line 12, after "individual" insert "solely".

On page 33, line 14, after "individual" insert "solely".

On page 33, line 19, after "individual" insert "solely".

On page 34, line 1, after "employment," insert "solely".

On page 34, line 10, after "individual" insert "solely".

Mr. McCLELLAN. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

This amendment ought to be accepted. It merely inserts one word—"solely."

The bill provides that it shall be an unlawful employment practice for an employer to do several things. I shall read one as an illustration:

(1) To fail or refuse to hire or 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.

If that is what is meant, if that is really the purpose of the bill, we should insert the word "solely," so that there will not be a dragnet, a catchall, to leave something uncertain for a court to interpret. Let us use the word "solely."

I hope the word "solely" will be accepted.

Mr. CASE. Mr. President, I yield myself 15 seconds.

The Senator from Arkansas, as always, seeks to provide the benefit of great clarity and simplicity in his objectives and methods. The difficulty with this amendment is that it would render title VII totally nugatory. If anyone ever had an action that was motivated by a single cause, he is a different kind of animal from any I know of. But beyond that difficulty, this amendment would place upon persons attempting to prove a violation of this section, no matter how clear the violation was, an obstacle so great as to make the title completely worthless. I therefore regret that we are obliged to oppose the amendment, and also to recommend that it be rejected.

Mr. MAGNUSON. Mr. President, I yield myself half a minute. This subject was considered at some length. The difficulty is that a legal interpretation or a court interpretation of the word "solely" would so limit this section as probably to negate the entire purpose of what we are trying to do.

Mr. CASE. There is no doubt about it.

Mr. McCLELLAN. I yield myself half a minute.

Then it is not intended to stop at what it is said is intended. Therefore, the provision is a dragnet. The proponents want to leave the section open to any kind of wild interpretation. The victim will not know why he has been rejected. It is unfair to the person whom it is intended to make the victim.

Mr. CASE. Mr. President, I yield myself 5 seconds.

Whatever might be the truth of the last suggestion so far as I am concerned, no one could possibly say that it was true so far as the Senator from Washington is concerned. The suggestion is really absurd on its face. I suggest that the amendment be rejected.

Mr. LONG of Louisiana. Mr. President, I yield myself 1 minute.

Having heard both presentations, I cannot for the life of me understand why someone would want to insist on leaving out the word "solely," because my impression was that if it were desired to hire someone because he was a brother-in-law or a first cousin, a person could not complain that he failed to get the job because of his race.

To say that a person who wanted to hire a relative or one who had been a close personal friend for many years would have to hire someone of a different color because he got there first is unreasonable.

If Senators are talking about two persons with regard to whom the employer had had no previous contact, or of whom he had had no previous knowledge, one way or the other, that provision would make sense. That is why the word "solely" is proposed to be included.

Mr. LAUSCHE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 1 minute.

Mr. LAUSCHE. I join the Senator from Arkansas in favoring the inclusion of the word he wishes to have included. From reading subparagraph (1), it is obvious that the offense would be considered committed when equality of treatment was denied on account of religion, race, sex, or national origin.

The Senator from Arkansas wishes to make this point clear. Therefore, he proposes the inclusion of the word "solely," in terms of denial of employment because of race, color, sex, or national origin.

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

Mr. LAUSCHE. I yield myself 10 seconds more, Mr. President.

The PRESIDING OFFICER. The Senator from Ohio may proceed.

Mr. LAUSCHE. Mr. President, the argument that the inclusion of the word proposed to be included would negate the provision is, in my opinion, absolutely specious and captious, and is an attempt to find, on some pretext, a reason for opposing the amendment.

The PRESIDING OFFICER. If there is to be no further debate on the pending amendment, the question is on agreeing to the amendment of the Senator from Arkansas. The yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Oregon [Mr. MORSE], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Arizona [Mr. HAYDEN] are absent on official business.

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

I further announce that the Senator from Pennsylvania [Mr. CLARK], and the Senator from Texas [Mr. YARBOROUGH], are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], and the Senator from California [Mr. ENGLE], would each vote "nay."

On this vote, the Senator from Maryland [Mr. BREWSTER], is paired with the Senator from Virginia [Mr. ROBERTSON]. If present and voting, the Senator from Maryland would vote "nay," and the Senator from Virginia would vote "yea."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER], and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Texas [Mr. TOWER] is necessarily absent.

If present and voting, the Senator from Kentucky [Mr. COOPER] would vote "nay."

On this vote, the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 39, nays 50, as follows:

[No. 356 Leg.]

YEAS—39

Bennett	Gore	Mundt
Byrd, Va.	Hickenlooper	Pearson
Byrd, W. Va.	Hill	Russell
Cannon	Holland	Simpson
Carlson	Hruska	Smathers
Church	Johnston	Sparkman
Cotton	Jordan, N.C.	Stennis
Curtis	Jordan, Idaho	Symington
Dominick	Lausche	Talmadge
Eastland	Long, La.	Thurmond
Ellender	McClellan	Walters
Ervin	Mechem	Williams, Del.
Fulbright	Morton	Young, N. Dak.

NAYS—50

Aiken	Case	Inouye
Allott	Dodd	Jackson
Anderson	Douglas	Javits
Bartlett	Edmondson	Keating
Bayh	Fong	Kennedy
Beall	Gruening	Kuchel
Bible	Hart	Long, Mo.
Boggs	Hartke	Magnuson
Burdick	Humphrey	Mansfield
McCarthy	Moss	Randolph
McGee	Muskie	Ribicoff
McGovern	Nelson	Saltonstall
McIntyre	Neuberger	Scott
McNamara	Pastore	Smith
Metcalf	Pell	Williams, N.J.
Miller	Prouty	Young, Ohio
Monroney	Proxmire	

NOT VOTING—11

Brewster	Engle	Robertson
Clark	Goldwater	Tower
Cooper	Hayden	Yarborough
Dirksen	Morse	

So Mr. MCCLELLAN'S amendment was rejected.

Mr. MAGNUSON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. LAUSCHE. Mr. President, may I inquire how many yea and nay votes have been taken today?

The PRESIDING OFFICER. Twelve yea-and-nay votes. If the Senator desires that the time required to obtain the information be taken out of his time, the Chair will be glad to make inquiry.

Mr. LAUSCHE. Mr. President, how many quorum calls have there been?

The PRESIDING OFFICER. Nine quorum calls.

Mr. JOHNSTON. 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. 357 Leg.]

Aiken	Hartke	Moss
Allott	Hickenlooper	Mundt
Anderson	Hill	Muskie
Bartlett	Holland	Nelson
Bayh	Hruska	Neuberger
Beall	Humphrey	Pastore
Bennett	Inouye	Pearson
Bible	Jackson	Pell
Boggs	Javits	Prouty
Burdick	Johnston	Proxmire
Byrd, Va.	Jordan, N.C.	Randolph
Byrd, W. Va.	Jordan, Idaho	Ribicoff
Cannon	Keating	Russell
Carlson	Kennedy	Saltonstall
Case	Kuchel	Scott
Church	Long, Mo.	Simpson
Cotton	Long, La.	Smathers
Curtis	Magnuson	Smith
Dodd	Mansfield	Sparkman
Dominick	McCarthy	Stennis
Douglas	McClellan	Symington
Eastland	McGee	Talmadge
Edmondson	McGovern	Thurmond
Ellender	McIntyre	Walters
Ervin	McNamara	Williams, N.J.
Fong	Mechem	Williams, Del.
Gore	Metcalf	Young, N. Dak.
Gruening	Miller	Young, Ohio
Hart	Monroney	

The PRESIDING OFFICER. A quorum is present.

Are there further amendments to be offered?

Mr. ERVIN. Mr. President, I call up my amendments No. 887, and ask the clerk to state them, as modified by me.

The PRESIDING OFFICER. The clerk will state the amendments, as modified.

The legislative clerk read as follows:

On page 32, line 23, immediately after "SEC. 601.", insert the subsection designation "(a)".

On page 33, between lines 2 and 3, insert the following new subsection:

"(b) No program or activity listed hereinafter in this subsection shall be deemed for any purpose of this title to be a program or activity receiving Federal financial assistance:

"(1) insurance of bank deposits by the Federal Deposit Insurance Corporation;

"(2) insurance of savings and loan accounts or equities by the Federal Savings and Loan Insurance Corporation;

"(3) Federal crop insurance;

"(4) national service life insurance;

"(5) Federal employees group life insurance;

"(6) mortgage insurance and guarantees of the Veterans' Administration and the Federal Housing Administration; and

"(7) grants, loans, payments, and assistance under the Agricultural Adjustment Act, the Commodity Credit Corporation Act, or any other statute providing for the benefit of farmers any agricultural price support assistance or marketing program."

Mr. ERVIN. Mr. President, I yield myself 1 minute.

This is an amendment which the Senate will adopt if the Senate acts in an intelligent manner.

Title VI is like one of Old Mother Hubbard's dresses—it covers everything.

When the question was raised by the able and distinguished senior Senator from Kentucky [Mr. COOPER], in a letter to the Attorney General, as to whether or not title VI was intended to cover insurance of bank deposits by the Federal Deposit Insurance Corporation; insurance of savings and loan accounts or equities by the Federal Savings and Loan Insurance Corporation; Federal Crop Insurance; national service life insurance; Federal employees group life insurance; mortgage insurance and guaranties of the Veteran's Administration and the Federal Housing Administration; and grants, loans, payments, and assistance under the Agricultural Adjustment Act, the Commodity Credit Corporation, or any other statute providing for the benefit of farmers any agricultural price support assistance or marketing program, the Attorney General wrote the Senator from Kentucky that it was not intended to cover those items.

This amendment would make certain that the interpretation of the Attorney General is correct, and that these programs are excluded. Why not make certain that which the language of title VI leaves uncertain?

I ask for the yeas and nays on my amendments.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Ervin amendments No. 887. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from Oregon

[Mr. MORSE], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Ohio [Mr. LAUSCHE] are absent on official business.

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

I further announce that the Senator from Pennsylvania [Mr. CLARK], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], and the Senator from California [Mr. ENGLE] would each vote "nay."

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Arkansas [Mr. FULBRIGHT]. If present and voting, the Senator from Maryland would vote "nay," and the Senator from Arkansas would vote "yea."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER], and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Texas [Mr. TOWER] is necessarily absent.

The Senator from Kentucky [Mr. MORTON] is detained on official business.

If present and voting, the Senator from Kentucky [Mr. COOPER] would vote "yea."

On this vote, the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 29, nays 56, as follows:

[No. 358 Leg.]

YEAS—29

Bennett	Gore	Russell
Byrd, Va.	Hill	Simpson
Byrd, W. Va.	Holland	Smathers
Cannon	Hruska	Sparkman
Church	Johnston	Stennis
Curtis	Jordan, N.C.	Talmadge
Dominick	Long, La.	Thurmond
Eastland	McClellan	Walters
Ellender	Mechem	Williams, Del.
Ervin	Monroney	

NAYS—56

Aiken	Hickenlooper	Mundt
Allott	Humphrey	Muskie
Anderson	Inouye	Nelson
Bartlett	Jackson	Neuberger
Bayh	Javits	Pastore
Beall	Jordan, Idaho	Pearson
Bible	Keating	Pell
Boggs	Kennedy	Prouty
Burdick	Kuchel	Proxmire
Carlson	Long, Mo.	Randolph
Case	Magnuson	Ribicoff
Cotton	McCarthy	Saltonstall
Dodd	McGee	Scott
Douglas	McGovern	Smith
Edmondson	McIntyre	Symington
Fong	McNamara	Williams, N.J.
Gruening	Metcalf	Young, N. Dak.
Hart	Miller	Young, Ohio
Hartke	Moss	

NOT VOTING—15

Brewster	Fulbright	Morse
Clark	Goldwater	Morton
Cooper	Hayden	Robertson
Dirksen	Lausche	Tower
Engle	Mansfield	Yarborough

So Mr. ERVIN'S amendments were rejected.

Mr. MAGNUSON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HUMPHREY. Mr. President, will the Senator from Florida withhold his request, inasmuch as we shall recess very shortly after one more vote?

Mr. HOLLAND. Mr. President, having received such pleasing information, I ask unanimous consent that the order for the quorum call may be rescinded.

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

Mr. THURMOND. Mr. President, I call up my amendment (No. 930), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 10, line 8, after "complainant" insert "or the defendant".

On page 10, line 10, after "complainant" insert "or such defendant".

Mr. THURMOND. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself three-quarters of 1 minute.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for three-quarters of 1 minute.

Mr. THURMOND. Mr. President, this amendment would allow the court to appoint an attorney for the defendant as well as the complainant if an action were brought against the defendant under the provisions of title II.

As the substitute is now worded, the court is allowed to appoint an attorney for the complaining party upon his request. There is much more precedent for the court to appoint an attorney for the defendant than there is for the court to appoint an attorney for the complainant.

This amendment would provide the same equal justice for a defendant as is sought to be given the complaining party.

Mr. HUMPHREY. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 30 seconds.

Mr. HUMPHREY. Mr. President, section 204(a) authorizes the court to appoint an attorney for a complainant in a title II suit in such circumstances as the court deems just.

This amendment would authorize the court to appoint an attorney for the defendant in such a suit.

This amendment is unnecessary. The present provision is included because Negroes in some areas are unable to obtain legal representation to institute civil rights suits. That is not true of persons who are defendants in such suits.

It should be noted that section 205 authorizes the court to allow the prevailing party in a title II suit, other than the United States, a reasonable attorney's fee as part of the costs. Thus, there is protection for either party, where justified insofar as the cost of legal representation is concerned.

Mr. President, I urge that the amendment be defeated.

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to the amendment of the Senator from South Carolina. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from Ohio [Mr. LAUSCHE], the Senator from Oregon [Mr. MORSE], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Tennessee [Mr. WALTERS], are absent on official business.

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

I further announce that the Senator from Pennsylvania [Mr. CLARK], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Virginia [Mr. ROBERTSON]. If present and voting, the Senator from Maryland would vote "nay" and the Senator from Virginia would vote "yea."

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from Tennessee [Mr. WALTERS]. If present and voting, the Senator from Pennsylvania would vote "nay" and the Senator from Tennessee would vote "yea."

On this vote, the Senator from California [Mr. ENGLE] is paired with the Senator from Arkansas [Mr. FULBRIGHT]. If present and voting, the Senator from California would vote "nay," and the Senator from Arkansas would vote "yea."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from Illinois [Mr. DIRKSEN] are absent on official business.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Texas [Mr. TOWER] is necessarily absent.

The Senator from Kentucky [Mr. MORTON] is detained on official business.

If present and voting, the Senator from Kentucky [Mr. COOPER] would vote "yea."

On this vote, the Senator from Illinois [Mr. DIRKSEN] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Texas would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 24, nays 60, as follows:

[No. 359 Leg.]

YEAS—24

Byrd, Va.	Ervin	Jordan, N.C.
Cotton	Gore	Long, La.
Curtis	Hill	McClellan
Dominick	Holland	Mechem
Eastland	Hruska	Mundt
Ellender	Johnston	Russell

Smathers	Stennis	Thurmond
Sparkman	Talmadge	Williams, Del.

NAYS—60

Aiken	Hartke	Monroney
Allott	Hickenlooper	Moss
Anderson	Humphrey	Muskie
Bartlett	Inouye	Nelson
Bayh	Jackson	Neuberger
Beall	Javits	Pastore
Bennett	Jordan, Idaho	Pearson
Bible	Keating	Pell
Boggs	Kennedy	Prouty
Burdick	Kuchel	Proxmire
Byrd, W. Va.	Long, Mo.	Randolph
Cannon	Magnuson	Ribicoff
Carlson	Mansfield	Saltonstall
Case	McCarthy	Scott
Church	McGee	Simpson
Dodd	McGovern	Smith
Douglas	McIntyre	Symington
Edmondson	McNamara	Williams, N.J.
Fong	Metcalf	Young, N. Dak.
Hart	Miller	Young, Ohio

NOT VOTING—16

Brewster	Goldwater	Robertson
Clark	Gruening	Tower
Cooper	Hayden	Walters
Dirksen	Lausche	Yarborough
Engle	Morse	
Fulbright	Morton	

So Mr. THURMOND'S amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HART. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE STOCKMAN'S DILEMMA

Mr. McGOVERN. Mr. President, I yield myself 2 minutes. Over the past year or more there has been an intensive search for a solution for the steadily falling price of beef cattle. Many who have tried to analyze this problem have come up with a single answer to the problem—one action that would restore to the cattle producer a price level that would allow him a reasonable profit on his time, effort, and initiative.

Unfortunately, Mr. President, the world is not quite that simple. Raising beef is a complicated business and when the complexities of marketing, imports, consumer tastes, and even the weather are all added in, it becomes impossible to reduce this complex situation to anything amenable to a one-shot cure.

Nowhere have I seen this hard fact of life better illustrated than in a speech recently made by my good friend the senior Senator from Wyoming [Mr. McGEE] to the Wyoming Stock Growers Association in Torrington, Wyo. This speech not only outlines the myriad problems that confront the stockman today but gives a realistic appraisal of the many different things that must be done if we are to restore equity to this currently distressed situation.

Mr. President, I ask unanimous consent that this speech be printed in the RECORD.

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

A HARD LOOK AT THE STOCKMAN'S DILEMMA

(Remarks by the Honorable GALE McGEE, U.S. Senator, before the 1964 Annual Convention of the Wyoming Stock Growers Association, Torrington, Wyo., June 5, 1964)

For some time now the American cattleman has been engaged in an operation known as "hanging on by the skin of your teeth." And while you are doing this and every day coming closer and closer to bankruptcy, we politicians are busily running about trying to find simple solutions to your problems so that we can come before groups such as this and stick out our chests and say, "Look, here's your problem and here is how I have solved it." That is the way Jack Armstrong and Horatio Alger work things and we would like to do the same.

But, unfortunately, the problem just won't hold still. Every time we try to pin a label on it we have a new wiggle and away we go in another direction. After a few rounds of this I have come to some conclusions that I would like to share with you today.

You may have heard that I have been backing a study of the operations of the giant food chains to see if perhaps some of the consumer's meat dollar that should go to the cattleman and the farmer is not getting stuck somewhere along the way. I have spent a good deal of time and study on this matter and have reached the conclusion that it is not the answer to the cattlemen's dilemma.

And I have spent a good deal of time and study on the problems of imports. I have joined in sponsorship of bills to put a restrictive quota on beef imports, and after all this I have concluded that import barriers are not the answer.

Likewise, the one-third increase in a short period of time in the amount of domestic beef production cannot be blamed for the alarming decline in cattle prices.

I would like to be able to tell you that I have discovered a new inequity that I plan to correct next week and you can all run out and sell your cattle for $27.50 again. But that is not the case. What I am trying to tell you is that there is no single, simple answer to your problem. Chainstores, imports, overproduction, competition from other meats, and a host of others factors all play a part. And to get back on solid ground we must go to work on all these problems.

I am sure that if one of your membership advanced the theory that the entire secret to efficient cattle production was the improvement of breeding stock, you might suggest that he had better pay some attention to the quality of his feed and pasture, the problems of parasite control and even think a little about timing and the proper weights for marketing. For a modern stockman is a man of many trades and occupations, all with one end in mind, the production of the best beef cattle in the world. And to ignore one element of your trade is to invite disaster.

Having said this, I would like now to run down some of the pertinent facts on these various factors to try and make some sense out of this patchwork situation.

Since I seem somehow to be identified with it, I will discuss the chainstore investigation first. In case there is some confusion on this issue, I would begin by explaining just how the McGee resolution works. This is not an investigation by a committee of the Congress or by an agency of the Government. Rather, it is a look at a new factor in American commerce by a special Commission made up of five Senators, five Members of the House of Representatives, and five members appointed by the President from the public at large.

The purpose behind this National Commission on Food Marketing is to take a look at the chainstores to see if this new method of merchandising food, which has brought about an almost complete revolution on the American scene since the end of World War II is conforming to our free enterprise traditions. The end in mind is not the persecution of the chainstores or the reversal of the trend toward the supermarket and food chain. What President Johnson proposed and what I was proud to put into the Senate hopper is a method of assuring the public that its interests are being protected in this new development.

Those of you who can remember back to the so-called "good old days" before the atomic age will remember that there was a time when the cattleman was in another kind of a bind. And the people who were putting the squeeze on were the operators of the big packinghouses. Over the years these three or four large-scale operators had gradually gained control of the market for meat and meat products from the producer to the consumer and both the producer and the consumer were getting the short end of the stick in this almost complete form of vertical integration. It took quite a bit of time before the full effects of this squeeze became obvious—and during this time the stockman and the farmer were bearing the brunt of these squeeze tactics and finding out what it meant to have the choice of selling their products to one buyer at his price or not selling them at all. Eventually Congress took action and passed the Packers and Stockyards Act, which corrected many of the evils of the vertical integration of the packinghouses and let a fresh breath of open competition into a closed market.

If we have learned any lesson from the history that led to the Packers and Stockyards Act, it is that if we wait until the situation is so bad that it is obvious to everyone then the damage has already been done and many innocent people will suffer before a correction can be made. But, if we learn from history, if we can take a "stitch in time," we can prevent a recurrence of the old squeeze play. But to be able to take effective action, or even to know if action is necessary, we must have the facts. To wait until the facts are obvious is too late for the public's protection.

So what the McGee resolution says is that we had better watch this new giant on the merchandising scene to see just what happens when he flexes his muscles. I am not suggesting that the food chains are deeply involved in illegal or unethical practices. I am not saying they are too big or too powerful. What I am saying is that from the outside you cannot tell what is going on and there have been enough complaints and enough unanswered questions to demand a thorough investigation to determine just what the real facts are.

During the hearings on this proposal before the Commerce Committee, considerable testimony was given which strengthened the arguments I have just given you. Various pressures against food producers were alleged and pressures were even put on those who indicated a willingness to testify before the committee. But above and beyond all this, there is one question that to my mind has never been answered. Why, if prices to the producer—in this case you here today—have dropped sharply, why have not the prices to the consumer—the housewife—dropped at least a little? The wages of butchers and meatpackers have gone up in recent years, but the increased use of machines and automation has raised productivity even higher. So the conclusion must be reached that either somebody is making a lot more money than they used to or these old prices that you seek to return to were too high for a good number of years.

When the proposal for this Commission was first mentioned, quite a few people could not see the necessity for it, but as the hearings continued it was very gratifying to see how support grew. And now almost everybody who is concerned with this situation is behind the National Commission on Food Marketing. The list includes the National Association of Chain Stores—and that's most of the big operators—the Farmers Union, the American Farm Bureau Federation, the National Grange, the National Federation of Independent Businesses, the American Stockyards Association, the Ameri-

can National Cattlemen's Association, the woolgrowers, the cattle feeders, the National Association of Retail Grocers, many labor organizations, and many, many individuals. We received a great deal of mail in support of this proposal from across the Nation. This mail included one letter and a telegram from the State commissioner of agriculture of a certain Western State which I was glad to accept as evidence that there is no partisan political animosity connected with this matter in any way, shape, or form.

As I mentioned earlier, this investigation is not going to produce a single handed elimination of the problems you face today. But I have suggested, and received assurances, that the first field of study for the Commission will be red meat, for there is where the real pinch is being felt. The Commerce Committee hearings were centered around meat and enough information has already been collected so that the Commission can go right to work and an interim report should be expected before the end of the year.

Earlier I mentioned some of the unanswered questions concerning the chainstore investigation. Well, there are some unanswered questions in another field, too. I refer to the question of imports. Now before I discuss this question I want to make it plain that I hold no brief for imports. I have joined in sponsorship of legislation to severely restrict imports; I am the author of another bill to curtail imports and a third to require labeling of all meat imported into the United States.

But, in all candor, I must say that those who pin the entire blame for the decline in meat prices to the producer to meat imports are leaning on a mighty slender reed. I cannot tell you that someday we shall be able to cut off completely all imports that compete with what you produce; the world is not built that way. But I can tell you that imports can and will be controlled to the point where you can live with them. And things are already being accomplished to that end. The most recent figures collected by the Bureau of the Census—and they are the only agency keeping an up-to-date count—show that imports of red meat from abroad have declined about 20 percent so far this year. That figures out to a 225 million pound drop over the entire year. And foreign producers have indicated that they intend to cut back to 27 percent for the rest of the year. A recent report from Mexico showed that their exports to us in the first quarter of 1964 were about one-half of what they were in the same period last year. And the same holds true for Canada.

You all are familiar with the argument that the great amount of imported beef of the lean, manufacturing type, has forced our cattlemen to concentrate on the production of fed cattle to the detriment of the domestic market. It would stand to reason, if this is true, that there should be a sizable increase in the amount of lean beef available, what with all these imports plus the production of those who can't afford marketing their canners and cutters. Yet, the domestic production of lean beef has dropped off by a large percentage—in fact, it has dropped off so fast that all the imports of the past few years have not been able to make up the difference.

Last year, with 1.5 billion pounds of manufacturing beef imported, the total amount of this type meat available for domestic consumption was one-half billion pounds less than in 1955. This figures out to a 15 percent per person reduction in the total supply. So again we must ask the obvious question. If imports are the only villain in this crime against the cattleman why has the amount of this meat available decreased? If the law of supply and demand is functioning in any valid way, you would expect the price on an item to increase as the supply decreases. And I would add that consumer demand for this type meat has increased as the supply decreased. The largest single meat item purchased by the housewife—and I can give personal testimony to this fact—is hamburger. The producers of fed beef certainly contribute to our hamburger supply, with a large percentage of that commodity made up of scraps, pieces, and less choice cuts of fed beef. But with the high finish put on American fed cattle today a certain percentage of lean beef must be added or the mixture is too fat for consumer acceptance. In light of all these facts, it might be well to consider if part of our troubles do not stem from too much concentration on the production of only one type of meat animal.

Along that line we should keep in mind the fact that in 1958 there were 24 million head of beef cows in this Nation and last year there were 31.8 million, a one-third increase in 6 years. This is an increase five times greater than the increase in imports. And along with the increase in numbers, the average cow is being fed 16 percent heavier than it was 10 years ago. While the consumer has tried to help and has increased his consumption by a per capita expansion of from 80 pounds a year in 1954 to 95 pounds a year in 1963, it stands to reason that the cowman can help his own cause if a way can be developed to break this mounting production spiral.

So far I have mentioned a number of complicated factors that I believe have all had a hand in the creation of the drastic plight of the American cattleman. Now I would like to mention a few of the things that can be done and are being done to improve the situation.

President Johnson, who is no stranger to the problems of the cattleman, recently sent a market study mission to Europe to see if there are potential markets there for American beef. The mission members reported that there is indeed a sizable market there for American beef. At the present time meat prices are going sky high in France and England. The Paris housewife is at this moment paying $2.52 a pound for beef roast. In London beef prices have gone up 70 percent in the last year with top round now selling for $1.40 a pound. Now it seems to me that with a little effort that two can play at this import-export game. And further good news along this line was the 50-percent reduction in the French tariff on imported fresh and frozen beef as part of their current anti-inflation program.

Now it will not be enough to just box up a few boatloads of frozen beef and send it over to Europe. European tastes are used to a different, leaner, type of meat than that produced for the American diet. But I am confident that the American tradition of ingenuity in the face of challenge and determination to make the best of every opportunity can help us make the most of this chance to compete in new markets. In fact, the first boatload of meat is already on the way. Until this year we have never exported beef in large quantities but the possibilities for such exports are evidenced by the fact that in the first quarter of this year our red meat exports have increased by 33 percent over the same period last year.

And there are other avenues of improvement open for the American cattleman. I'm sure most of you are familiar with the recent report of the National Advisory Committee on Cattle which made several recommendations for the overall strengthening of the domestic cattle market. Merritt N. Barton, of Upton, represents you on this National Advisory Committee.

The first recommendation I have already mentioned, the promotion of exports to foreign nations.

The second was the continuation of the present U.S. Department of Agriculture beef purchase program and its limitation to beef of USDA Choice quality. Under this program purchases could go as high as 480 million pounds of beef with the Defense Department buying another 100 million pounds under its new program of furnishing our oversea military bases with more American-produced beef. The Department has completely eliminated purchase of beef from foreign sources.

A third suggestion was that the USDA institute changes in beef grading to deemphasize maturity as a grading factor and to encourage marketing of lighter cattle. And I believe this is one of the most important of the group's suggestions. It seems to me that when price conditions force a feeder to keep feeding to heavier weights even when he will not get back the money he put into the extra feed, that something must be done to encourage the sale of these cattle before they are so large. A recent report by a group of Iowa State University economists shows that by reducing market weights by 50 pounds per steer the price of Choice steers could be raised by about $1.30 per hundred.

The committee also urged continuation of all attempts to cut back foreign imports and to spread those imports around to various ports of entry so that no one section of the Nation—and I won't remind you which part of the Nation is closest to Australia—has to bear the brunt of this competition.

We have been talking about competition and its effects upon the cattleman. There is one form of competition that you must meet that I consider particularly insidious. And that is the competition right here at home from the part-time stockman, the briefcase farmer, who makes his money in a downtown office and finds his recreation—and a healthy tax writeoff—on the ranch. This man does not care if he makes a profit on his herd; in fact, it is to his advantage to take a loss so that he may write it off against his earnings elsewhere. But this nonchalance about profits is a luxury that the full-time stockman cannot afford. I have talked to many members of the Senate Finance Committee and they agree with my contention that the next session of income tax revision hearings should consider the question of protecting the stockman against this kind of competition.

And, finally, the committee suggested that Congress pass legislation authorizing emergency loans by the Farmers Home Administration to farmers and ranchers who have been backed to the wall by this price drop and are unable to obtain credit locally. A bill to authorize these loans was introduced in the Senate last November 14. I am proud to be a sponsor of that bill, S. 2307. To many ranchers this may be a distasteful step but for many the alternative is liquidation and I do not think our agricultural economy can stand to lose a large segment of its most productive members. We have proved that the stockman can produce economically and profitably and he will do so again. But while we search for the solutions to his problem, we must provide some protection for the smaller operators who are always the first to feel the effects of this type of price squeeze.

These proposals, like the problems, do not provide a single ready answer to your problems. But they are a necessary first step if we are to obtain action. And we must have action if the American cattleman is to survive. I believe that I have had enough experience with the cattleman to know that he is not looking for complete protection against all obstacles that may stand between him and a fair profit. But he is looking for the chance to demonstrate that when the odds are even he can compete with the best producers from any nation and can meet and match the efforts of all who would try to sell to his markets. But at the present time the American cattleman is not faced with competitive equality—he is faced with a stacked deck and loaded dice in this gamble for economic life.

I am sure that you will agree with my supposition that the stockman is not looking for a guaranteed income or freedom from all competition, foreign and domestic. I need not try to convince you of that today. But what I hope you will understand is the necessity to make a realistic appraisal of your situation and take some constructive steps to correct some of the inequalities that now exist. It is not enough to seek assistance in Washington—we can help you and we want to help you—but you must also help yourselves.

For example, you are going to have to take some additional losses to get rid of the heavy steers now on feed. And you are going to have to work to solidify the new markets that I have talked about in Europe. Whether or not the new prosperity that exists on that continent will be transferred to you through increased sales of American beef depends in large measure upon your initiative in following up the first overtures in that direction. The President's mission proved that it can be done, you must now show that it will be done.

It is obvious that there is no shortage of problems on the cattle front. But I can assure you that I for one will keep working on them until we begin to see results. I cannot and I will not promise you that by doing this or that we will have everything solved, I am sure that there are many people willing to do that, but I can promise you that by continued effort, and cooperation of all concerned, taking an inch here, a foot there, and never giving up, we will make progress—progress you can measure in miles and progress that will put you back on the road to economic health and prosperity.

LITTLE FISH AND THE SHARK: CRISIS IN INDOCHINA

Mr. BARTLETT. Mr. President, I yield myself 1 minute.

Once again there is crisis in Indochina, once again we read of emergency meetings, and once again we hear talk of the collapse of Western interests in the Far East, of falling dominoes and loss of face. In urgent tones we are told to withdraw before it is too late; or to step up the war with strategic bombing and hot pursuit. We are even told that we should use atom bombs to strip the leaves from the trees so that fleeing guerrillas can be seen from the air.

There is panic in the air and there should not be.

The situation in South Vietnam is not much different in kind from what it was last month, or last year, or even 10 years ago. The forces at work, the pressures, the instability are the same. They will be there long after the present crisis is forgotten.

For over 20 years Asia—and particularly southeast Asia—has been swept by what Harold Macmillan has called the "Winds of Change." Nationalism and self-determination are in the air. The great powers, the ex-imperialists are distrusted; alliance with the East or the West are suspect. As the London Economist has said:

> From Burma to Vietnam and south to Indonesia the dominant sentiment of southeast Asia is nationalism; and one aspect of nationalism is the desire for a neutral detachment between the great Communist and anti-Communist coalitions.

This is popular sentiment; there is no such popular sentiment in favor of becoming a bastion of democracy on the frontline of the cold war just as there is little sentiment in favor of becoming a card-carrying member of the Communist camp.

The people of southeast Asia are more interested in their own problems than they are in participating in the cold war. This nationalism contributes to the instability of the nations of Indochina, an instability which is lasting and chronic because of geography and history, not because of some new form of Communist infiltration.

The history of the Indochina peninsula is similar to that of the Baltic States of Latvia, Estonia, and Lithuania; to Poland, Korea, or Cuba. These are little states on the edge of a large and powerful nation. They are there only at the forbearance of the great power. They must remain in alliance with that power or else remain quietly nonalined and hope to survive by being overlooked. They cannot—without extreme danger—overly annoy their neighbor. For reasons both historic and military it is intolerable to the great power for its little neighbors to come under the domination of a rival great power. The recent history of Korea, Finland, and Cuba give example of the role of small countries next to great powers. So, too, do the countries of old Indochina. The peoples of the 10-year-old countries of Laos, Cambodia, and the Vietnams have struggled for 2,000 years to maintain their independence of China. The Chinese have never denounced their claim to these lands—a claim supported not only by Mao Tse-tung but also by Chiang Kai-shek.

Little fish can live in the sea with the shark but they must be very careful. So, too, must the countries neighboring China be careful.

During the 1950's our policies in southeast Asia were formed under the stewardship of Secretary of State John Foster Dulles. China, newly Communist and militant, was a threat to our side of the world. Secretary Dulles was determined that Chinese influence should not be allowed to grow and that Red China could be encircled and contained by the strength of small but strong, well-armed countries united in freedom and resolved to resist Communist encroachment wherever it might appear.

Secretary Dulles lived in a world of contrast and principle. To him the struggle between freedom and communism was paramount. To it all the myriad other streams and forces forever in interplay were subordinate. To such a man foreign policy was a matter of morality—there was right and there was wrong; you were with us or you were against us. If you were with us we would give you every support; if you were not with us, you were with them. There was no in between.

In our efforts to make strong the weak and to build a military bastion on the shores of Asia, we have spent well over $5 billion. We are now spending at a rate above $1 million a day in the State of South Vietnam alone. When the French were fighting their ill-fated war to maintain the colonial status of Indochina we supported the French, contributing over $1½ billion, financing 75 percent of their war effort at the end.

We are now financing far more than 75 percent of the war effort of Vietnam's General Khanh.

In 1954 we came close to intervening with arms and men on the side of the French. We did not do so then fortunately; we have, however, done so now. Our troops are committed, they are fighting and they are dying in the war being waged between the central government of South Vietnam and the guerrilla insurgents, the FNL, the national liberation front. The war is not going well.

At the same time, the fragile, fragile neutralist coalition in Laos has again fallen apart. Twice before, in 1958 and 1960 right wing military leaders have seized control of the centralist government. The Communist Pathet Lao offenses which followed close upon these coups received substantial assistance from Communist sources outside the country. Once again an uprising on the military right has been met with an uprising on the military left. And as a result what the Economist calls "that tightrope-walking human pyramid known as the coalition government of Laos" has again fallen off its tightrope.

Crisis hangs heavy in the air. This is not, however, a new crisis. The balance of power has not suddenly shifted. The situation has not suddenly altered. Nothing has suddenly changed. The gradual failure of the Dulles effort to build a non-Communist alliance on the mainland of Asia and the gradual reassertion of China's continuing interest in the Indochina peninsula, together with the increasing national consciousness of the peoples of this region—these things are not new.

The crisis of today has been developing for many years and will continue with us for years to come. We should not allow the pressures of the minute to deflect us from our long-term purposes and policy. There is no need to act in haste. There is, in fact, great need to insure that we do not act in haste for what we do in response to the needs of the instant will affect the outcome of events for years to come. For this reason, what we do now must be weighed in the full perspective of the past and the expected future.

There is no need to act in haste. Southeast Asia is not going to fall down like a house of cards, not so long as there is effective American power in the region. We have, right now, overall superiority in arms in the Orient. There will be no overnight collapse to communism so long as we make sure our determination and interest are sound and our powder is dry.

In our analysis of our interest we must be very clear in our thinking. It is not necessary that the new Indochinese nation be ours. What is esesntial is that they not become theirs. So long as they do not become Chinese Communist dominated satrapes we should be content. It should be our policy to insist and to insist effectively that these nations may have any government they choose so long

as the choice is theirs and not that of their Communist neighbor. They have chosen not to aline themselves with the West just as we must insist they do not aline themselves with the East. They can be neutral in the cold war as they desire and we should help them to be so. As Secretary McNamara has said:

> There is not objection in principle to neutrality in the sense of nonalinement.

Our national purpose in southeast Asia is comparatively simple. Secretary Rusk put it well speaking on the British Broadcasting Corp. television encounter May 10:

> As far as we're concerned, we're not interested in any bases or special military position in that area. All we want is that these people in southeast Asia have the chance to develop their own national lives, free from these threats from the north.

This is a purpose very different from total victory, very different from attempting to build an anti-Communist military alliance on mainland Asia. This is a purpose which is simple, legitimate, and, I believe, possible.

Once this is understood the war in South Vietnam takes on a different and perhaps more hopeful visage. Our purpose is not to maintain the government in power against all comers for ever and ever. Our purpose is not to obtain total victory. That phrase may have meaning and validity in the traditional wars of Europe and the West. It has very little meaning indeed in the dissension-torn, guerrilla-ridden jungles of Indochina. It is often said that warfare is but a tool of diplomacy and diplomacy is but the way a nation goes about obtaining its purposes.

We should seek our purpose with every tool at our command. There is no reason whatever that we should use the battlefield and refuse to utilize the conference table. It is, after all, precisely because we are willing to go to battle for our friends and because we have in the area the arms, the men, and the money necessary to do so that we need have no fear of conferring. Walter Lippmann has pointed out that a paraphrase of Sir Winston Churchill's statement "We arm to parley" has application here: We war to parley. If we were not warring there would be no hope for us in parley; for why should our enemies waste time with words when there would be nothing to keep them from seizing what they wished on the battlefield. This is not, however, the case. We are at war—our enemies cannot seize the spoils they wish. They and we must in time talk turkey.

And, so, in a very real sense, we war to parley. For there will be no stunning military victory for us in southeast Asia. Our victory will come in a combination of conference and battle. We cannot go to conference unless we are willing to fight; there is no point to the fighting unless we are willing to confer. There is nothing contradictory here. One does not negate the other.

When we go to conference, as when we go to war, we should be clear on our objectives. As in war, they are limited. I doubt that any conference would be able to bring an end to the fighting per se in South Vietnam. This is, in spite of all that has been claimed, still largely an internal insurrection within the borders of that country.

Nowhere have I seen any hard evidence to indicate that the truth is otherwise. Over 90 percent of the arms, over 90 percent of the men fighting for the FNL, the rebels, are from the south. The arms are stolen from the Americans; a few are purchased from Chinese traders, and a few come down from the north by the Ho Chi Minh trail. The men are South Vietnamese. Some have been trained in the north and some have allegiance to the north; the majority have not.

At conference we might be able to obtain some workable border guarantees to insure the integrity of South Vietnam and to close the border to guerrilla raids and arms shipments. This would, to a degree, be helpful. It would not end the war. The war would continue. The FNL, the National Liberation Front, according to a recent article in Le Monde, "wishes to be master of its decisions: there is no indication in this camp of a desire for a political settlement." It is "not in any great hurry to see an end to the fighting." It is the FNL which must be beaten. It will only be beaten inside South Vietnam.

It is doubtful that an international conference could bring a cease-fire within South Vietnam or a truce agreement which would be acceptable at this stage to us, the South Vietnamese Government, and the FNL.

A conference could, however, achieve something far more important; a general recognition on the part of the great powers of the importance of defusing southeast Asia; a recognition by the powers of the dangers these present and a hands-off agreement leading to a general stabilization of the area.

It is hard to see how any nation stands to gain from the present confused and continually critical state of southeast Asian affairs and it is very easy to see how each and all could come to lose a very great deal should southeast Asian affairs turn worse.

Take it country by country, power by power, each has an interest in going to the conference table.

North Vietnam is a country hungry for food, in deep balance-of-payment difficulties. It needs trade to make progress, trade with hard currency countries. It needs food from the productive agricultural economy of South Vietnam.

Ho Chi Minh well recognizes these economic facts of life. At a conference in Hanoi on April 3, he paid token obeisance to the standard North Vietnamese policy of peaceful unification of all Vietnam but emphasized that in the meantime it was necessary to seek to establish economic, political, and cultural relations between the two factors of that divided country.

General de Gaulle's suggestion of a reopening of negotiations leading to some form of a neutralized Indochina, with adequate guarantees of political integrity, free of formal commitment with East or West, was received with interest by the North Vietnamese. Ho Chi Minh, in an interview with a Japanese newspaper April 23, observed "the recent French propositions concerning the neutralization of Vietnam deserve serious study."

It is well known that the Vietnamese—North and South—have struggled for centuries to keep their independence in the face of the massive strength of their Chinese neighbor. Ho Chi Minh has so far successfully maintained his independence from Red China and there are reasons to believe that he would not be adverse to playing a Tito-type role in Asia given the proper guarantees from the signatories of the Geneva Conference. Ho not only infiltrates other countries; he has infiltration problems of his own, notably the Red Chinese attempts to seize control of his government. These will be strengthened and North Vietnam will be driven closer to China if the war is escalated or if the hope for international recognition and guarantee of the sovereignty of the small Indochinese nations is lost.

Obviously, North Vietnam has an interest in negotiation.

Red China does, too. This Communist country's economic problems are well known and legion. Six years after the disaster of the 1958 "great leap forward" China has yet to recover. The Economist estimates that but 15 percent of its gross national product is reinvested as compared with a 30-percent level for the U.S.S.R. With the continuing Sino-Soviet dispute, China's 4,500-mile-long border on Siberia has become particularly vulnerable. It is being armed by both sides. Never in history has the exact location of this border been fully agreed upon. As recently as last week the Russians and the Chinese traded claims on its proper location. The Russians accused the Chinese of flagrant and constant violations, viewed the situation with especial alarm. With troubles on its northern border, China needs stability on its southern border, provided this stability can be achieved without embarrassing loss of prestige. There is no reason why it cannot. This need, together with America's obvious determination to continue as a strong presence in the Indian Ocean and the China Sea, impells China toward the conference table. The alternative, which could include escalation of the war, should be a source of deep concern to a China whose army is in a most backward state after the withdrawal of Soviet military technicians, advisers, and assistance.

Russia's interest in a conference is clear and simple: Russia will not tolerate the advance of China's interests in any place where they can possibly be stopped. A return to the stabilized status quo in the Cochin China peninsula would forestall the possibility of such an advance. Russia's concern with shortcircuiting her former ally was explained by Joseph Alsop:

> The fact that Moscow wants no more victories for Peiping, even if they are Communist victories too, can be inferred from the merger of Tanganyika and Zanzibar.

The kingdom of Laos with its off again-on again three-in-one neutralist government, wants and needs to be left alone.

A conference leading to a reaffirmation of its 1962 neutralization agreement might make such solitude possible. The rightist coup in April, and the resultant rout on the Plaine des Jarres by the leftist Pathet Lao, in May, illustrates how weak is the structure of peace in Laos and how extremely susceptible it is to foreign influence. This small country is a small prize. It and the world should be interested in anything which would remove it from the cold war arena.

Cambodia, a small and poor country, which has nevertheless under the leadership of Prince Norodom Sihanouk, managed to thrive in recent years, has every interest in preserving its borders intact, in peace and a modicum of security.

We have already seen America's interest. It is shared by all other powers of the West. It is certainly shared by the French, who have substantial financial and cultural investments in the area and who are certainly not anxious to see it fall once more under Chinese domination.

It is, perhaps, unfortunate that French policy has been presented in such a way as to appear antipathetic to American policy; it is not necessarily such. The French have severe and lasting memories of the agony of Dienbienphu. They see parallels with the present U.S. position in Vietnam, but they are not naive and they do not stretch the comparison too far. As Le Monde stated on May 13:

> It is not very likely that American and Vietnamese leaders in Saigon have reached the eve of a new Dienbienphu. If the political situation in the South Vietnamese capital appears as hopeless and chaotic as 10 years ago, the problems faced by the military leaders are much less severe.

As James Reston pointed out recently, the French have learned well three things in their 70 years in Indochina, three things to which we must face up:

> First, that however much the Vietnamese differed among themselves or with the Chinese, they tended to hate each other less than the white man; second, that no major source of Western power could be established in that peninsula right up against the Chinese border, without the acquiescence of the Chinese; and, third, that the Vietnamese Communists were tough soldiers.

It is with consideration of this knowledge that the French were moved to suggest the seeking of a political solution to the Indochina problem. The press on June 7 carried reports of Under Secretary Ball's talks with President de Gaulle. Apparently the French were anxious to assure the United States that its proposal advocating a conference did not mean that it wished the United States to appear at the conference in a weak position. France, it was stated would favor anything the United States could do to strengthen its military posture in South Vietnam.

This posture is being strengthened. The President has requested an additional $125 million to step up our efforts and I am sure the Senate intends to support his request.

It is possible that a renewed conference of the signatory nations of the 1954 Geneva accord as suggested by France could produce a reaffirmation of the independence and integrity of the nations of southeast Asia. If this is so, there is no reason why the United States should not be a full and active participant in such a meeting. If the final agreement is acceptable to American policy we should be willing to sign it and having signed it to see that it is enforced. This we were unwilling to do in 1954.

Such a conference, if it is to succeed, must include within it all interested parties and interested parties obviously include North Vietnam and Red China. There is now no clear reason why the United States should not sit down across the table from these two nations. We know we need not fear to negotiate. Wars are not won at the conference table, but neither are they lost there. Talking does not change power nor does it change the force of history or geography. Empires do not rise or fall by conferences alone.

Our strength in southeast Asia is what it is. We can make it what we will. We need not fear that we will lessen it by talking. It is lessened or strengthened to the degree that we are willing to commit our men and arms to the region. Prof. Hans Morgenthau summed it up well in an article which appeared in the Washington Post, March 15, when he pointed out the basic conflict in our Asian policy: We want more than we are willing to pay for, more than we have any reason to need or expect. He said:

> We are here in the presence of a persistent quality of our China policy which Prof. Tang Tsou has demonstrated in his "America's Failure in China." We set ourselves goals which cannot be achieved with the means we are willing to employ. If we want to contain communism in Asia by striking at its source behind the present line of demarcation, we must be ready to strike at the sources of China's power itself.
>
> If we are not ready to do that, we must trim our objectives to the measure of the means we are willing to employ. Any other course of action will conjure up unmanageable complications at home and abroad.

Thus, Mr. President, as always, a discussion of Vietnam and of Indochina ends with a discussion of Red China itself.

A settlement within Vietnam is impossible without a settlement of Indochina generally; such a settlement is impossible without the participation of Red China.

The success or failure of conference, the success or failure of what has come to be called escalation depends upon what China's intentions are.

And these we do not know.

Because of past policies, policies which are in serious need of review we have no sound knowledge of the intentions of the Chinese.

We are, all of us, in final analysis boxing in the dark in Indochina.

Recently, I prepared but, because of the Alaska earthquake, was unable to deliver a speech for the Anchorage World Affairs Council on the internal problems facing Vietnam. I ask unanimous consent that this speech be made a part of the RECORD at this point.

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

VIETNAM: THE PIPER AND THE TUNE

(Statement of Senator E. L. (BOB) BARTLETT, prepared for delivery before the World Affairs Council, Anchorage, Alaska, April 3, 1964)

In foreign affairs, Senators and newspapermen are sometimes like firemen. They arrive on the scene only when the house is burning down.

In Vietnam our house is on fire.

You never hear Senators speaking about Haiti, or south Africa, or Persia, even though the combustibles are piled high in each of these places. When the revolution comes, however, when our interests go up in flames, then you will hear from the Senate and the press.

This is what has happened in Vietnam. Few were the warnings raised in the Senate or the press about our policy in that sad country as, over the years, an unfortunate situation was allowed to become increasingly unfortunate.

My topic today is "Southeast Asia," but you will find that most of my words will be directed to the situation in South Vietnam. This is where the fire is.

All of you know the so-called domino theory that holds the fall of South Vietnam will be followed in swift order by the fall of Cambodia, the completion of the takeover in Laos, the collapse of Burma, Thailand, Malaysia, and so forth. Without necessarily subscribing to this rather hysterical view of the region, it is still obvious that what happens in South Vietnam will provide a key to the future balance and developments in the region.

First a little geography:

China is a huge country which throughout 3,000 years of recorded Asian history has dominated the East. Its population is so large that no accurate census has ever been taken of it. We have only estimates. You will remember the Ripley's "Believe It or Not" column which said that if all the Chinamen in China were to march four abreast past a given point, the line would never end; for by the time the end of the present generation was marching past, a whole new generation would be grown up, ready to begin marching. The Library of Congress tells me Ripley first printed this in 1929. At that time China's population was estimated to be a little over 400 million. Today it is estimated at 800 million. That is a lot of people.

China's land mass is roughly the size of the United States (including Alaska, of course). China has, China always has had, more people than food. This makes it a troublesome neighbor.

China has pushed to expand its borders for thousands of years. Korea, Manchuria, Mongolia, Tibet, Burma, Thailand, and the little countries of old French-Indochina have all, at one time or another, been part of Imperial China. In the approximate 2,000 years of recorded Vietnamese history there has never been a period without Chinese interference. For one stretch of over 1,000 years Vietnam was, in fact, a province of China.

The history of any of the southeast Asian peoples has one constant and reappearing theme—China. Over most of their history these people have been dominated by China, by the colonial powers or have struggled to maintain a temporary and uneasy independence.

Although what is usually called the international Communist conspiracy has recently entered the scene, the equation remains much the same.

Control of the Indochina peninsula was taken from China by France in 1885. France held control over the region until 1941 when the Japanese pushed them out. France never again regained effective control.

During the Second World War the Vietnamese people, always a proud and stubborn people, always willing to fight for their independence, began a highly effective guerrilla campaign against their Japanese conquerors.

During this struggle a remarkable and extremely popular military hero led the guerrilla forces to victory. His name is Ho Chi Minh. Around him centers most of the modern history of Vietnam.

After the end of the Second World War, Communist Ho Chi Minh—for Communist he is—did not disband his guerrilla forces. He turned them instead upon the French and began the Vietnamese war for independence.

He won this war after 8 years of terrible struggle. In 1954 French resistance collapsed completely after their defeat at Dienbienphu. The French had over 200,000 soldiers in the field including their famous paratroopers and legionnaires. They had over 200,000 Vietnam loyalists fighting side by side with them and they had supporting forces numbering over 150,000 men in the country. There is no reason to believe that the strategic skill of their generals or the fighting capacity of their men was any less than ours.

Ho Chi Minh and his men won that war because they knew, as the French so painfully learned, the strength of guerrilla warfare. Given certain conditions, a guerrilla operation may be contained or controlled, but cannot be beaten.

These conditions are two: (1) Guerrillas must be drawn from the people in whose country they are fighting; (2) they must be fighting for a cause which has the support of the people.

Granted these two conditions, a guerrilla movement cannot be wiped out without wiping out the entire population and destroying every building in the land. This is so because, as old Mao Tse-tung has said, guerrilla fighters are like fish who can swim in the sea of the people. They are indistinguishable from the people. When they are not actually fighting, they can fade into the landscape. They can live on the land and among the people and, with the people's support they will not be turned in.

Five peasants working in the rice paddy, which one is the guerrilla? Who knows? The people know. But if they do not want to tell you, you will not find out. And when night comes the guerrilla fighter leaves his village, picks up his gun from the hole in the tree in which it is cached, meets his fellow guerrillas at a prearranged spot and they proceed to blow up the railroad or whatever is the prearranged target.

A guerrilla type insurgent movement which has the support of the people has yet to be beaten.

The withdrawal of the French was negotiated at Geneva in 1954. This conference established as independent nations, Cambodia, Laos, North and South Vietnam. North Vietnam was to be Communist and independent under Ho Chi Minh. South Vietnam was to be independent and free, alined with the West. Elections were to be held in South Vietnam but they have never been held.

With the assistance of the United States, the able, intelligent, and honest Diem was made president.

With Diem came the intricate web of his family relations, corrupt, ruthless, and powerseeking. Diem remained until overthrown last November 1 by an army coup under the nominal leadership of an affable general known to all as Big Minh. Big Minh turned out to be not so big and certainly not so strong. He in turn was overthrown January 30 by the present ruler, General Khanh.

There have been no presidential elections in South Vietnam since its creation. This is so, President Eisenhower tells us in his memoirs, because it is generally agreed that in any election, whether in North or South Vietnam, Ho Chi Minh would be the winner.

Guerrilla activities in South Vietnam never really ended after its 1954 independence. It was not, however, until the end of the 1950's that these operations became a real threat to the central government. It was not until 1961 that the United Sates committed itself so heavily in that country. In 1950 we had but 180 United States military and civilian personnel in all southeast Asia. Today we have over 18,000 in South Vietnam alone. This is a measure of our commitment.

There is no doubt the rebels in South Vietnam are Communist inspired and Communist led. There is no doubt that most of the leaders of this movement were trained in North Vietnam by Ho Chi Minh. Many of them in fact fought side by side with Ho against the Japanese and against the French. It is generally agreed that in the mid-1950's South Vietnamese volunteers were trained in guerrilla warfare in North Vietnamese camps.

Most observers believe that this is the fullest extent of North Vietnamese physical participation in the South Vietnam war.

The rebels are from the south. They are now trained in the south. They fight in the south. Their weapons come principally from the United States—that is, their weapons are mostly ones captured from the U.S. trained loyalist army.

Recently there have been accounts purporting to show that North Vietnam has been arming the rebels, arming them with sophisticated weapons of Chinese origin. I do not believe this. Perhaps a few weapons have been smuggled into the Mekong Delta by means of Chinese junks sneaking past the shore defenses. Some may have come down the so-called Ho Chi Minh trail. This is nothing more than a series of jungle paths which connect the north with the south. Only material which can be carried on the back of a man can be carried on this trail. There have been no parachute drops into the country for we would have noted the presence of foreign planes on our radar.

All this, I believe, makes it fairly obvious that the war in South Vietnam is not, in the usual sense, North Vietnamese or Chinese aggression. It is a South Vietnamese civil war. It will be won or lost in South Vietnam.

This is why talk of taking the war to North Vietnam, escalating it into something more than it is, seems to me both irresponsible and unnecessarily dangerous.

We could bomb Hanoi, we could even bomb Shanghai but that wouldn't get the guerrillas out of South Vietnam.

It may be that we may not be able to get the guerrillas out of South Vietnam. We are, however, committed to try, and all of Asia—Communist and free—knows of our commitment. They are watching us with great care.

If we are to have a hope of winning this war or at least of controlling guerrilla activities, it is vital that we convince the people of South Vietnam—not the landlords, the aristocrats and the friends of Madam Nhu, but the people themselves—that they have something at stake in this struggle. The people must be given reason to believe that their lot will be better cast with the central government and with us than it would be with the Communists.

If we can convince them of this, we will win; if we do not, we will lose no matter what else in the way of men, money, and bombs we invest.

For if the people are with the central government, then, to use the Mao Tse-tung analogy, the guerrilla fighters will no longer be able to swim in the safe and protecting waters of the sea of the people. For the people will betray them; the people will turn them in; the people will assist the loyalist army in smoking them out.

How can the central government gain the support of the people? How can we insist that the central government undertake the peaceful revolution which this will require? In the past we have not insisted.

For years experts on southeast Asia, such as Senator MANSFIELD, have warned that even though the Americans have pledged millions of dollars and thousands of men to the Diem regime, we still had practically no influence over the decisions and operations of that regime. We have, in effect, given the central government a blank check for money and men.

The cost now runs at about a million and a half dollars a day and we are told the costs are to mount, in money and otherwise.

The central government must reform itself and Vietnamese society if it is to gain the popular support it needs.

The French, during their long and agonizing war, paid lipservice to reform but they did little about it.

The Diem regime, during its long and agonizing years, paid lipservice to reform but it did little about it.

Now General Khanh promises substantial reforms.

We shall see.

This time we must be ruthless with the government. This time we must insist upon reforms. He who pays the piper is supposed to call the tune. We have paid the piper for years. Now it is time for us to call the tune. This is what our present policy must be:

Insistence upon basic structural reform and continuation of military operations at current level. Granted both these things, granted good luck, the situation in Vietnam may improve.

If it does, and let us hope it will, we must then give careful thought to next steps.

General de Gaulle, acting with characteristic French logic, has recognized Red China because it is there. He has done so, he tells us, again in a characteristic Delphic tone, as the first step of the reentry of France in southeast Asian affairs. France has a genuine interest in southeast Asia, in historic, cultural, and money terms. This interest gives France influence and France intends, again, to make use of this influence.

General de Gaulle wants a neutral Indochina, an Indochina that would be formally committed neither to East nor West. The borders of Laos, Cambodia, and the two Vietnams would be guaranteed, in some manner by the major powers, including China, and by these nations themselves.

Such a plan has much to recommend it. North Vietnam is worried, as always, about the threat of China. Cambodia is worried, as always, about the threat of Vietnamese aggression. Laos is confused, weak, and tempting, as always, and we well know the trouble South Vietnam is in. Should De Gaulle be able to pull off the neutralization of the peninsula, the threats posed by these and other Indochina frictions would be lessened.

There would be nothing dishonorable about a neutralization in which Communist North Vietnam, free South Vietnam, Laos, and Cambodia were taken out of the mainstream of the cold war. Other areas have been neutralized, notably Finland and Austria.

At the present time our policy in South Vietnam is to seek a military solution to the guerrilla war. Our policy might be called a search for the unconditional surrender of the rebels. As we have seen, the French made such a search in 1954. The French then had no alternative available to them. They were out for victory or defeat. They got defeat.

This is why, on February 19, I spoke out on the Senate floor. I am afraid that we are following in French footsteps. We are not giving enough thought to the development of alternative solutions to the Vietnam problem.

General de Gaulle has offered us one. I doubt that it is an ideal solution, I am not even sure it is a possible solution. I believe, however, that we cannot afford to spurn it. We should not reject it out of hand; we should explore it.

Our present choices are to continue the war at its current level which may or may not bring victory; to escalate the war by taking it to North Vietnam, which I believe could only make a bad problem worse. If a third choice is possible, we should certainly not discourage it.

Southeast Asia will never be neat or tidy. China will always be there and will always be troublesome. Past history and current geography will continue to determine much of what goes on in the East.

Our commitment in this region should never be with the remains of white imperialism. We should not be on the side of the status quo or the defense of the "haves" against the "have nots."

There are tides of change sweeping across Asia and we must sail with the tide.

BIPARTISAN CIVIL RIGHTS CAPTAINS RELINQUISH STRENGTHENING AMENDMENTS TO ASSURE SWIFT ENACTMENT

Mr. HUMPHREY. I yield myself 1 minute.

Mr. President, on behalf of the bipartisan civil rights captains, the Senator from California [Mr. KUCHEL] and I, who are the bipartisan floor managers of the bill, I make the following statement:

The bipartisan civil rights bill, on which the Senate is now nearing the completion of its work, is the result of more than 1 year of arduous labor and numerous refinements and modifications by both Houses of Congress. As the bill now stands, as amended by the package substitute sponsored by Senators DIRKSEN, MANSFIELD, HUMPHREY, and KUCHEL, and the perfecting amendments made on the Senate floor, we believe it is an effective civil rights measure suited to the national need.

Accordingly, to expedite the remaining consideration of the bill, as an earnest of the bipartisan cooperation which has distinguished the action on the bill both in the Senate and House, and in view of the fact that more than 500 amendments to the bill had been filed and more than 35 have already been called up and rejected, we who have been designated captains of the various titles of the bill have agreed together to relinquish all of the strengthening amendments which we have proposed. We shall devote our every effort, after consideration of the other remaining amendments which may be called up, to enacting the package substitute, as we consider the expeditious final enactment of this bill into law to be in the highest national interest.

The statement is issued on behalf of the following Senators: THOMAS H. KUCHEL, KENNETH B. KEATING, JACOB K. JAVITS, JOHN SHERMAN COOPER, HUGH SCOTT, GORDON ALLOTT, CLIFFORD P. CASE, HUBERT H. HUMPHREY, WARREN G. MAGNUSON, WAYNE MORSE, PAUL DOUGLAS, EDWARD V. LONG, JOHN O. PASTORE, JOSEPH S. CLARK, THOMAS J. DODD, and PHILIP A. HART.

RECESS UNTIL 11 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I move, under the previous order, that the Senate stand in recess until tomorrow, Tuesday, June 16, at 11 o'clock a.m.

The motion was agree to; and (at 5 o'clock and 50 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Tuesday, June 16, 1964, at 11 o'clock a.m.

EXTENSIONS OF REMARKS

The Late Governor William P. Hobby, of Texas

EXTENSION OF REMARKS
OF
HON. ALBERT THOMAS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, June 15, 1964

Mr. THOMAS. Mr. Speaker, Texas has lot one of her greatest sons. Gov. William P. Hobby passed away only a few days ago. The Governor lived a very long and most useful and highly respected life. He was an outstanding political and civic leader in Harris County—and Texas—for at least 50 years.

At a very early age he was elected Lieutenant Governor and later became Governor. His record in those two high offices was superb. He left an indelible mark for honesty, fairplay, and good government upon all of Texas.

In more recent years, the Governor devoted his untiring efforts, energy, and enormous ability to editing the Houston Post and managing a great television and radio station. These three agencies of social control were used to the profit and benefit of all Houston and Texas in promoting efficient and praiseworthy government and improving the quality of our citizenship.

His passing will leave a great void in the public life of south Texas. But, like the passing of all other good and outstanding leaders, time will produce other giants who will benefit by Governor Hobby's outstanding leadership and good examples.

I join his lovely family—his wife, Oveta; his distinguished son, Bill; and his daughter, Jessica—in their sorrow and great loss. I, too, have lost a true and devoted friend.

Wartime Excise Taxes Should Be Repealed

EXTENSION OF REMARKS
OF
HON. BEN F. JENSEN
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 15, 1964

Mr. JENSEN. Mr. Speaker, as you know, the Republican members of the House Committee on Ways and Means proposed an amendment to H.R. 11376. That bill provides for a 1-year extension on all wartime excise taxes still in effect.

The Republican amendment would reduce by 50 percent after June 30, 1964, the present excise taxes on toilet preparations, jewelry and related items, ladies' handbags, luggage, furs and fur-trimmed coats, and be eliminated entirely after June 30, 1965.

Should the rule on H.R. 11376 not permit such an amendment, then a motion to recommit the bill will be offered to include the Republican amendment and report back forthwith.

Mr. Speaker, I have long advocated that all wartime excise taxes on the above-listed articles should be repealed; hence I shall support this move to accomplish that end.

Flag Waving

EXTENSION OF REMARKS
OF
HON. HENRY C. SCHADEBERG
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, June 15, 1964

Mr. SCHADEBERG. Mr. Speaker, we all are aware that the expression "flag waving" has a derisive connotation. But in its highest signification it stands for an outward expression of a deep and inner feeling of patriotism—a patriotism which includes a genuine love for our country, a respect for and adherence to the principles on which it was founded, and an unstinting dedication and devotion to the